

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A No. 63 of 2018**  
in  
**Petition No. 87/MP/2018**

**Coram:**

**Shri P.K.Pujari, Chairperson  
Dr. M.K. Iyer, Member**

**Date of Order: 16<sup>th</sup> October, 2018**

**In the matter of**

Interlocutory Application for waiver of Court fees and adjustment of application fees

**And**

**In the matter of**

Petition seeking directions for preparation of UI account for under drawl against collective transactions within specified time and for that payment of UI charges in terms of the Central Commission Regulations read with the Regulations of the State Commission

**And**

**In the matter of**

M. R. Industries  
E-138/139, RIICO Industrial Area, Phase-II,  
Bagru Extension, Bagru, Jaipur

**..... Applicant /Petitioner**

**Vs**

1. Rajasthan Vidyut Prasaran Nigam Limited  
Vidhyut Bhawan, Jyoti Nagar, Jaipur
2. The State Power Committee  
Rajasthan Vidyut Prasaran Nigam Limited  
Vidhyut Bhawan, Jyoti Nagar, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited  
Vidhyut Bhawan, Jyoti Nagar, Jaipur
4. Jodhpur Vidyut Vitran Nigam Limited  
New Power House, Industrial Estate, Jodhpur
5. Ajmer Vidyut Vitran Nigam Limited  
Vidhyut Bhawan, Makarwali Road,  
Panchsheel Nagar, Shastri Nagar, Ajmer- 305004



6. Rajasthan Vidhyut Prasaran Nigam Limited  
Vidhyut Bhawan, Jyoti Nagar, Jaipur

..... Respondents/ Respondents

**Present:**

Shri Ashwin Ramanathan, Advocate, MRI

**ORDER**

Petition No. 87/MP/2018 has been filed by the Petitioner, M.R. Industries seeking directions on the Respondents for preparation of UI Energy Accounts of the Petitioner and payment of UI charges for under-drawal of electricity purchased and paid for inter-State collective transactions under the CERC (Open Access in Inter-State Transmission) Regulations, 2008 read with RERC (Intra-State ABT) Regulations, 2006.

2. The Petitioner is a Member of 'Rajasthan Steel Chambers', an association of Steel Industries in the State of Rajasthan, representing the interest of its Members, who are consumers of the distribution companies in the State of Rajasthan. Rajasthan Steel Chambers had filed Petition No. 15/MP/2016 seeking directions on the Respondents for preparation of UI Energy Accounts for under drawal against collective transactions within specified time and for payment of the UI charges. The Commission vide order dated 29.9.2017 disposed of the said Petition directing as under:

*"40. SLDC has submitted that the data received in excel sheet from all the three discoms is being examined to ascertain whether these data and the energy account provided could be utilized to finalize the UI account or not. The SLDC has also submitted that it is not practically possible for SLDC to finalize UI accounts of 41 consumers for the period March, 2012 to 25.2.2016 in a short period of time. It has further stated that it is poised to put all efforts to implement the direction of the Central Commission in minimum possible time. In this background, we direct that SLDC shall finalize and settle the UI accounts of the members of the Petitioner association within 3 months from the date of this order."*



3. Thereafter, the Petitioner filed IA No. 90 of 2017 under Regulation 103A & 114 of the CERC (Conduct of Business) Regulations, 1999 seeking amendment of the order dated 29.9.2017 on the ground of non-inclusion of the name of the Petitioner in the list furnished by the Association in the original Petition and for Commission's order dated 29.9.2017 to be made applicable to him. The Commission by order dated 29.1.2018 rejected the prayer of the Petitioner and disposed of the said IA as under:

*"6. .... Therefore the non-inclusion of the name of the applicant in the list furnished by the Petitioner Association in the original Petition cannot be construed as an error apparent on the face of the order warranting review of the said order. Also, there is no defect or error in the said proceedings which warrant any correction or amendment to determine the real issue. Hence the prayer of the applicant for clarification / amendment of the order dated 29.9.2017 is not maintainable. However, considering the fact that the applicant is a member of the Petitioner Association, we grant liberty to the applicant to file appropriate application seeking reliefs on this count."*

4. As regards the prayer of the Petitioner in the said IA for grant of liberty to file application and for waiver of fees, the Commission in order dated 29.1.2018 observed as under:

*"7. One more submission of the learned counsel is that in case the applicant is granted liberty to file application seeking the reliefs as aforesaid, the filing fee in respect of such application may be waived by the Commission. We direct the applicant to file the appropriate application in terms of the liberty granted above along with the request for waiver of fees, which shall be considered in accordance with law."*

5. Accordingly, the Petitioner has filed this Petition along with the Interlocutory Application (IA No. 63/2018) seeking waiver of Court fees and adjustment of the application filing fees.

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6. The Petitioner has submitted that due to inadvertent error and oversight the name of the Petitioner was not included in the list furnished in Petition No. 15/MP/2016, though it has paid its share of ₹75000 to the said Association towards



filing of the same. The Petitioner has pointed out that IA No. 90 of 2017 was filed in Petition No. 15/MP/2016 for Commission's order dated 29.9.2017 to be made applicable to the Petitioner and since the prayer in the said IA is the same as those prayed in this Petition, the fees of ₹100000/-already deposited (in IA 90/2017) may be adjustment towards the filing of this IA. Accordingly, the Petitioner has prayed that Court fees for the present Petition may be waived and the amount of ₹100000/- paid in IA 90/2017 to be adjusted against the present IA. During the hearing of this IA, the learned counsel for the Petitioner reiterated that above submissions.

7. The matter has been considered. The Commission in its order dated 29.1.2018 in IA 90/2017 had considered the submissions as regards the non-inclusion of the name of the Petitioner in Petition No.15/MP/2016 and had rejected the prayer of the Petitioner for amendment of order dated 29.9.2017. Having heard and disposed of IA No.90/2017 as such, there is no reason for adjustment of the filing fees of Rs one lakh towards filing the present IA on the ground that the prayers are similar. Even otherwise, the payment of share of ₹75000/- by the Petitioner to Rajasthan Steel Chambers (Association) and the non-inclusion of the Petitioner's name in Petition No.15/MP/2016 by the Association are entirely matters between the Petitioner and the Association and the same cannot be a ground for waiver of court fees. In the above background, the prayer of the Petitioner for waiver of Court fees for filing the present Petition and the IA is rejected. As per Regulation 6(a) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, the fee to be charged for Interlocutory Application is Rupees One lakh and for Miscellaneous Application is Rupees three lakh. Accordingly, the



Petitioner is directed to deposit the filing fees for the present Petition and the IA within two weeks from the date of this order.

8. Petition No. 87/MP/2018 shall be listed for hearing in due course after deposit of the filing fees by the Petitioner as aforesaid. IA No. 63 of 2018 is disposed of in terms of the above.

**Sd/-**  
**(M.K.Iyer)**  
**Member**

**Sd/-**  
**(P.K.Pujari)**  
**Chairperson**

