



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 581/2016

Petition No.:32/2016

ORDER SHEET

03.11.2016

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

Date of Hearing: 03.11.2016

Ecotech Papers ---- Petitioner-1
R. K. Dispo Products ---- Petitioner-2
Assam Power Distribution Company limited (APDCL) ---- Respondent

Representative for Petitioner:

Mr. Amarjit Gogoi, Ecotech Papers
Mr. Niranjana Agarwal, R.K.Dispo Products
Mr. Sandeep Keypurohit, Advocate

Representative for Respondent:

Mr. A.N.Dev Choudhury, AGM

In the matter of

Petition No. 32 of 2016 filed by Ecotech Papers & R.K.Dispo Products for setting aside wheeling charge bills raised by APDCL for supply of electricity using the dedicated transmission line of the Petitioner-1.

CORAM

Shri Naba Kr. Das Chairperson
Shri Dipak Chakravarty, Member
Shri Subhash Ch. Das, Member

ORDER

1. A Hearing was held on 03/11/2016, on the Petition No. 32 of 2016 filed by Ecotech Papers & R.K.Dispo Products for setting aside wheeling charge bills raised by APDCL for supply of electricity using the dedicated transmission line of the Petitioner-1.
2. The Representatives of the Petitioners re-iterated the submission made in the Petition No 32 of 2016. The Representatives further stated that Ecotech Papers (Petitioner-1) & R.K.Dispo (Petitioner-2) are two separate companies with separate Board of Directors and Shareholders. The salient additional submissions made are:
 - a. The distance of dedicated transmission line between the Petitioner-1 & Petitioner-2 is 100-150 meter and the same was constructed by the Petitioner-1 at its cost. The transmission line is presently being maintained by the Petitioner-1 itself.
 - b. Presently the Petitioner-2 is receiving power from APDCL through connection and the dedicated line is only used for wheeling of power from Petitioner-1 to Petitioner-2.
 - c. The Petitioners has got no objection towards levy and payment of cross-subsidy surcharge & electricity duty.
3. The representative of the Respondent (APDCL) submitted a background to the case. The salient submission made are:
 - a. As per the Electricity Act'2003, a generating company cannot distribute power through its own dedicated line to a separate company falling in the

jurisdiction of a Distribution Licensee. For doing that a Distribution License is required to be taken.

Considering the difficulty itself, APDCL initially offered to wheel the power through the network of APDCL, however, the Petitioners objected to the same and proposed for wheeling through their own line.

Thereafter, APDCL agreed for the arrangement for wheeling of power from Petitioner-1 to Petitioner-2 through the dedicated line with a condition that the dedicated line will be deemed to be owned by APDCL.

The representative further submitted that even though the whole arrangement was agreed mutually, no written Minutes/Record notes were drawn upon.

- b. The representative of APDCL further submitted that, the wheeling charge received from Open Access users is considered as Other Income and the same is deducted from the ARR at the time of truing up, hence, there is no financial gain on the part of APDCL. APDCL agreed to the proposal of the Petitioners only to facilitate the arrangement of power sale by Petitioner-1 to Petitioner-2.
 - c. The representative also referred to AERC (Terms and Conditions for Open Access) Regulations 2005 and stated that a consumer take power under Open Access, when the same is wheeled through the Distribution Company/ Transmission Company network.
4. The Commission heard both the Petitioner & Respondent and directed the Petitioner & Respondent to resolve the matter mutually within 1 month and report the action taken to the Commission.

Sd/-
(Subhash Ch. Das)
Member
AERC

Sd/-
(Dipak Chakravarty)
Member
AERC

Sd/-
(Naba Kumar Das)
Chairperson
AERC