

**IN THE JHARKHAND STATE ELECTRICITY  
REGULATORY COMMISSION AT RANCHI**

**Case No. 01 of 2019**

M/s Steel Authority of India-Bokaro ..... Petitioner

Versus

Damodar Valley Corporation (DVC) & Ors. .... Respondent

**CORAM: HON'BLE DR. ARBIND PRASAD, CHAIRPERSON  
HON'BLE MR. R.N. SINGH, MEMBER (ENGG.)  
HON'BLE MR. PRAVAS KUMAR SINGH (LEGAL)**

For the Petitioner : Mr. Indrajit Sinha and Mr. Saket Upadhyay,  
Advocates

For the Respondents : Mr. Srijit Choudhury, Mr. C.S. Singh and Ms. Srija  
Choudhury, Advocates

**ORDER**

**Dated: 24<sup>th</sup> July, 2019**

This application has been brought by the petitioner- SAIL- Bokaro Steel Plant for invoking jurisdiction of the Commission under Section 86(1)(b)&(f) read with Section 142 of the Electricity Act, 2003 for enforcement and implementation of the Tariff Order dated 18.05.2018 passed by this Commission in JSERC Case (T) No. 05 of 2016 and 02 of 2017 in which some rebates have been ordered to be given. It is submitted by the petitioner that the respondent Damodar Valley Corporation be given directions for granting rebate to the petitioner company.

We have heard the Learned Counsels for both the parties. This Commission vide order dated 13.05.2019 had directed as below:

*“Since the matter relates to disputes between two public sector units, we feel that a sincere effort should be made to resolve the issues among themselves.*

*For the purpose, we suggest that Shri P. Mukhopadhyay, Member Secretary, DVC and Tejbir Singh, Executive Director (Power), SAIL should discuss and try to come to an agreement on the issues.*

*If they are able to resolve the issue amicably, there is no need to pursue this petition before the Commission and the petition may be withdrawn. If, however, there are some contentious issues on which they are not able to come to an agreement, they will draw a minutes of the meeting clearly bringing out the issues of disagreement for a direction from the Commission.”*

In pursuance of the said directions, a meeting was held; a memorandum of the meeting has been submitted by the petitioner company which has been disputed by the respondent on facts. The memorandum of meeting is on the record. It is stated by the petitioner that though such matters as given in the MOM were discussed but DVC neither agreed with respect to the Point No. 2(a)(e) relating to rebates nor accepts to pay the rebate to SAIL -Bokaro in monthly power bill with effect from the month of April 2019 as per Sl 2(c)of the MOM.

A supplementary affidavit has been filed on behalf of the respondent, DVC. It is stated in Para 11 of the affidavited petition “*SAIL had voluntarily chosen to take the supply of electricity from DVC in consumer mode. The agreement entered into by SAIL with DVC is based on such supply being in consumer mode. Such supply would be by the DVC in its status as a distribution licensee and not a generating company and procurement of electricity by SAIL- Bokaro from DVC will be in the status as a consumer and not as distribution licensee.*”

We have anxiously examined Power Purchase Agreement executed between both the parties which is the basis of power supply between them. It has been executed by both the parties on 04.08.2016. Clause 19 of the agreement deals with the billing procedure between the parties. Clause 19(c) reads as “*In the event of the any dispute on the amount of the power supply bill, the consumer will lodge a complaint with the Grievances Redressal Officer of the Corporation at Maithon, Dhanbad and thereafter, to Electricity Ombudsman in appeal against the order of the Grievances Redressal Officer. If the consumer is aggrieved by the order of the Grievances Redressal Officer, in such a case, the aggrieved consumer will, under protest, pay -----*”

Admittedly, the petitioner has been treated as a consumer in the PPA which is the basis of power supply between both the parties. As such, we hold that the tariff determined by the Commission for HT Voltage Supply Service for Consumers shall be applicable.

Any dispute on the amount to be paid or rebates to be given is of the nature of dispute between a licensee and a consumer. Both the clause 19 (c) of the PPA, and section 42(5) of the Electricity Act 2003, require the dispute to be adjudicated by the Consumer Grievance Redressal Forum. Therefore, petitioner would have liberty to move to CGRF on this.

With the above observations, the petition is disposed of.

Sd/-

Pravas Kumar Singh  
Member (Legal)

Sd/-

Rabindra Narayan Singh  
Member (Engg.)

Sd/-

Dr. Arbind Prasad  
Chairperson