

WEST BENGAL ELECTRICITY REGULATORY COMMISSION
WEST BENGAL

Petition No: OA – 409/ 21 – 22

Date of Hearing: 24th July, 2023

Quorum:

Dr. Mallela Venkateswara Rao, Chairperson
Shri Pulak Kumar Tewari, Member

In the matter of:

Hearing order in respect of the application submitted by M/s Star Cement Limited regarding non-issuance of standing clearance / no objection by State Load Despatch Centre, West Bengal for short term Open Access in accordance with the WBERC Open Access Regulations, 2007

And

In the matter of:

Star Cement Limited
1st Floor, Century House
P15/1 Taratala Road,
Kolkata – 700 088 (Petitioner)

And

West Bengal State Load Despatch Centre (WBSLDC)
P.O. Danesh Seikh Lane
Andul Road
Howrah – 711 109 (Respondent 1)

And

West Bengal State Electricity Transmission Company Limited (WBSETCL)
Vidyut Bhawan,
Block – DJ, Sector – II
Salt Lake City,
Kolkata – 700 091 (Respondent 2)

And

West Bengal State Electricity Distribution Company Limited (WBSEDCL)
Vidyut Bhawan,
Block – DJ, Sector – II
Salt Lake City,
Kolkata – 700 091 (Respondent 3)

Representatives attended:

Star Cement Limited [Petitioner]:

1. Sri. M.G. Ramachandran, Senior Advocate
2. Ms. Ritika Singhal, Advocate on Record
3. Sri. Manoj Agarwal, CFO
4. Sri. Sumanta Chand, AGM – Power Trading & Regulatory

West Bengal State Load Despatch Centre (WBSLDC) [Respondent 1]:

1. Smt. Rita Chakraborty, Chief Engineer

West Bengal State Electricity Transmission Company Limited (WBSETCL) [Respondent 2]:

1. Sri. Debashis Chakri, Chief Engineer
2. Sri. Ranjan Das, Additional Chief Engineer

West Bengal State Electricity Distribution Company Limited (WBSEDCL) [Respondent 3]:

1. Sri Vishrov Mukherjee, Advocate
2. Sri Janmali Manikala, Advocate
3. Sri Subrata Chowdhury, AGM (HR&A)
4. Sri Rajiv Nandan Sinha, Additional Chief Engineer
5. Sri Somanjan Ponda, Superintending Engineer

CASE IN BRIEF

- 1.0 On the Interlocutory Application (IA) filed by SCL on 18.04.2023, the Commission vide order dated 19.05.2023 had directed SCL to include WBSETCL and WBSEDCL as respondents to Petition No. OA – 409/ 21 – 22. The Commission also directed WBSETCL and WBSEDCL to submit replies on the IA submitted by SCL and SCL shall file a rejoinder, if any on the replies of WBSETCL and WBSEDCL.
- 2.0 WBSEDCL has submitted its reply on 21.06.2023 and WBSETCL has submitted its reply on 28.06.2023. Subsequently, SCL has submitted a rejoinder on the replies of WBSETCL and WBSEDCL on 05.07.2023.
- 3.0 Upon receipt of the same, the Commission vide Notice dated 11.07.2023 had called for hearing on 24.07.2023.

SUBMISSION DURING HEARING

- 4.0 At the outset, M/s Star Cement was questioned by the Commission regarding the maintainability of the petition under Section 86 (1) (f) of the Electricity Act, 2003. Learned Senior Advocate representing M/s Star Cement Limited submitted that the petition is maintainable under Section 86 (1) (c) of the Electricity Act, 2003 and accordingly prayed for necessary modification of the same.

- 5.0 Representative of SCL submitted that they are connected with 132 kV Mohitnagar Substation of WBSETCL through a 132 kV Line which is an asset of WBSETCL as per their Annual Report. Accordingly, SCL is not liable to pay any wheeling charges to WBSEDCL for the said line as they are not connected with WBSEDCL Distribution Network. He submitted that he would place the relevant document as per their claim on record.
- 6.0 Learned Advocate representing WBSEDCL submitted that the 132 kV line connecting 132 kV Mohitnagar Substation of WBSETCL and SCL is a service line and according to the regulation, the said line is an asset of WBSEDCL. The representative of WBSEDCL further submitted that they had not received any copy of rejoinder from SCL. Therefore, they were not in a position to offer any arguments/ views for the same.
- 7.0 Representative of WBSETCL confirmed that the 132 kV line had been transferred to WBSEDCL and thus is an asset of WBSEDCL. He also submitted that WBSETCL had not received any copy of the rejoinder from SCL.

ORDER

- 8.0 Upon hearing both the petitioner and the respondents, the Commission passes the following order –
- (i) M/s Star Cement Limited shall serve the copy of the rejoinder both in hard copy and soft copy to the respondents along with the additional document, if any, as claimed during the course of hearing, within seven (7) days from this day (24.07.2023). SCL shall also furnish a proof of service of the same to the Commission.
 - (ii) The respondents shall have the liberty to submit reply to the rejoinder within seven (7) days from the date of receiving the copy of the rejoinder. A copy of the reply, if any, shall be served to the petitioner also and a proof of service is required to be furnished to the Commission.
 - (iii) Upon compliance of the directions given by the Commission under paragraph 8 (i) and 8 (ii) above, the Commission shall fix the next date of hearing of the parties involved.

**Sd/-
(PULAK KUMAR TEWARI)
MEMBER**

**Sd/-
(MALLELA VENKATESWARA RAO)
CHAIRPERSON**

Dated: 25.07.2023

**Sd/-
SECRETARY**