

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 291/MP/2018

- Subject : Petition under Section 79(1)(c) and 79 (1)(h) of the Electricity Act, 2003 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009, for Deviation Settlement Account.
- Petitioner : Indian Railways
- Respondents : SLDC, Rajasthan and Others
- Date of Hearing : 23.7.2019
- Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member
- Parties present : Shri M. G. Ramachandran, Sr. Advocate, Indian Railways
Shri Pukit Agarwal, Advocate, Indian Railways
Shri S. Vallinayagam, Advocate, SLDC Rajasthan & RVPNL
Shri V. K. Gupta, Indian Railways

Record of Proceedings

Learned counsel for the Respondents submitted that the issue involved in the present Petition as to whether the Petitioner is liable to pay the deviation charges as per the regulations of Rajasthan Electricity Regulatory Commission (RERC). It has already been adjudicated by RERC in its order dated 23.4.2019 in Petition No. RERC-1367/18 filed by SLDC Rajasthan in which RERC has held that the dispute pertaining to payment of deviation charges falls under the jurisdiction of RERC. Aggrieved by the said order dated 23.4.2019, the Petitioner has filed Appeal before the APTEL which is pending for adjudication. Learned counsel requested to adjourn the matter till the outcome of the said appeal.

2. Learned senior counsel for the Petitioner submitted that RERC had no jurisdiction to entertain the present Petition which relate to the DSM charges specified by this Commission and the APTEL has also stayed the order of RERC. Learned senior counsel further submitted that the present Petition has been filed prior in point of time than the Petition filed by SLDC, Rajasthan before the RERC. Learned senior counsel requested to hear the matter on merit.



3. After hearing the learned senior counsel for the Petitioner and learned counsel for the Respondents, the Commission adjourned the matter and directed to list the matter in due course.

By order of the Commission

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

