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

**Petition No.: 1133/2016**,

**Quorum**

1. Shri Desh Deepak Verma, Chairman

2. Shri S K Agarwal, Member

**IN THE MATTER OF:**

Under Section 33(4) & 86 (f) of the Electricity Act-2003 read with clause 16, 17 and 18 of the “U.P.E.R.C (Procedure, terms & condition for payment of fee and charges to State Load Despatch Centre and other related provisions) Regulation 2004”

**And**

**IN THE MATTER OF:**

**Petitioner**

Director, Uttar Pradesh State Load Despatch Centre, 5th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow.

Versus

**Respondents**

1. General Manager (Commercial), National Thermal Power Corporation Ltd., Northern Region Headquarters, TC-33/V-1, Vibhuti Khand, Gomti Nagar, Lucknow-226010
2. General Manager, Jai Prakash Power Ventures Ltd., Corporate Office at Sector – 128, Noida – Uttar Pradesh, Pin Code-201304

**ORDER**

**(Date of Hearing: December 7, 2016)**

The Petitioner, Director, Uttar Pradesh State Load Despatch Centre has filed **Petition No. 1133/2016**, in the matter of under Section 33(4) & 86 (f) of the Electricity Act-2003 Read with clause 16, 17 and 18 of the “U.P.E.R.C (Procedure, terms & condition for payment of fee and charges to State Load Despatch Centre and other related provisions) Regulation 2004”.

The Petitioner prayed to make necessary amendment in clause 8(1) of the “UPERC(Procedure, terms & condition for payment of fee and charges to State Load Despatch Centre and other related provisions) Regulation 2004” or pass any suitable order for the purpose. By that SLDC will be able to realize and collect the fee and charges from all the generating station (irrespective of the fact that whether whose generating stations are State / Central Sector Generating Stations or CPP/IPP etc.) for which SLDC is doing scheduling and revision of schedules, preparation of energy account, billing and data collection by exercising the power under clause 17 (1) and 17(2) of the said regulation.

The Petitioner also prayed to direct the Respondent no. 1 & 2 to pay annual SLDC fee for current financial year and arrears of the previous years with effect of the notification of the aforesaid regulation namely UPERC ( Procedure, terms & condition for payment of fee and charges to State Load Despatch Centre and other related provisions) Regulation 2004”.

The Petitioner requested to allow the present petition with cost and to grant any other relief which this Hon’ble Commission may think just and appropriate in the facts and circumstances of the case.

During hearing on 07.12.2016 being the first hearing in the above matter the Petitioner sought for amendment in Clause 8 of the “UPERC (Procedure, terms & condition for payment of fee and charges to State Load Despatch Centre and other related provisions) Regulation 2004” as order to explicitly cover the other generators also for whom SLDC is handling the services of scheduling and despatch.

The Commission observed that Respondent No. 2(Jai Prakash Power Ventures Ltd.) was not present during the hearing therefore asked them to be present in the next hearing otherwise it shall be construed that they have nothing to say in this matter.

Commission directed NTPC to pay annual SLDC fee for current financial year as their Tanda Thermal power station is supplying 100% power to the state of UP and UPPCL is the sole procurer of power from this TPS and its schedule, dispatch is wholly handled by UPSLDC. UPSLDC charges are therefore, seems to be, prima facie payable by it. NTPC is further directed to submit the Counter affidavit in this regard, if they so wish.

List on 4th January, 2017 at 15:00 hrs

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

Place: Lucknow

Dated: 22.12.2016