

Before the Rajasthan Electricity Regulatory Commission

Petition No. RERC/608/2016 & 609/2016.

In the matter of determination of transfer price of lignite from Kapurdi mine for FY 2011-12 to FY 2013-14 and for FY 2014-15 to FY 2015-16.

Coram:

Dr. Rajesh Sharma, Chairman
Shri Hemant Kumar Jain, Member

M/s Barmer Lignite Mining Company Limited. Petitioner

M/s JSW Energy (Barmer) Limited,
Jaipur Vidyut Vitran Nigam Limited & Ors. Respondents

Date of hearing: **16.09.2025**

Present:

- Sh. Aman Anand, Advocate for Petitioner.
- Sh. P.N. Bhandari, Advocate for Respondent Discoms.
- Sh. Kartik Seth, Advocate for Respondent Discoms.
- Sh. Rohan Talwar, Advocate for SWML.
- Sh. K. Abhiram, Representative for SWML.
- Sh. Shashikant Modi, Representative of JSW Energy (Barmer) Ltd.
- Sh. D.P. Chirania, Stakeholder.
- Sh. G. L. Sharma, Stakeholder.
- Sh. B. M. Sanadhya for Samta Power.

Record of proceedings

The hearing was fixed for compliance of the directions contained in the Hon'ble Supreme Court's Order dated 25.08.2025, whereby South West Mining Limited (SWML) was directed to produce original records and data along with the witness concerned, before the Commission.

During the hearing, learned counsel for SWML submitted that witness along with the original records and data, have been produced before the Commission in compliance with the Hon'ble Supreme Court's Orders dated 04.04.2025 and 25.08.2025 as well as the Commission's Order dated 21.04.2023. He assured that any additional information required by the Commission will be supplied, and the officer of SWML is available to assist the Commission.

Sh. P.N. Bhandari counsel on behalf of the Discoms, submitted that, given the voluminous nature of the records produced by SWML, the Commission should not at this stage record any finding on their completeness or compliance, and may first examine them before fixing a further hearing to note what, if anything,

remains to be submitted. Supporting this, Sh. Kartik Seth counsel appearing on behalf of Discoms, submitted that while the Discoms cannot seek access to the records in view of the Hon'ble Supreme Court's Order, they had already, through their affidavit dated 28.07.2025, narrowed down the documents required for prudence check in Regulatory Scheme.

The Commission observes that SWML has submitted certain records in 41 cartons containing 925 files. Admittedly, the records and data submitted by SWML are voluminous. On this issue, the Commission is of the view that without thorough examination of the records and data, it would be premature at this stage to comment on the compliance or completeness of the documents submitted.

The witness present on behalf of SWML, is directed to submit an affidavit affirming that the records and data submitted is in accordance with the Hon'ble Supreme Court's Orders dated 04.04.2025 and 25.08.2025 and the Commission's Order dated 21.04.2023. In the affidavit, it shall be specifically verified that the records and data submitted are correct and complete in the light of the aforesaid orders.

The Registry (Receiving Officer) of the Commission is directed to keep all the records and data in safe custody under the supervision of the Secretary, RERC and Director (Technical-II), RERC, ensuring confidentiality, integrity, and security of such records strictly in accordance with the directions of the Hon'ble Supreme Court dated 25.08.2025, they are also directed to assess the records and data in view of aforesaid orders and submit their report to the Commission at the earliest.

List the matter on 29.09.2025.

(Hemant Kumar Jain)

Member

(Dr. Rajesh Sharma)

Chairman