

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 186/MP/2021

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

Petitioner : Dakshin Gujarat Vij Company Limited (DGVCL)

Respondents : Arcelor Mittal Nippon Steel India Limited (AMNSIL) and Ors.

Date of Hearing : **28.1.2025**

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

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, DGVCL
Ms. Ranjitha Ramachandran, Advocate, DGVCL
Shri Aneesh Bajaj, Advocate, DGVCL
Shri B K Patel, DGVCL
Shri Gopal Jain, Sr. Advocate, AMNSIL
Shri Buddy Ranganadhan, Sr. Advocate, AMNSIL
Ms. Ruby Singh Ahuja, Advocate, AMNSIL
Shri Vishal Gehrana, Advocate, AMNSIL
Shri Varun Khanna, Advocate, AMNSIL
Ms. Kritika Sachdeva, Advocate, AMNSIL
Shri Piyush Sharma, Advocate, AMNSIL
Ms. Ananya Ghosh, Advocate, AMNSIL
Shri Dushyant Manochha, Advocate, AMNSIL
Ms. Mrinalini Mishra, Advocate, AMNSIL
Shri Gajendra Sinh, WRLDC
Shri Alok Mishra, WRLDC

Record of Proceedings

At the outset, the learned senior counsel for Respondent No.1, AMNSIL, submitted that after the previous hearing of the matter on 17.10.2024, the Respondent had made the payment of approximately Rs. 728 crores to the Petitioner and thus far, the total amount of approximately Rs. 1216 crores has already been paid towards the outstanding principal Cross Subsidy Surcharge (CSS). Learned senior counsel further submitted that despite these payments having been made towards the outstanding principal amount as per the direction of the Commission, the Petitioner has adjusted them against the Delayed Payment Surcharge (DPS), which is impermissible. Learned senior counsel further submitted that since this has a direct bearing on the total outstanding amounts, the Commission may need to address this issue.

2. In response, the learned senior counsel for the Petitioner submitted that as per the GERC's Supply Code, any payment received is to be first adjusted towards the late payment surcharge and the balance against the principal amount, and the same

approach is being followed by the Petitioner in respect of its all the consumers. Learned senior counsel further circulated a tabular statement titled “*Statement showing Computation of Payment of CSS by M/s AMNSIL*” and pointed out that as of 31.3.2024, the total outstanding principal amount was Rs. 1294.44 crores and the outstanding DPS thereon was Rs. 408.29 crores. Learned senior counsel further submitted as on 22.1.2025, the total outstanding principal amount is still Rs. 630.23 crores, and the total outstanding principal amount along with DPS is Rs. 633.85 crores. Learned senior counsel added that the direction issued by the Commission for making the payment did not provide for any specific manner of adjustment as averred by the Respondent.

3. Considering the submissions made by the learned senior counsel for both sides, the Commission directed Respondent No.1, AMNSIL, also to file its statement indicating the outstanding Principal and DPS amounts as per its computations, covering both the scenarios, i.e., (i) adjusting the payments made towards principal first, and (ii) adjusting the payments made towards the DPS first, within two weeks. AMNSIL was further directed to file the status of certification towards captive consumption of power from the Chief Electrical Inspector as submitted vide affidavit dated 12.1.2024.

4. The Petition will be listed for hearing on **27.2.2025**.

By order of the Commission

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