

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. OA-340/20-21

Date of hearing: 5th January, 2021

Time of hearing: 14.30 hours

Coram:

Shri Sutirtha Bhattacharya, Chairperson

Shri Durgadas Goswami, Member

Shri Pulak Kumar Tewari, Member

In the matter of

Application made by West Bengal State Electricity Distribution Company Limited (WBSEDCL) for issuance of appropriate order under regulation 2.1.3 (c) of West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 as amended so that the consumers of WBSEDCL does not require to bear high energy cost of Thermal Power Station at Raghunathpur, Purulia District, West Bengal (RTPS) of Damodar Valley Corporation (DVC).

And

In the matter of

**West Bengal State Electricity Distribution Company Limited
Vidyut Bhavan
Block DJ, Sector – II
Salt Lake City
Kolkata 700 091**

..... Petitioner

And

In the matter of

**Damodar Valley Corporation
DVC Tower, VIP Road
Kolkata 700 054.**

..... Respondent

Representatives attended:

West Bengal State Electricity Distribution Company Limited (WBSEDCL)

[Petitioner]

- 1. Sri Santanu Sarkar, Chief Engineer (PTP)**
- 2. Sri Subrata Chowdhury, Addl. General Manager (HR&A)**
- 3. Sri Rajeev Nandan Sinha, SE (E).**

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Damodar Valley Corporation (DVC) [Respondent]

1. Sri M. G. Ramachandran, Senior Advocate,
2. Smt. Anushree Bardhan, Advocate,
3. Sri Arun Patra, Deputy Chief Engineer (E) (Commercial),
4. Sri Amit Kumar Sil, Deputy Chief Engineer (E) (Commercial).

The petition of West Bengal State Electricity Distribution Company Limited (WBSEDCL) filed under regulation 2.1.3 (c) of West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 for issuance of appropriate order so that the consumers of WBSEDCL do not get burdened with high energy cost of Raghunathpur Thermal Power Station (RTPS) of Damodar Valley Corporation (DVC) was heard by the Commission on 5th January, 2021, as scheduled.

SUBMISSION DURING HEARING

- 1.0 The representative of WBSEDCL submitted that considering the CERC order dated 28.09.2017 and the assurance given by DVC vide its e-mail dated 23.04.2018, a power purchase agreement was executed on 25.01.2019 between WBSEDCL and DVC for supply of 204 MW power from RTPS of DVC at the tariff determined by CERC for a period of 3 years, from the date of commencement of supply. In the said e-mail, DVC assured that projected energy charge for RTPS will be around Rs. 2.20 per kWh under road-cum-rail mode of supply of coal. They also assured that the energy charges will come down to the range of Rs. 2.00 per kWh and below when single line rail connectivity will be established by December, 2018. DVC has not yet completed the rail connectivity and continuing transportation of coal on road, which resulted in enhanced energy charge at Rs. 3.02 per kWh.
- 2.0 In view of above, WBSEDCL prayed before the Commission to resolve the issue developed as described above due to failure of DVC to keep its assurance so that consumers of WBSEDCL do not have to bear high energy cost of RTPS of DVC.
- 3.0 Upon submission of WBSEDCL, Sri Pulak Kumar Tewari, Member of the Commission enquired as to whether WBSEDCL has submitted any rejoinder to the written submission made by DVC to the extent that – "Central Electricity Regulatory Commission is the appropriate Commission to deal with the determination of tariff and also to adjudicate on any difference or issues raised by the WBSEDCL on the tariff, terms and conditions thereof and also other disputes between WBSEDCL and DVC in regard to the generation and supply of electricity from the RTPS". WBSEDCL

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confirmed that they have not submitted any rejoinder to the written submission, in question, of DVC.

4.0 Sri Durgadas Goswami, Member of the Commission asked WBSEDCL to confirm whether they have received the copy of the written submission of DVC. It has been revealed that WBSEDCL has not received any copy of the same.

5.0 The Commission observed that without having received the rejoinder of WBSEDCL to the written submission made by DVC, the hearing of the parties can not be held.

ORDER

6.0 In view of the observation of the Commission, as above, the Commission directed that


- a) DVC shall serve a copy of their written submission on WBSEDCL immediately with an intimation to the Commission;
- b) WBSEDCL shall submit their rejoinder to the written submission of DVC to the Commission within 21 days from the date of receipt of the same with a copy to DVC. In the meantime nothing will preclude the parties in the dispute from proactively interacting amongst themselves in order to mitigate or resolve the arisen dispute.
- c) Upon completion of the above direction, the next date of hearing will be fixed.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(DURGADAS GOSWAMI)
MEMBER

Sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

DATE: 15.01.2021


(Saibal Kanti Das)
Secretary

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