

Delhi Electricity Regulatory Commission
ViniyamakBhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11(1894)/DERC/2021-22

Petition No. 44/2021

Under section 142 of the Electricity Act, 2003

In the matter of:

M/s Asian Hotels (North) Limited

..... **Petitioner**

VERSUS

BSES Rajdhani Power Ltd.

Through its: CEO

.....**Respondent No. 1**

State Load Despatch Centre

.....**Respondent No. 2**

Coram:

Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson

Hon'ble Dr. A.K. Ambasht, Member

Appearance:

1. Shri Ankit Kumar, Advocate for the Petitioner
2. Shri Akhil Hasija, Advocate for the Respondent

INTERIM ORDER

(Date of Hearing: 21.09.2021)

(Date of Order: 21.09.2021)

1. Heard Shri Ankit Kumar, Counsel for the Petitioner who has brought this Petition under Section 142 of the Electricity Act 2003. The grievance is that the Respondent No. 1, BRPL has not allowed Cross Subsidy Surcharge exemption to the extent of the RPO requirement. He further says that despite some Order of DERC which has not been annexed by him in his Petition, a violation has resulted and opposite party No. 1 should be put to penalties. It has been pointed out that his case will be regulated under *Delhi Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulations, 2005*. Regulation 16 provides as under:

"16. Dispute Resolution.

(1) The complaints regarding all grievances and disputes relating to Open Access shall be made to the State Transmission Utility or State Load Dispatch Centre, as the case may be, which may investigate and endeavour to resolve the grievance amicably.

(2) If State Transmission Utility or State Load Dispatch Centre is unable to redress the grievance or complaint or dispute, the matter may be referred to the

WEAR FACE MASK

WASH HANDS REGULARLY

MAINTAIN SOCIAL DISTANCING

Commission, by the State Transmission Utility or State Load Dispatch Centre as the case may be, for adjudication."

2. The Commission had put a query to Shri Ankit Kumar as to how and why he has not approached the SLDC with the resolutions of his disputes prior to approaching this Commission. The Counsel for the Petitioner has referred to page no. 102 wherein a letter dated 01.08.2017 has been annexed which has been addressed to SLDC by them. He has alleged that SLDC has paid no heed and hence he has to come before this Commission. We feel that the silence and inaction on the part of SLDC has given rise to this Petition before this Commission. Simultaneously, since the matter has come up before this Commission we will like BRPL also to file reply as to why this exemption has not been provided to the Petitioner. The copy of the letter given to the SLDC, endorsement has been made to the BRPL also. We can safely assume that BRPL is aware of the problem and the grievance of the Petitioner and their appears to be a violation of DERC Regulations.
3. Let notice be issued to both the opposite parties, returnable at an early date along with the copy of the Petition, to which a reply shall be filed within 4 weeks' time.
4. List this case on 28.10.2021.

**Sd/-
(Dr. A.K. Ambasht)
Member**

**Sd/-
(Justice Shabihul Hasnain'Shastri')
Chairperson**