

**Jharkhand State Electricity Regulatory Commission
Ranchi**

FORM OF PROCEEDING

Case No. 06 of 2013

M/s OSD Coke (Consortium) Pvt. Ltd. Petitioner

Vrs.

Damodar Valley Corporation & Ors. Respondents

Sl.No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
12	12.03.2014	<p style="text-align: center;">Shri M.S. Mittal, Advocate, Mrs. Shilpi John, Advocate, Shri Milan Parkeria, Director OSD Coke (Consortium) Pvt. Ltd, Dhanbad and Pradeep Kumar, G.M. (E&M) are present on behalf of the petitioner.</p> <p style="text-align: center;">Mr. Prashant Kumar Singh Advocate, DVC, Mr Pradeep Kumar, Mr. Anoop Kumar Mehta, Advocate BCCL, Mr Nikhil Kumar Mehta, Advocate, BCCL and S.K. Upadhyay, Advocate are present on behalf of the respondent.</p> <p style="text-align: center;">Learned Lawyer Shri Prashant Kumar Singh has submitted supplementary counter affidavit on behalf of the respondents.</p> <p style="text-align: center;">The lawyer of the respondent has raised the issue of jurisdiction of the Commission as per section 86(1)(f) of the Electricity Act, 2003. The relevant section is quoted below:</p> <p style="text-align: center;"><i>“adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration”</i></p> <p style="text-align: center;">Further, the Learned Lawyer has argued that the OSD Coke (Consortium) is not a generating company</p>	

and hence the Commission do not have jurisdiction to adjudicate the case.

The lawyer of the petitioner has argued that under section 2 (28) of the Electricity Act, 2003, that the OSD Coke (Consortium) can be treated as a generating company. The relevant section is quoted below:

“generating company” means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station” and stated that the OSD Coke (Consortium) has to be treated as a generating company as per the relevant section 2(28) of the Electricity Act, 2003.

The Commission rules that, as per section 2(28) of the Act, OSD Coke (Consortium) is a generating company and as per section 86(1)(f), the case is between the generating company and licensee and this Commission has jurisdiction to adjudicate upon the issue raised by OSD Coke (Consortium). The Commission directed the lawyers of the petitioner and respondent to proceed with further arguments.

Heard the arguments from both the sides at length.

Respondent DVC is directed to work out the system losses for the power sent out from Putki Sub-station upto the 33/11kv Sub-stations situated near the BCCL load points with relevant single line wiring diagram to the Commission before the next hearing date.

The case is posted on 27.03.2014 at 4.30PM

Let a copy of this order be sent to the parties.

Sd/-
Member (Engg.)

Sd/-
Member (Fin)