**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW**

**Petition No.: 1034 /2015**

**Quorum**

1. Shri Desh Deepak Verma, Chairman

2. Shri S K Agarwal, Member

**IN THE MATTER OF:**

**Petition U/s 142 of the Electricity Act, 2003 against UPPTCL for violation of Section 39 & 40 of the Electricity Act, 2003 and Commission’s order dated 31.05.2013, 1.10.2014 & 18.06.2014**

**And**

**IN THE MATTER OF:**

Open Access Users Association, 2nd Floor, D21, Corporate Park, Sector 21, Dwarka, New Delhi-1100

  **......Petitioner**

**Versus**

1. Uttar Pradesh Power Transmission Company Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)
2. Uttar Pradesh State Load Dispatch Centre, Uttar Pradesh Power Transmission Company Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)

 ……**Respondent**

**Present in the Hearing:**

1. Shri Ram Swarath, Director SLDC
2. Shri MukulSonkar, Executive Engineer, STU
3. ShriManoj Gupta, Executive Engineer SLDC
4. Shri Rahul Srivastava, Advocate, SLDC
5. ShriPuneet Chandra, Advocate, UPPTCL
6. Ms. Mandakini Ghosh, Advocate of the Petitioner

**ORDER**

**( Hearing:18 September,2016)**

The Petitioner Open Access Users Association, 2nd Floor, D 21, Corporate Park, Sector 21, Dwarka, New Delhi – 1100 has filed petition no. 1034/2015, in the matter of petition U/s 142 of the Electricity Act 2003 against UPPTCL for violation of section 39 & 40 of the Electricity Act 2003 and Commission’s order dated 31.5.2013, 1.10.2014 & 18.6.2014.

The present petition has been filed against UP Power Transmission Corporation Ltd. (UPPTCL) for consistent noncompliance and failure to provide non discriminative open access to consumers.

During the hearing on 21.12.2015 Shri Rahul Srivastava, Advocate appearing on behalf of SLDC submitted that they have filed the reply on 30.11.2015. Shri Puneet Chandra, Advocate appearing on behalf of UPPTCL requested fifteen days’ time to file the reply. The Petitioner vehemently opposed it and submitted that nearly five weeks’ time has elapsed and the respondents are unable to file the reply. She further requested that UPPTCL may be directed to file the cogent reply before the next date.

The Commission granted fifteen days’ time to UPPTCL to file the reply and one week to the Petitioner to file the rejoinder.

During the hearing on 21.1.2016 Shri Abhinandan Das, Advocate of the Petitioner submitted that they have received the reply from UPPTCL only few days back, but the Annexures have not been received. The Commission directed to UPPTCL to provide the complete reply to the Petitioner within three days.

The Commission granted ten days’ time to the Petitioner to file the rejoinder and next seven days to the respondents to file the counter if any.

The Commission also directed SLDC to submit the list of consumers who have requested for Inter/Intra State Open Access, Total Transfer Capability(TTC) and Available Transfer Capacity (ATC) for Inter State and its projection for next ten years within one week of issue of this order.

During hearing on 07.09.2016 The Petitioner submitted that UPPTCL is not providing ATC (Available Transfer Capacity) and TTC (Total Transfer Capability) data to the Open Access consumers, in fact it should be published on the website by the Respondent (SLDC) so that the Open Access consumers could access the data and apply for Short Term Open Access (STOA) against the spare capacity available in the network.

The Petitioner further submitted that SLDC is not declaring day-ahead availability of interstate corridor.

The Commission directs the SLDC to display the available spare transmission capacity after taking into account all scheduled dispatches on its website on daily basis for the use of the Open Access Consumers.

The Commission further directs UPPTCL to submit the details of its on-going and new projects with their Scheduled date of commercial operation and also submit the expected increase in TTC & ATC after commissioning of new transmission projects. The above details should be submitted on quarterly basis.

The Commission directs both the Respondents to file the Counter within seven days and further the Petitioner is directed to file the Rejoinder within next seven working days from the date of the filling of Counter by the Respondents.

At present, the Commission does not find any grounds for proceedings under Section 142 against the Respondents. However, if there is any breach of the Commission’s Regulations specific Orders by the Respondents at any stage, then the Petitioner may approach the Commission under section 142 for non-compliance of the Commission’s Regulations/Orders.

In the present hearing on 18/10/2016, the Petitioner submitted that SLDC & UPPTCL have submitted the Counter Affidavit and Petitioner is filing the Rejoinder on the same. The Petitioner further stated that

UPPTCL has provided the list of projects but Scheduled date of commercial operation has not been provided.

Commission directed UPPTCL to submit within 3 days, the expected date of Commercial Operation of all the projects in the list to the Petitioner as well as to the Commission.

The Respondent(SLDC) submitted that after 10th October, 2016 the TTC and ATC has been increased and that from 1 November, 2016they shall display the available spare transmission capacity after taking into account all scheduled dispatches on its website on daily basis for the use of the Open Access Consumers.

Commission expressed its displeasure over the absence of Chief Engineer, UPPTCL in the hearing and further directed Managing Director, UPPTCL to ensure that from next time Director/Chief Engineer, UPPTCL to be present in the hearing so that the requisite information could be provided at the time of hearing.

With these directions the present Petition is disposed of with liberty to the Petitioner to approach the Commission for noncompliance of the Commission’s Regulations/Orders, if any in future.

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| **(S. K. Agarwal)** **Member** | **(Desh Deepak Verma)****Chairman** |

Place: Lucknow

Dated: 09 /11/2016