

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW

Petition No.: 1118/2016

Quorum

1. Shri Desh Deepak Verma, Chairman
2. Shri S K Agarwal, Member

IN THE MATTER OF:

Petition No. 1118/2016 under section 61 (h) & (j), 86(1)(e), (f) of the Electricity Act, 2003; Rule 156 & 160 of UPERC (Conduct of Business) Regulations, 2004; Provisions of Power Purchase Agreement and other enabling provisions of the Act and Regulations.

And

IN THE MATTER OF:

Uttar Pradesh Sugar Mills Co-gen Association at 4th Floor, Room No 403, Chintels House Trade Centre, 16, Station Road, Lucknow-226001 through its Secretary

.....Petitioner

Versus

1. Director, State Load Despatch Centre, Shakti Bhawan, 14 Ashok Marg, Lucknow & Ors
2. Managing Director, Uttar Pradesh Power Transmission Company Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)
3. Chief Engineer, Directorate of Power Purchase Agreement, Uttar Pradesh Power Corporation Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)

.....Respondents

Present in Hearing:

- 1) SR D.D Chopra, Advocate for Petitioner
- 2) Puneet Chandra, Advocate for UPPTCL
- 3) Pankaj Saxena, Executive Engineer UPPTCL
- 4) M.Sonker Executive Engineer UPPTCL
- 5) Rajiv Srivastava Advocate for UPPTCL
- 6) Anil Gupta UP Cogen
- 7) C.P Dwivedi, Dalmia Chini Mills
- 8) Deep Singh, Dwarikesh Sugar Ind.Ltd
- 9) Devansh Bharadwaj, UPSMA
- 10) W.H Zaidi, UPSMA
- 11) L.P Verma, UPSMCA
- 12) Pankaj Chaturvedi (UP Cogen)
- 13) Rahul Srivastava Advocate UPSLDC

ORDER

(Date of Hearing: September 7, 2016)

The Petitioner had filed the petition no. 1118/2016 on 20.6.2016. The Members of Petitioners Association submitted on 2.6.2015 that they received instructions from transmission substation that they should stop supply with immediate effect failing which the evacuation system shall be isolated from the grid. These instructions were on the basis of directions received from SLDC. The similar action was also taken earlier on 18.3.2015 which was later on withdrawn. On the earlier occasion it was on the basis of written orders but now it has been done verbally.

The Petitioner in the light of the above facts, circumstance and statutory provisions of the Power Purchase Agreements entered into between the parties, has prayed before the Commission to:-

1. Direct Respondent No. 1 to immediately withdraw its verbal order made effective from 2.6.2015 whereby the Petitioner Members have been stopped from exporting power to the grid and their evacuation system has been isolated from the grid.
2. Fix responsibility on the erring party including Respondent No. 1 for the above illegal act and to initiate strict action against such erring party to avoid re-occurrence of the impugned verbal orders.
3. The petitioners may be allowed to inject power to the grid, and
4. The Members of the Petitioners may be suitably compensated for the loss incurred by them due to non-supply / curtailment of supply of electricity to the grid due to impugned verbal illegal orders followed by isolation of the transmission system to the grid, and
5. Any other suitable relief or reliefs as this learned Commission may think just and proper under the facts and circumstances of the case.

During hearing on 07.09.2016, being the first hearing in the above matter, the Petitioner stated that there has been callous attitude of SLDC. Before they used to issue the order in writing but now SLDC is just passing the verbal order and by that action they have been directed not to inject power into the grid and if they continue to inject their evacuation system shall be isolated from the grid and the breakers shall be opened.

It was submitted by the Respondents that on account of low persistent demand the members of the Co-generation Association were directed to stop the injection to the grid. SLDC never directed officers of UPPTCL at the transmission substations to isolate the cogenerating units. The Commission enquired SLDC that how they deduced that low demand shall persist for a long time. Director SLDC submitted that they deduced it from weather reports.

The Petitioner further prayed before the Commission that the responsibility should be fixed on the erring party including Respondent No. 1 for the above illegal act and to initiate strict action against such erring party to avoid re-occurrence of such incidents.

The Commission after listening both the parties in the matter granted ten days' time to both UPPCL & SLDC (Respondents) to file the Counter and further asked the Petitioner to file the Rejoinder within next ten days from the date of the filling of Counter by the Respondents.

List on 18.10.2016 at 15:00 hrs

(S. K. Agarwal)
Member

(Desh Deepak Verma)
Chairman

Place: Lucknow

Dated: September 20.09. 2016

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