

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 No. 780 of 2012 “Non payment of interest on security by UPPCL, DVVNL, MVVNL, PVVNL, PuVVNL, KESCO and NPCL.”

1. Shri Rama Shankar Awasthi, 301 – Surabhi Deluxe Apartment , 6/7 Dali Bagh, Lucknow.
2. Shri Mahendra Swaroop, President, Cold Storage Association U. P., at Swaroop Cold Storage, Aishbagh, Lucknow.
3. Shri Ganesh Tiwari, President, U. P. Chamber of Steel Industries Association at 122/235, Plot No. 17, Fazalganj, Kanpur.
4. Shri Shiv Shanker Awasthi, President, Amausi Industrial Association, at B – 13 / 1 Industrial Area Nadarganj, Lucknow.
5. Shri Satish Goel, President, Association of Steel Rolling Mill and Furnaces, at A – 10, Industrial Estate, Meerut Road, Muzaffarnagar.
6. Shri Shashi Bhusan Mishra, Secretary, Upbhokta Sanrakshan Evam Kalyan Samiti, Sitaram Nidhi, Raja Niwas, Vrindawan, U.P.

-----Petitioners

Versus

1. Secretary, State of Uttar Pradesh, Department of Energy, Lucknow.
2. Chairman, U. P. Power Corporation Ltd. Shakti Bhawan, 14 Ashok Marg, Lucknow.
3. Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut.
4. Managing Director, Purvanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Bhawan , Vidyut Nagar, DLW, Varanasi.
5. Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd, Urja Bhawan, 220 KV Sub – station, Agra – Mathura Bye Pass Road, Agra.
6. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 – A, Gokhle Marg, Lucknow.
7. Managing Director, Kanpur Electricity Supply Company Ltd.
8. Chief Executive Officer, Noida Power Company Ltd., Commercial Complex, H Block, Sector Alfa – II, Greater NOIDA.

-----Respondents

Present in the Hearing:

1. Shri Ravindra Kumar, Superintending Engineer, MVVNL, Lucknow.
2. Shri Rama Shankar Awasthi.
3. Shri Amarjeet Singh Rakhra, Advocate, Counsel for UPPCL.
4. Shri J. K. Jain, Chief Engineer (Commercial), MVVNL, Lucknow.
5. Shri A. K. Arora, Resident Manager, NPCL.

ORDER

(Hearing on 28.07.2014)

Shri Rama Shankar Awasthi filed petition no 780/2012 on 5.1.2012, submitting that they have filed the petition to constitute an 'Investigating Authority' to investigate non compliance of section 47 (4) of Electricity Act 2003 and clause 2.40 of Electricity Supply Code 2005 regarding non payment of interest on security. He submitted that it is necessary to constitute an Investigating Authority because most of the distribution licensees are not paying interest on security to the consumers. He has further submitted that it is the statutory duty of the Discoms to pay the interest on security and not the obligation of the Discoms towards the consumers, as they have not paid the interest to all the consumers, so Investigating Authority should be constituted to investigate the matter as to investigate why the Discoms have failed to fulfill their statutory duty.

The Commission in its order dated 16.4.2014 is as follows:

"The petitioners submitted the list of 196 consumers from various categories who have not received the interest on security.

The Commission directed the petitioners to provide the copy to respondents.

The petitioner provided the copy to the respondents and respondents requested two months time to file the reply.

The Commission grants the same.

The next date of hearing may be fixed in the month of May, 2014. Exact date shall be intimated separately.”

The Commission scheduled the date of hearing notice no. UPERC/Secy/Petition(VCA)/2014-091 dated 15.7.2014 on 28th July, 2014.

The petitioner vide letter dated 24.7.2014 has sought postponement of hearing.

During the hearing the Commission finds that Madhyanchal Vidyut Vitran Nigam Ltd. and Poorvanchal Vidyut Vitran Nigam Ltd. have submitted the reply. Shri Amarjeet Singh Rakhra appearing on behalf of respondents submitted that Kesco has paid interest on security to all the consumers whose names were appearing in the list submitted by the petitioners.

The Commission observes that no reply has been received from Dakshinanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd. and therefore why it should not be presumed that no interest on security has been paid to the consumers in the jurisdiction of these two Discoms and why competent proceedings be not initiated against the erring Discoms. i.e. Dakshinanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd..

The Commission further observes that the reply submitted by Poorvanchal Vidyut Vitran Nigam Ltd. and Madhyanchal Vidyut Vitran Nigam Ltd. are not notarized. The notarized reply should be filed within two weeks of issue of this order alongwith the submission of Kesco.

The next date of hearing shall be intimated separately.

(I. B. Pandey)
Member

(Meenakshi Singh)
Member

(Desh Deepak Verma)
Chairman

Dated: 21 .08.2014