

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 163/MP/2012**

Subject : Petition towards unpaid unscheduled inter-change charges for the period ranging from 28.8.2005 to 31.12.2006.

Date of hearing : 7.7.2015

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi , Member

Petitioner : Bhushan Power and Steel Limited

Respondents : GRIDCO Limited and others

Parties present : Shri Rajiv Yadav, Advocate, BPSL  
Shri R.K. Mehta, Advocate, GRIDCO  
Shri Abhishek Upadhaya, Advocate, GRIDCO  
Ms. Himanshi Ahdley, Advocate, GRIDCO  
Shri A. Sethy, GRIDCO  
Shri S.R. Sarangi, GRIDCO  
Shri Shyam Kejriwal, ERPC  
Shri R.B. Sharma, Advocate, Odisha  
Shri S.K. Das, SLDC, Odisha

**Record of Proceedings**

Learned counsel for the GRIDCO Limited submitted that an additional affidavit has been filed by the petitioner on 6.7.2015 in which certain new points have been raised and requested for two weeks time to file response to the same.

2. Learned counsel for the SLDC Odisha submitted that Eastern Regional Power Committee (ERPC) in its meeting held on 5.1.2015 referred the issue of gaming to SLDC to scrutinize and analyze time block-wise data of the petitioner`s injection (schedule and actual) and establish and certify gaming, if any. SLDC Odisha analyzed the schedule and injection data considered by ERPC for computation of UI charges payable/receivable by the petitioner for the period from 28.8.2005 to 31.12.2006 which conclusively proved the existence of gaming by the petitioner.

3. The representative of ERPC submitted that on the issue of gaming by the petitioner, ERPC in its report dated 2.7.2015 submitted that applicable regulation is the

Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 which was prevalent during that period. He further submitted that the allegation of gaming has neither been proved by SLDC Odisha in terms of the said regulations nor is evident from the data submitted by SLDC Odisha.

4. Learned counsel for the petitioner submitted that the Commission vide ROP dated 31.3.2015 directed ERPC to examine in consultation with ERLDC the data submitted by SLDC and submit its report on the issue of gaming. However, as per the ERPC's report dated 2.7.2015, no gaming has been proved. He further submitted that the Commission vide order dated 2.7.2009 in Petition No. 24/2007 held that the provisions regarding gaming is only applicable to transactions where the beneficiaries have long term lien over the power plant capacity.

5. After hearing the learned counsels for the parties, the Commission directed the GRIDCO to file its response to the petitioner's affidavit dated 6.7.2015 by 24.7.2015 with an advance copy to the petitioner and respondents.

6. The Commission directed SLDC Odisha to clarify whether the issue of gaming as alleged vide affidavit dated 4.5.2015 has ever been raised by the SLDC in the year 2005-06 as the case pertains to over/under injection during 2005-06.

7. The Commission directed the petitioner, SLDC Odisha and GRIDCO to file their response on affidavit by 24.7.2015 on ERPC's report dated 2.7.2015. The Commission further directed the staff of the Commission to upload the ERPC's report dated 2.7.2015 on the website of the Commission along with RoP.

8. The Commission directed that due date of filing the clarification, reply and rejoinder should be strictly complied with and any of these documents filed after due date shall not be considered while passing orders.

9. The petition shall be listed for hearing on 11.8.2015.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**