

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2019

Subject : Petition under Regulation 13 read with Regulations 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).

Respondent : Damodar Valley Corporation (DVC) and Ors.

Date of Hearing : **25.2.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Amit Kapur, Advocate, IR
Ms. Puja Priyadarshini, Advocate, IR
Shri Deepanshu Chandak, Advocate, IR
Shri Rishabh Bhardwaj, Advocate, IR
Ms. Swapna Seshadri, Advocate, DVC
Ms. Ritu Apurva, Advocate, DVC
Shri Alok Mishra, NLDC

Record of Proceedings

Learned counsel for the Petitioner circulated his note of arguments and made detailed submissions covering the aspects as to (i) DVC has no authority in law to determine or levy the DSM Charges for the India Railways (IR), (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, (iii) DVC is not levying DSM Charges on all users of the DVC network in the DVC Control Area, and (iv) DVC SLDC is demanding an illegal 'Receivable' from IR as compensation for purchase of power from DVC Genco for onward sale to IR which is neither authorised by the CERC DSM Regulations nor the Electricity Act or the DVC Act as it amounts to trading by the SLDC.

2. Learned counsel for the Respondent, DVC, however, requested an adjournment due to the non-availability of the arguing counsel in the matter.

3. Considering the submissions made by the learned counsels for the parties, the Commission directed the Respondent, DVC, to file the data of the DSM charges collected along with the names of the entities during the period as disputed by the Petitioner within three weeks.

4. The matter remained part-heard and will be listed for the hearing on **8.5.2025**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)