

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2019 along with IA Nos. 32/2023 and 20/2024

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.

Date of Hearing : **22.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Petitioner : Indian Railways (IR).

Respondents : Damodar Valley Corporation (DVC) and Ors.

Parties Present : Shri Amit Kapur, Advocate, IR
Ms. Puja Priyadarshini, Advocate, IR
Shri Deeptanshu Chandak, Advocate, IR
Ms. Sumana Naganand, Advocate, KPTCL
Shri Arnav Khanna, Advocate, KPTCL
Ms. Swapna Seshadri, Advocate, DVC
Shri Rajiv Shrivastava, Advocate, UP SLDC

Record of Proceedings

At the outset, learned counsel for Respondent No.4, Uttar Pradesh State Load Despatch Centre (UPSLDC), sought an additional four weeks' time to file a reply in the matter. Learned counsel also submitted that two appeals are currently pending before the APTEL on a similar subject matter arising out of the order(s) passed by the UPERC. In response, learned counsel for the Petitioner pointed out that Respondent No.4, UP SLDC, is not a contesting Respondent herein as vide Record of Proceedings for hearing dated 29.8.2019, notice was issued only to Respondent No.1, DVC.

2. Learned counsel appearing on behalf of Respondent No.1, DVC, also prayed for short accommodation, citing the change in the counsel of the Respondent.

3. Further, learned counsel for Respondent No.5, Karnataka Power Transmission Corporation Limited (KPTCL), submitted that KPTCL has moved an IA No.20/2024 seeking deletion of its name from the array of parties as no cause of action lies against KPTCL before this Commission. Learned counsel further submitted that the Petitioner herein has filed an Original Petition No. 5 of 2020 before the Karnataka Electricity Regulatory Commission ('KERC') dated 5.2.2020 in furtherance to the Order dated 29.8.2019 of this Commission in Petition No. 180/MP/2019, wherein this Commission was admitted the

Petition and issue notice to Respondent No. 1, DVC only as this Commission lacked jurisdiction to issue any directions to utilities of the State of Karnataka with regard to the issues raised in the present Petition. Learned counsel further submitted that the Petitioner herein has already approached the KERC seeking redressal of its grievance, which is identical to the grievance raised before this Commission. Learned counsel also pointed out that the Petitioner, IR, has also filed an affidavit before the KERC indicating that IR is not pursuing this matter before this Commission and further non-allowance of the IA No.20/2024 will lead to duplicity of Petitions.

4. In response, learned counsel for the Petitioner submitted that the Petitioner has, as such, no objection towards the deletion of Respondent No. 5, KPTCL, from the array of parties. Considering the above, the Commission directed to delete the name of Respondent No.5, KPTCL, from the array of parties and accordingly, IA No. 20/2024 was disposed of.

5. Considering the request of the learned counsel for Respondent No.1, DVC, the Commission adjourned the matter. The Commission also permitted Respondent No.4 to file its reply, if any, to bring on record the developments that took place before SERC and the pendency of appeals before APTEL in respect thereof within two weeks with a copy to the Petitioner, who may file its rejoinder, within a week thereafter.

6. The Petition will be listed for hearing on **19.12.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)