

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2019

Subject : Petition under Regulation 13 read with Regulation 7 and 8 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 and Regulations 7(10) and 7(11a) of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) (Fourth Amendment) Regulations, 2018, as inserted vide Amendment dated 20.11.2018 read with Regulations 111 and 112 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

Petitioner : Indian Railways

Respondent : Damodar Valley Corporation and Ors.

Date of Hearing : 29.8.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member

Parties Present : Shri Sitesh Mukherjee, Advocate, Indian Railways
Shri Aryaman Saxena, Advocate, Indian Railways

Record of Proceedings

Learned counsel for the Petitioner, Indian Railways submitted that the present Petition has been filed seeking, inter alia, declaration that any charges on account of additional deviation due to violation of the sign change requirement as per the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) (Fourth Amendment), 2018, considering the Petitioner as a Regional entity, is contrary to the Regulations. Learned counsel submitted that the additional deviation charges on account of sustained deviation (violation of sign change), in terms of the Regulations, are applicable only to the Regional Entity and not to the embedded entity such as the Petitioner who is connected to the networks of the Respondent Nos. 1, 3 and 5, namely DVC, UPPTCL and KPTCL.

2. In response to the Commission's specific query regarding jurisdiction of the Commission in the matter, learned counsel submitted that State of Uttar Pradesh has adopted the DSM Regulations of the Commission. Learned counsel submitted that as per clause 14 of the Transmission and Temporary Supply Agreement dated 28.7.2017 entered into with Respondent, DVC, all the disputes arising out of or in connection with this agreement, are required to be settled through mutual discussion between the parties, failing which the matter is required to be referred to the Central Commission. Learned counsel requested the Commission to issue notice to DVC only.



3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondent No.1, DVC.

4. The Commission directed the DVC to file its reply by 20.9.2019 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 5.10.2019. The Commission directed that due date of filing the replies and/or rejoinder should be strictly complied with.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**sd/-
(T.D.Pant)
Deputy Chief (Law)**

