

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.151/MP/2016**

Subject : Petition under Section 79 (1) (c) read with Sections 142 and 146 of the Electricity Act, 2003 regarding non-compliance of order dated 8.6.2013 in Petition No. 245/MP/2012 and for consequential directions.

Date of hearing : 3.11.2016

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

Petitioner : Dakshin Gujarat Vij Company Limited (DGVCL)

Respondents : Essar Steel India Ltd. & Others

Parties present : Shri M.G. Ramachandran, Advocate, DGVCL  
Ms. Ranjeetha Ramachandran, Advocate, DGVCL  
Ms. Anushree Bardhan, Advocate, DGVCL  
Shri B.C. Godhani, DGVCL  
Shri C.S. Vaidyanathan, Senior Advocate, Essar Steel  
Shri Himanshu, Advocate, Essar Steel  
Shri Vikrant, Advocate, Essar Steel

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed for seeking direction to Essar Steel India Ltd. to pay cross subsidy surcharge in terms of the Commission's order dated 8.6.2013 in Petition No. 245/MP/2012. Learned counsel for the petitioner submitted that as per the Commission's order dated 8.6.2013, Essar Steel is liable to pay all applicable cross subsidy charges including surcharge and other charges which are not being paid by Essar Steel.

2. Learned senior counsel appearing on behalf of Essar Steel submitted that Essar Steel had filed petition before the Commission seeking declaration that Essar Steel is not liable to cross subsidy surcharge in terms of Section 38 (2) of the Electricity Act, 2003. However, the Commission vide order dated 6.7.2016 in Petition No. 216/MP/2016 dismissed the petition on the ground of maintainability. Learned senior counsel submitted that the initially the present petition should be heard on maintainability and requested for time to file reply on the maintainability of the petition.

3. Learned counsel for the petitioner submitted that pursuant to the order dated 6.7.2016 in Petition No. 216/MP/2015, Essar Steel has filed a petition before

Gujarat Electricity Regulatory Commission in regard to sourcing of power from other sources and no stay has been granted by GERC in regard to the collection of cross subsidy surcharge by DGVCL from Essar Steel.

4. After hearing the learned counsel for the petitioner and the learned senior counsel for the Essar Steel, the Commission directed to issue notice to the respondents on maintainability of the petition.

5. The Commission directed the petitioner to serve copy of the petition on the respondents by 11.11.2016. The respondents were directed to file their replies by 25.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 3.12.2016. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The petition shall be listed for hearing on 8.12.2016 on maintainability of the petition.

By order of the Commission

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