

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**WEST BENGAL**

**Petition No. OA-349/20-21**

**Date of hearing: 8th December, 2021**

**Time of hearing: 14.30 hours**

**Quorum:**

**Shri Sutirtha Bhattacharya, Chairperson**

**Shri Durgadas Goswami, Member**

**Shri Pulak Kumar Tewari, Member**

In the matter of

Application by Ultratech Cement Limited seeking intervention of the Commission in regard to release of NOC by WBSEDCL for wheeling of 7.425 MW and 10.00 MW of power by Ultratech Cement Limited from their captive power plant at Bhatapara - Baloda Bazar, Chhattisgarh to their works at Dankuni, West Bengal and Raghunathganj, District: Murshidabad, West Bengal, respectively.

And

In the matter of

Ultratech Cement Limited  
Dankuni Cement Works  
JL-80, Viii. Panchghara P.O.: Panchghara Bazar  
P.S. Chanditala  
Dist. Hooghly, West Bengal  
PIN 712 306

Ultratech Cement Limited  
(Sonar Bangla Cement Works)  
Vill: Dhalo, P.O. Gankar, P.S. Raghunathganj  
Dist. Murshidabad, West Bengal,  
PIN: 742 227

Petitioner

And

State Load Despatch Centre  
West Bengal State Electricity Transmission Company Limited  
Andul Road  
Danish Sheikh Lane  
Howrah 711109.

Respondent

And

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

Respondent

Representatives attended:

Ultratech Cement Limited, Dankuni Cement Works, Dankuni (Petitioner)

1. Sri Om Narayan Rai, Advocate
2. Sri Pankaj Gupta

Ultratech Cement Limited, Sonar Bangla Cement Works, Raghunathganj, Murshidabad (Petitioner)

3. Sri Om Narayan Rai, Advocate
4. Sri Padam Kumar Dad

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

1. Sri Shiv Shankar Banerjee, Advocate
2. Sri Rajiv Nandan Sinha, Addl. C.E.

State Load Despatch Centre, West Bengal State Electricity Transmission Company Limited (WBSETCL) [Respondent]

1. Sri C. Halder, Chief Engineer, SLDC

#### Case in Brief

1.0 The petitions of Ultratech Cement Limited, Dankuni Cement Works at Dankuni and Sonar Bangla Cement Works at Raghunathganj, Murshidabad for wheeling of 7.425 MW and 10.00 MW of power by Ultratech Cement Limited from their captive power plant at Bhatapara - Baloda Bazar, Chhattisgarh to their works at Dankuni, West Bengal and Raghunathganj, District: Murshidabad, West Bengal, respectively were heard by the Commission on 8<sup>th</sup> December, 2021 as scheduled.

During the last hearing held on 29<sup>th</sup> July, 2021 it was directed by the Commission that –

- a) M/s Ultratech Cement Limited shall submit their affidavit duly sworn in on a Non-judicial stamp paper of requisite value within 7 days from the date of receipt of this order with a copy to WBSEDCL;
- b) WBSEDCL shall submit their reply, if any, to the affidavit of M/s Ultratech Cement Limited, to the Commission within 14 days from the date of receipt of the affidavit from M/s Ultratech Cement Limited with a copy to the petitioner;
- c) Upon receipt of the affidavit, the next date of hearing will be fixed.

Accordingly, M/s Ultratech Cement Limited have submitted their affidavit duly sworn in on Non-judicial stamp paper along with documents / evidences duly notified in dummy papers with a copy to WBSEDCL. WBSEDCL has submitted the reply to the petition, in question, of UCL with a copy to UCL against which

UCL has also submitted the rejoinder.

### **SUBMISSION DURING HEARING**

2.0 During the submission by the Ld. Advocate of UCL, the Ld. Advocate of WBSEDCL, who joined the hearing after the submission of the Ld. Advocate of UCL started, prayed before the Commission to allow further three weeks' time for making submission of WBSEDCL for the reason that WBSEDCL has recently received the copy of the rejoinder submitted by UCL and that the Ld. Advocate of WBSEDCL is required to sit with his client for finalization of the submission. It was further prayed by the Ld. Advocate of WBSEDCL that the Commission may be pleased to postpone the hearing to a date after six weeks. On being enquired, the Ld. Advocate of UCL agreed to the prayer of WBSEDCL but requested to shorten the time period of six weeks. The Ld. Advocate of WBSEDCL also requested the Commission to direct UCL to submit a fresh application accompanying with all the papers / documents submitted along with the petition and rejoinder.

### **OBSERVATION OF THE COMMISSION**

3.0 The Commission observes that the Commission has already passed an order at the instance of WBSEDCL specifying the procedure to be followed by WBSEDCL and other utilities for verification and declaration of Captive Generating Plant status in terms of regulation 3 of the Electricity Rules, 2005, for those who opt for availing the benefits of exemption of cross-subsidy surcharge for wheeling of power from captive power plant, which, in the opinion of the Commission, is good enough for resolving the issue of dispute in regard to wheeling of power from captive power plant outside the State of West Bengal to the plant situated in the State of West Bengal. The Commission also observes that while the procedure for wheeling of power from captive power plant is already framed by the Commission, there is no use of referring such case to the Commission for resolution. The parties involved may easily resolve the issues of wheeling of power sitting amongst themselves in terms of the approved procedures.

### **ORDER**

4.1 Based on the observations made hereinabove, the Commission directs that all the parties involved, i.e., UCL, WBSLDC and WBSEDCL shall sit together and conclude the case after a consensus based on the extant procedure which is already framed by the Commission. In case, the dispute still remains even after a period of 30 days which is allowed for this settlement, then the aggrieved party can approach this Commission for finalization within six weeks.

4.2 Let a copy of the order be posted in the website of the Commission.

4.3 UCL, WBSEDCL, SLDC and concerned entities shall download the copy of the order from the website of the Commission and shall act on it. Certified copy of this order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct

of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-  
(PULAK KUMAR TEWARI)  
MEMBER

Sd/-  
(DURGADAS GOSWAMI)  
MEMBER

Sd/-  
(SUTIRTHA BHATTACHARYA)  
CHAIRPERSON

Date: 16.12.2021

Sd/-  
SECRETARY