

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 64/MP/2013

Sub: Petition under Section 79 (1) (f) read with Section 79 (a), (b) and (c) of the Electricity Act, 2003 in respect of power supply related disputed issues raised by Jharkhand State Electricity Board.

Date of hearing : 11.6.2013

Coram : Shri V.S. Verma, Member
Shri M.Deena Dayalan, Member
Shri A.S.Bakshi, Member (EO)

Petitioner : Damodar Valley Corporation (DVC), Kolkata

Respondents : Jharkhand State Electricity Board (JSEB), Ranchi

Parties present : Shri M.G.Ramchandran, Advocate for the petitioner

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) DVC is supplying power to the 33 off take points of JSEB in terms of the power supply agreement executed between DVC and JSEB;
- (b) JSEB has been, time and again, raising different disputes on several issues and claiming deduction for a total amount of ₹ 142 crore till 31.3.2012 from the outstanding dues payable by it to DVC ;
- (c) As per Ministry of Power`s order dated 1.11.1990, 12% free hydel power would be supplied to the home State for the projects commissioned after 7.9.1990. DVC is supplying hydel power to the command area located in the States of Jharkhand and West Bengal;
- (d) JSEB unilaterally deducted ₹ 19.32 crore from DVC, claim being on account of 12% free hydel power from Panchet Hydel to be allocated to the home State in terms of Gadgil formula with effect from April, 2001 i.e from the year of supply of power to the Jharkhand Stat;
- (e) CERC vide its order dated 5.5.2006 in Petition No. 66/2005 clarified that the provision of free hydel power is not applicable to DVC; and
- (f) Issue directives to JSEB to restrain from claiming line loss prior to the year to claim preferred to DVC.

2. After hearing the learned counsel of the petitioner, the Commission directed to admit the petition and issue notice to the respondent.
3. The Commission directed the petitioner to serve copy of the petition to the respondent by 18.6.2013 who may file its response by 12.7.2013 and petitioner may file its rejoinder, if any, on or before 26.7.2013.
4. The petition shall be listed for hearing on 6.8.2013.

By Order of the Commission

Sd/-

**(T. Rout)
Joint Chief (Law)**