

- c. MADC is a regulated entity under the EA, 2003. As regards the appointment of arbitrator under Section 86 (1) (f) by the Commission. The Supreme Court Judgment on the Gujarat Urja case may be referred to.

3. AMNEPL stated that:

- a. This Commission is not the appropriate forum to adjudicate on the matter, and does not have any jurisdiction. MADC may approach the appropriate Forum.
- b. The Supreme Court Judgment dated 11 April, 2017 in Civil Appeal Nos. 5399-5400 of 2016 (Gujrat Urja), referred to by the Advocate of MADC is not relevant in this matter.
- c. AMNEPL has filed a separate Application to reject the Petition on the preliminary issue of Jurisdiction and maintainability, and would file its Reply on the merits of the matter if it is found to be maintainable.

The Commission directed AMNEPL to file its substantive Reply within two weeks on maintainability as well on the merits of the Petition, and MADC to submit its Rejoinder, if any, within three weeks thereafter.

The next date of hearing will be communicated by the Secretariat of the Commission.

**Sd/-
(Deepak Lad)
Member**

**Sd/-
(Azeez M. Khan)
Member**