

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Quorum

Shri Desh Deepak Verma, Chairman

Smt. Meenakshi Singh, Member

Shri I. B. Pandey, Member

In the matter of:

Sub: Petition under section 142 of the Electricity Act 2003 for non compliance of the CGRF's order in accordance with section 14 of UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2007.

Indus Tower Ltd. , B3/3-4 & D-3/34-37, Gomti Nagar, Lucknow.

Petitioner

Versus

1. Uttar Pradesh Power Corporation Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)
2. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 Gokhale Marg, Lucknow
3. Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut.
4. Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan 220, K.V. Up-Sansthan Bypass Road Agra – 282007
5. Managing Director, Kanpur Electricity Supply Co. Ltd., 14/71, Civil Lines, KESA House, Kanpur.

Respondents

Present in the Hearing:

1. Sanchit Makhija, Indus Tower Ltd.
2. Hari Chand, Indus Tower Ltd.
3. Rupak Gautam, Indus Tower Ltd.
4. Indraneel, Indus Tower Ltd.
5. Kamalesh Chandra, Executive Engineer, UPPCL
6. Ravindra Kumar, Superintending Engineer, MVVNL
7. K. P. Khan, Executive Engineer, MVVNL

ORDER

(Hearing on 8.7.2014)

Whereas the petitioner Indus Tower Ltd. , B3/3-4 & D-3/34-37, Gomti Nagar, Lucknow, has filed petition no. 931 / 2014, in the matter for petition seeking clarification and correction for billing of rural telecom towers.

The petitioner submitted that most of the towers are situated in the rural areas of U.P. and their billing is not as per the Tariff Orders. They are not granted rebate as per the Tariff Order.

Shri A. S. Rakhra, Advocate on behalf of the respondent discoms submitted that the case pertains to individual consumer, so it is not maintainable in UPERC as per the Hon'ble Supreme Court and Hon'ble APTEL directions.

The Chairman UPPCL asked the petitioner whether he has approached UPPCL on this issue. The petitioner replied in affirmative and further submitted that no action has been taken.

The Chairman remarked that the UPPCL should consider the matter if approached, as it may involve some changes in the procedures / processes.

The Commission finds that the petition pertains to individual consumer, so it is not maintainable before it in view of Hon'ble Supreme Court in the case of MERC Vs Reliance and Lloyds Steel Industries Ltd. (2007) 8 SCC 381.

The Consumer is directed to approach UPPCL and UPPCL is directed to decide the matter expeditiously. The consumer can also approach CGRF if need be.

(I. B. Pandey)
Member

(Meenakshi Singh)
Member

(Desh Deepak Verma)
Chairman

Dated: 12.8.2014