

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. OA-341/20-21

Date of hearing: 6th May, 2022

Time of hearing: 14.30 hours

Quorum:

Shri Sutirtha Bhattacharya, Chairperson

Shri Pulak Kumar Tewari, Member

In the matter of

Application under section 86(1)(a) read with section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes between Phillips Carbon Black Limited [PCBL (Petitioner)] and West Bengal State Electricity Distribution Company Limited [WBSEDCL (Respondent no. 1)] versus West Bengal State Electricity Transmission Company Limited [WBSETCL (Respondent no. 2)] in regard to determination/collection of charges payable by the Petitioner to the Respondent no. 1, if any, for conveyance of surplus power from Petitioner's co-generation plant through open access pursuant to the restructuring of erstwhile Durgapur Projects Limited (DPL).

And

In the matter of

**Phillips Carbon Black Limited
3rd Floor, Duncan House
31 Netaji Subhas Road
Kolkata 700 071.**

..... Petitioner

And

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

..... Respondent

And

West Bengal State Electricity Transmission Company Limited

Vidyut Bhavan
Block DJ, Sector – II
Salt Lake City
Kolkata 700 091

..... Respondent

Representatives attended:

Phillips Carbon Black Limited [Petitioner]

1. Sri M. G. Ramachandran, Sr. Advocate,
2. Smt. Divya Chaturvedi, Advocate.

West Bengal State Electricity Distribution Company Limited (WBSEDCL)

[Respondent]

Absent

West Bengal State Electricity Transmission Company Limited (WBSETCL)

[Respondent]

Absent

CASE IN BRIEF

1. The Commission vide its Order dt. 12.02.2022 in connection with application under section 86(1)(a) read with section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes between Phillips Carbon Black Limited [PCBL (Petitioner)] versus West Bengal State Electricity Distribution Company Limited [WBSEDCL (Respondent no. 1)] and West Bengal State Electricity Transmission Company Limited [WBSETCL (Respondent no. 2)] in regard to determination/ collection of charges payable by the Petitioner to the Respondent no. 1, if any, for conveyance of surplus power from Petitioner's co-generation plant through open access pursuant to the restructuring of erstwhile Durgapur Projects Limited (DPL) directed that –
 - a) Both WBSEDCL and PCBL may sit together to come to an amicable resolution of the issue and come to the Commission with the proposal.
 - b) If they do not come to an amicable resolution, both the parties shall submit their further arguments in the form of affidavit within 2 weeks with a copy to each other. However, if any party wants to submit reply/rejoinder to other's

arguments, the same shall be submitted to the Commission within another two weeks' time.

2. It appears that both the parties could not come to an amicable settlement and as a result of which, they have submitted their petitions based on the above direction of the Commission. Accordingly, the Commission fixed an e-hearing on 6th May, 2022 at 14.30 hours when only the representative from PCBL was present.
3. The Commission has already heard the parties in details. The Commission, after analyzing the submissions made by the parties, shall decide the next course of action. In the meanwhile, the Commission decides to pass the following interim order.

ORDER

4. The Commission directs that –
 - a) The status-quo be maintained in respect of the wheeling charges as was being paid by PCBL to DPL as per the rate prevalent as on 31.12.2018 (i.e. prior to restructuring of DPL) for wheeling of power through DPL system until further direction is issued by the Commission;
 - b) The Commission shall pass final order in due course of time.
5. Let copy of this order be served upon PCBL, WBSEDCL and WBSETCL.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

DATE: 24.05.2022

Sd/-
SECRETARY