CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI

Coram:

- 1. Shri Ashok Basu, Chairman
- 2. Shri K.N. Sinha, Member
- 3. Shri Bhanu Bhushan, Member

Petition No.168/2004 (Suo motu)

In the matter of

Tariff of sale of electricity by Damodar Valley Corporation and the inter-state Transmission of electricity.

And in the matter of

Damodar Valley Corporation, Kolkata

.....Respondent

ORDER

The respondent is constituted under Section 3 of the Damodar Valley Corporation Act, 1948. On going through the functions assigned to the respondent under the Act, *prima facie* it appeared that the respondent is a generating company owned or controlled by the Central Government and is also involved in inter-state transmission of electricity. Accordingly, the tariff for sale of electricity by the respondent and transmission of electricity is to be regulated under the powers of the Commission by virtue of Section 79(1) of the Electricity Act, 2003 (the Act). The respondent was, therefore, advised by the Secretary of the Commission to make an appropriate application for approval of tariff in accordance with the terms and conditions notified by the Commission.

2. In reply, the respondent under its letter dated 19.10.2004 has prayed for an opportunity of hearing, since, according to the respondent, it is necessary to determine whether the electricity supplied by it to the States of West Bengal and

Jharkhand and utilisation of its transmission and distribution system for conveying such power would come within the purview of the Commission under Section 79(1) of the Act. The respondent has desired to place before the Commission certain facts which it considers relevant for decision on the issues concerning generation, distribution, sale and supply of electricity by the respondent through an appropriate substantive petition before taking up the matters relating to determination of tariff.

- 3. The respondent is allowed to file the petition as requested in its letter dated 19.10.2004. Let the petition be filed by 15.12.2004.
- 4. List the petition on 23.12.2004 for further directions.

Sd/-(BHANU BHUSHAN) MEMBER Sd/-(K.N. SINHA) MEMBER Sd/-(ASHOK BASU) CHAIRMAN

New Delhi dated the 3rd November, 2004