



**Petition No 1618 of 2020**  
**Before**  
**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**Lucknow**

**Quorum**

Shri Raj Pratap Singh, Chairman

Shri Kaushal Kishore Sharma, Member

Shri Vinod Kumar Srivastava, Member (Law)

**In the matter of** : In the matter of Petition under Regulation 13 read with Regulation 7 and 8 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014, and Regulations 7(10) and 7(11a) of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) (Fourth Amendment) Regulations, 2018, as inserted vide Amendment dated 20.11.2018, and read with Regulations 26 and 29 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.

1. Indian Railways through SR. DEE/TRD/NR/LKO Northern Railway Divisional Railway Manager Office, Hazratganj, Lucknow-226001

.....Petitioner

**Versus**

1. Uttar Pradesh Power Transmission Corporation Limited Shakti Bhawan,14- Ashok Marg, Lucknow.
2. Uttar Pradesh State Load Despatch Centre Phase II, Vibhuti Khand, Lucknow, 226010
3. Northern Regional Power Committee 18-A, Qutub Institutional Area, Shaheed Jeet Singh Marg, Katwaria Sarai, New Delhi -110016
4. Northern Regional Load Despatch Centre 18-A Shaheed Jeet Singh Sansalwal Marg, Katwaria Sarai, New Delhi -110016

..... Respondents

The following were present:

1. Director, SLDC
2. Sh. Rahul Srivastava, Advocate
3. Smt. Somara Lakhara
4. Smt. Anisha Chopra
5. Smt. Kavita, NRLDC
6. Executive Engineer, RAU
7. Sh. Pulkit Agarwal, Advocate
8. Sh. Anurag Gaur
9. Sh. Manish Tiwari
10. Sh. Sanjay Singh





**ORDER**  
**(Date of Hearing 10.06.2021)**

1. The present Petition is being filed by the Indian Railways under Regulation 13 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 ("DSM Regulations"), seeking necessary directions against Uttar Pradesh Power Transmission Corporation Limited ("UPPTCL"), Respondent No. 1, for not levying any additional charges on account of sign change in terms of the Regulations 7(10) and 7(11a) of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 ("DSM Regulations"), as inserted vide the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) (Fourth Amendment) Regulations, 2018 notified on 20.11.2018 ("Fourth Amendment").
2. The prayers of the Petition are as below: -
  - a. Admit the instant Petition and list the same on an urgent basis.
  - b. Declare that UPSLDC's recovery of any charges on account of additional deviation and due to violation of the sign change requirements as per Fourth Amendment to the DSM Regulations considering the Petitioner as a Regional entity is illegal and contrary to this Hon'ble Commission's Regulations.
  - c. Direct UPPTCL to provide a non-discriminatory treatment to petitioner and apportion the DSM charges, additional DSM charges and charges for violation of sign change requirement on the Petitioner in proportion to its share of the quantum of power out of the total Bills at state boundary issued by NRLDC till the time Regulation and/or Detailed Procedure is issued and implemented.
  - d. Direct UPPTCL to revise their invoices from January 2019 onwards for DSM charges, additional DSM charges and sign change charges penalty levied on the Petitioner, and
  - e. Pass such other order(s) and/or direction(s) as this Hon'ble Commission may deem just and proper in the facts and circumstances of the case.
3. During the hearing, Sh. Pulkit Agarwal, Counsel of Indian Railways submitted that the issue in the present petition arose on account of Petitioner's liability to pay sign change penalty charges levied by UPSLDC, Respondent No.2 on account of Central Commission's Notification No. L-1/132/2013-CERC, dated 20.11.2018, notifying the 4th Amendment to the CERC DSM Regulations.
4. Sh. Pulkit Agarwal, Counsel of Indian Railways, further submitted that he has filed his Written Submission and prayed that the Central Commission in CERC DSM Regulations has provided for two separate methodologies for calculation of DSM Charges and Additional DSM Charges in the

