

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 508/MP/2026

Subject : Petition under Section 79 seeking declaration that Bharatiya Rail Bijlee Company Limited qualifies as a “Captive Generating Plant” under Section 9 of the Electricity Act, 2003 read with Rule 3 of the Electricity Rules, 2005, and consequential declaration/direction that cross subsidy surcharge and additional surcharge under Section 42 of the Electricity Act, 2003 are not leviable on the electricity procured/drawn by the Petitioner.

Petitioner : East Central Railways (ECR)

Respondents : Bharatiya Rail Bijlee Company Limited (BRBCL) and Ors.

Date of Hearing : **29.09.2026**

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

Parties Present : Shri Utkarsh Singh, Advocate, ECR
Shri T Raut, Advocate, ECR

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking a declaration that Respondent No.1/BRBCL’s Nabinagar Thermal Power Project qualifies as a Captive Generating Plant within the meaning of Section 2(8) and Section 9 of the Electricity Act, 2003 (‘the Act’) read with Rule 3 of the Electricity Rules, 2005 and that the electricity procured by the Petitioner from BRBCL constitutes captive consumption under the Act and therefore, not liable to levy of Cross Subsidy Surcharge and other consequential surcharges under the applicable provisions of the Act.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Issue notice on maintainability.

(b) The Respondents to file their replies on preliminary issue of maintainability, if any, within three weeks with a copy to the Petitioner, who may file its rejoinders, within two weeks thereafter.

3. The Petition will be listed for hearing ‘on maintainability’ on **25.11.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)

