

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 65/MP/2022

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 14th August, 2023

In the matter of

Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 26 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008 seeking a declaration that the Respondent No.1, West Bengal Electricity Distribution Company Limited is not entitled to levy and collect the wheeling charges and wheeling losses from the Petitioner who is directly connected to the transmission line of the Respondent No.2, West Bengal Electricity Transmission Company Limited along with other appropriate reliefs.

And

In the matter of

Dalmia Cement (Bharat) Limited,

Unit: Bengal Cement Works,

A unit of Dalmia Cement (Bharat) Limited,

11th and 12th Floor, Hansalaya Building,

Barakhamba Road,

New Delhi 110 001

....Petitioner

VS

1. West Bengal State Electricity Distribution Company Limited,

7th Floor, Vidyut Bhawan, Block-DJ,

Sector- II, Bidhannagar,

Kolkata - 700 009

2 West Bengal State Electricity Transmission Company,

Limited (WBSETCL)

8th Floor, Vidyut Bhawan, Block-DJ,

Sector-II, Bidhannagar

Kolkata- 700 009

....Respondents

Parties present:

Shri Manu Seshadri, Advocate, DCBL

Shri Vishrov Mukerjee, Advocate, WBSEDCL

Shri Janmali Manikala, Advocate, WBSEDCL
Shri Shreya Sundareaman, Advocate, WBSEDCL
Ms Shweta Sharma, Advocate, WBSETCL
Ms Diggaj Pathak, Advocate, WBSETCL

ORDER

The Petitioner, Dalmia Cement (Bharat) Limited, has filed the present Petition under Section 79 (1) (f) of the Electricity Act, 2003, *inter alia*, seeking declaration that the Respondent No.1, WBSEDCL is not entitled to levy and collect the wheeling charges and losses on supply of electricity through Short-Term Open Access for its own captive power, which is directly connected through the 132 kV transmission line of the Respondent No.2, West Bengal Electricity Transmission Company Limited (WBSETCL) along with other appropriate and consequential reliefs. The Petitioner has made the following prayers:

- “(a) Hold and direct that the Respondent No.1, WBSEDCL is not entitled to levy and collect the wheeling charges and wheeling losses on the supply of electricity through open access mode to the Petitioner's BCW unit which is directly connected to the 132 KV transmission line of the Respondent No.2, WBSETCL;*
- (b) Restrain the Respondent No.1, WBSEDCL from further billing and recovering any wheeling charges and wheeling losses from the Petitioner for the captive supply of electricity made by the Petitioner to its BCW unit by means of open access;*
- (c) Direct the Respondent No.1 to refund the sum of INR 1,81,06,125/- (Rupees one crore eighty-one lac six thousand one hundred twenty-five only) paid under protest by Petitioner along with 14% simple interest thereon from the date of payment(s) till the date of actual refund;*
- (d) Grant ad interim ex-parte orders in terms of prayer (b) above;*
- (e) Award costs of the present petition;*
- (f) Pass any other or further order(s) that the Hon'ble Commission may deem to be just, fair and reasonable in the facts and circumstances of the present case.”*

2. The matter was called out for the hearing on 3.8.2023. During the course of the hearing, learned counsel for the Petitioner submitted that pursuant to the Commission's observation in the Record of Proceedings for the hearing dated 5.8.2022 regarding the jurisdiction of the CERC in the matter, the Petitioner has approached the West Bengal Electricity Regulatory Commission. Accordingly, learned counsel for the Petitioner sought permission to withdraw the present Petition with the liberty to approach the Commission, if required.

3. In view of the submission of the learned counsel of the Petitioner, the Petitioner is permitted to withdraw the present Petition.

4. Accordingly, the Petition No. 65/MP/2022 is disposed of as withdrawn.

**Sd/-
(P.K. Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(Jishnu Barua)
Chairperson**