WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. OA-245/16-17

Date of hearing: 20th February, 2019

Time of hearing: 14.30 hours

Coram:

Shri Durgadas Goswami, Member

In the matter of

Application for issue of practice directions to enable consumers to obtain ‘No Dues Certificate’ from existing licensee prior to switching over / exercising the choice of open access from another parallel licensee / supplier.

And

In the matter of

India Power Corporation Limited
Plot – X-1, 2 & 3
Block – EP, Sector – V
Salt Lake City
Kolkata 700 091. \hspace{2cm} Petitioner

And

In the matter of

West Bengal State Electricity Distribution Company Limited
Vidyut Bhavan
Block DJ, Sector – II
Salt Lake City
Kolkata 700 091. \hspace{2cm} Respondent

And

In the matter of

Eastern Coal Fields Limited \hspace{2cm} Respondent

Representatives attended:

India Power Corporation Limited (IPICL) [Petitioner]
1. Sri Sakya Singha Chaudhuri, Legal Counsel,
The contention of the petition submitted by IPCL is that Eastern Coalfields Limited (ECL) who are the bulk consumer of IPCL drawing power from 106 points of IPCL is presently migrating to WBSEDCL and that IPCL is unable to recover a huge amount of dues from Eastern Coalfields Limited due to the fact that APR order since 2012 – 2013 till date has been pending with the Commission. In order to overcome this problem they have prayed before the Commission to issue a practice direction upon the existing consumers including ECL to obtain “No Dues Certificate” from existing licensee prior to switching over / exercising the choice of open access from another parallel licensee / supplier". WBSEDCL objected to the contention of the petitioner (IPCL) as the same is beyond the purview of the existing, Law, Rules and Regulations.

Ld. Advocate of IPCL cited an order dated 1.2.19 of this Commission in regard to open access issues related to Indian Railways and said that IPCL will be subjected to similar adverse consequences pointed out therein, as the involvement of pending APR petitions involves approx. Rs. 232.00 crore. He also stated that IPCL wrote six letters to the Secretary of the Commission and filed petition no. OA/285 in July, 2018 for early disposal, with no results as yet and therefore seek interim order for part realization of this accrued amount that the Commission can direct as per section 94 of the Electricity Act, 2003.
Ld. Advocate Sri V. Mukherjee on behalf of WBSEDCL stated inter-alia that -

a) No enabling rules / regulations / statute is available to ask a consumer to seek such 'no dues certificate' from the existing licensee for migrating to another;

b) This will stand against the spirit of competition as championed in the Electricity Act, 2003;

c) Section 56 of the Act clearly provides for recovery of outstanding dues and that is open to the IPCL for resorting to, if they wish.

Although these three issues are relatable to IPCL & ECL and WBSEDCL has no involvement, it is not clear why IPCL drags WBSEDCL into this litigation.

ORDER

Upon hearing both the sides, the Commission directs that –

a) IPCL will share copies of correspondence between ECL and IPCL regarding disconnection of electricity line as submitted before the Commission with WBSEDCL within a week;

b) Commission-office will fix up hearing of OA/285 immediately and separately and notices to be served accordingly;

c) The petition filed in case no. OA-247/16-17 will be combined with this petition for simultaneous hearing;

d) Commission-Office will check whether ECL received the hearing notice because they are absent in the hearing;

e) Next date of hearing is fixed on 3rd April, 2019.