

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.28/MP/2022

- Subject : Petition under Regulation 13 “Power to issue directions” of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in the matter of dealing with persistent default in payment of deviation charges applicable under the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 and Regulation 40 “Removal of Difficulty” of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 by regional entities and other associated issues.
- Date of Hearing : **3.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : National Load Despatch Centre (NLDC)
- Respondents : Gujarat State Load Despatch Centre and 252 Ors.
- Parties Present : Shri Gajendra Sinh, NLDC
Shri Subhendu, NLDC
Shri Hemant Singh, Advocate, Green Infra
Shri Lakshyjit Singh Bagdwal, Advocate, Green Infra
Ms. Alchi Thapliyal, Advocate, Green Infra

Record of Proceedings

The Representative of the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking necessary directions of the Commission in the matter of dealing with persistent default in payment of deviation charges under the provisions of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 (‘DSM Regulations’) by the regional entities. The representative of the Petitioner further pointed out the list of persistently defaulting entities. The representative further submitted that, keeping in view that some of these entities are already the subject matter of insolvency proceedings under IBC 2016, the Petitioner has also proposed to recover the defaults pertaining to RLDC Fees & Charges from the Load Despatch Centre Development Fund as a one-time settlement of their outstanding dues.

2. Learned counsel for the Respondent Nos. 41, 42 & 219 submitted that the Respondents have already paid all the outstanding Deviation Settlement Charges and late payment surcharge thereof and have also opened the Letter of Credit for such charges.

3. Considering the submissions made by the representative of the Petitioner and the learned counsel for the Respondents, the Commission directed the Petitioner to file an affidavit within two weeks the present status of DSM charges.

4. The Commission also permitted the Respondents one last opportunity to file their replies in the matter, if any, within three weeks, with a copy to the Petitioner who may file its rejoinder, if any, within two weeks thereafter.

5. The Petition tentatively shall be listed for hearing on **20.9.2023**.

By order of the Commission

(T.D. Pant)
Joint Chief (Law)