

**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 (IR)
- Respondents : Damodar Valley Corporation (DVC) and Ors.
- Date of Hearing : **13.1.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Amit Kapur, Advocate, IR
Ms. Puja Priyadarshini, Advocate, IR
Shri Deepanshu Chandak, Advocate, IR
Shri Anand Ganesan, Advocate, DVC
Ms. Swapna Seshadri, Advocate, DVC
Ms. Ritu Apurva, Advocate, DVC
Shri Karthikeyan, Advocate, DVC
Shri Rajiv Srivastava, Advocate, UPSLDC
Ms. Gargi Srivastava, Advocate, UPSLDC
Shri Vimlesh Kumar, UPSLDC
Shri Gajendra Sinh, NLDC
Shri Alok Mishra, NLDC
Shri Debajyoti, NLDC

Record of Proceedings

At the outset, the learned counsel for Respondent No.4, UPSLDC submitted that an identical issue/grievance of the Petitioner regarding the levy of DSM charges by the Respondent, UPSLDC, as raised in the instant Petition, has already been dealt with by UPERC in its order dated 25.11.2021 in Petition No. 1618 of 2020 filed by the Indian Railways (IR), wherein the IR has been held liable to pay the such charges. Further, the said order of the UPERC has been challenged by the IR before the APTEL in Appeal No. 88/2023, wherein the APTEL has directed to maintain the *status quo* with regard to the recovery of such charges. In view of the above, learned counsel urged the Commission to delete the Respondent, UP SLDC, from the array of the Respondents in the present case.



2. In response, learned counsel for the Petitioner submitted that the Petitioner has no objection towards the deletion of Respondent Nos. 3, UPPTCL, as well as Respondent No.4, UPSLDC, from the array of the Respondents. Considering the above, the Commission directed to delete the name of the above Respondent from the array of the Respondents.

3. Learned counsel for the Petitioner submitted that through the present Petition, the Petitioner is seeking to challenge the conduct of Respondent No.1, DVC, in levying the DSM Charges under this Commission's DSM Regulations upon the Petitioner primarily on the grounds of (i) DVC has no authority in law to determine or levy the DSM Charges for the IR, and (ii) without prejudice, DVC does not even follow the Commission's DSM Regulations and by tinkering with the said Regulations, it is making a windfall gain and profiteering at the cost of the Petitioner by charging much higher amounts from the Petitioner as compared to what DVC pays to ERPC, without any basis in law. Learned counsel further referred to the Petitioner's additional submissions dated 9.5.2024 and made detailed submissions on the ground (i) as noted above.

4. Due to a paucity of time, the learned counsel for the Petitioner could not complete its arguments, and the matter was adjourned.

5. The matter remained part-heard and will be listed for the hearing on **25.2.2025**.

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