



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 631/2017

Petition No.:12/2017 & IA No 2/2017

ORDER SHEET

19.07.2017

Before the Assam Electricity Regulatory Commission
ASEB Campus, Dwarandhar,
G. S. Road, Sixth Mile, Guwahati – 781 022

Date of Hearing: 19.07.2017

R. K. Dispo Products ----- Petitioner
Assam Power Distribution Company limited (APDCL) ----- Respondent
Ecotech Papers ---- Pro-forma Respondent

Representative for Petitioner:

Ms. Swapna Seshadri, Advocate,
Mr. Saurabh Agarwala, R.K.Dispo Products
Mr. Niranjana Agarswal

Representative for Respondent:

Mr. A.N.Dev Choudhury, AGM

Representative for Pro-forma Respondent:

Mr. Amarjit Gogoi, Eco-tech Papers

In the matter of

Petition No. 12 of 2017 filed by R.K.Dispo Products under Section 42 of the Electricity Act'2003 and Regulation 20 of AERC (Terms & Conditions for Open Access) Regulations, 2005 against Letter dated 19.06.2017 issued by APDCL and IA No 2 of 2017.

CORAM

Shri Naba Kr. Das Chairperson
Shri Dipak Chakravarty, Member

ORDER

1. A Hearing was held on 03/11/2016, on the Petition No. 12 of 2017 filed by R.K.Dispo Products under Section 42 of the Electricity Act'2003 and Regulation 20 of AERC (Terms & Conditions for Open Access) Regulations, 2005 against Letter dated 19.06.2017 issued by APDCL and IA No 2 of 2017.
2. The Counsel of the Petitioner re-iterated the submissions made in the Petition No 12 of 2017 and IA No 2 of 2017. The salient submissions made are:
 - a. The Petitioner was purchasing power to the tune of 500 kW from the Pro-forma Respondent through a dedicated distribution line since 18.10.2015, after receiving concurrence from APDCL (vide APDCL Letter dated 18.08.2015).
 - b. The Petitioner was paying the Wheeling Charge and Cross Subsidy Surcharge to APDCL since 18.10.2015.
 - c. On 19.06.2017, APDCL issued a letter withdrawing the Letter dated 18.08.2015 and stating that the same is not allowable as per the prevailing rules/regulations.
 - d. On 23.06.2017, the Petitioner has filed the present petition for putting a stay on the letter dated 19.06.2017 of APDCL. However, on 29.06.2017, the Respondent disconnected the line through which power was supplied by the Pro-forma Respondent to the Petitioner without giving any opportunity to the Petitioner to present their case.

- e. The Industry of the Petitioner is a continuous process Industry and any interruption in supply of power may cause huge financial loss to the Petitioner
3. The representative of the Respondent (APDCL) submitted the following:
 - a. The present arrangement with the Petitioner is in violation to the existing Rules/Regulations and therefore, the same was discontinued after observing the violation to the existing rules/regulation.
 - b. The present arrangement was allowed as a special case only, however, now other parties have approached APDCL referring to the present case as precedence.
 - c. APDCL has not disconnected the power supply to the Petitioner. The Petitioner can draw full requirement of power from APDCL.
 4. The Commission heard both the Petitioner & Respondent and ordered the following:
 - a. The Respondent has discontinued the present arrangement, which was allowed by the Respondent vide its Letter dated 18.08.2015, without giving an opportunity to the Petitioner to present its case before the Commission or the Respondent. Therefore, the Commission deems it fit that the Respondent need to restore the connection between the Proforma Respondent and the Petitioner, till the Commission passes the final order on the matter.
 - b. However, the arrangement between the Petitioner, Respondent and Pro-forma Respondent related to sale of power by Pro-forma Respondent to the Petitioner cannot be considered as precedence for any other matter, till the Commission decides this matter.
 - c. The Respondent is to submit its para-wise comment on the Petition and Interlocutory Application on or before 26.07.2017.
 - d. The Petitioner may submit its comments on the submissions of Respondent on or before 01.08.2017.
 - e. The Petitioner and Respondent will make submissions in the Format prescribed vide Regulations of the Commission and will provide copies of their submissions to the opposite party.

The Commission will intimate the parties about the next date of Hearing on the matter after receipt of the submissions of Respondent and Petitioner.

(Dipak Chakravarty)
Member
AERC

(Naba Kumar Das)
Chairperson
AERC