

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Quorum

Shri Desh Deepak Verma, Chairman
Shri I. B. Pandey, Member

In the matter of:

Sub: Complaint case under section 142 of the Electricity Act, 2003 read with the relevant provisions of UPERC (Conduct of Business) Regulations, 2004, and the provisions of Power Purchase Agreements.

Petitioner

M/s Balrampur Chini Mills Ltd. Office at FMC Fortuna, 2nd Floor, 234 /
3A.A.J.C.Bose Road, Kolkatta - 700020.

Versus

Respondents

1. Chief Engineer (Power System), State Load Dispatch Centre, U.P. Power Transmission Co. Ltd., Shakti Bhawan, 14- Ashok Marg, Lucknow.
2. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 – A, Gokhle Marg, Lucknow.
3. Chief Engineer, (Operations), U.P. Power Transmission Co. Ltd., Shakti Bhawan, Ashok Marg, Lucknow.

Present in the Hearing:

1. Shri A.K. Singh, SE(Commercial), MVVNL
2. Shri Anil Gupta, CGM (Balrampur Chini Mill Ltd.)
3. Shri Pankaj Chaturvedi, Balrampur Chini Mill Ltd.
4. Shri Rahul Srivastava, Advocate, UPSLDC

ORDER

(Hearing on 16.10.2015)

Whereas the petitioner M/s Balrampur Chini Mills Ltd., has filed petition no. **1023 / 2015**, in the matter under section 142 of the Electricity Act, 2003 read with the relevant provisions of UPERC (Conduct of Business) Regulations, 2004, and the provisions of Power Purchase Agreements.

The petitioner filed the petition against Chief Engineer Power System, Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd. and Chief Engineer Operation, UPPTCL regarding non compliance of Commission's order dated 28.7.2014 in petition no. 895 of 2013.

The petitioner submitted that he has paid the transmission charges for short term open access to the tune of Rs. 38, 36, 800 for the injection from Haidergarh Unit and Rs. 36,89, 800 for the injection from Mankapur Unit i.e. the total sum of Rs. 75,26,600/- has been paid as transmission charges by the petitioner, but against this amount Rs. 53, 55, 984.00 has been refunded to the petitioner and rest amount of Rs. 21,70,614/- has not been paid.

The petitioner further submitted that there has been willful noncompliance of the Commission's order dated 28.7.2014 and this payment has been made after more than nine months. So UPPTCL is liable to pay interest @ 18% to the petitioner for the period of delay beyond 30 days. The petitioner further submitted that beneficiary is the Discom so they should be refunded total transmission charges paid by them.

The respondent submitted that the Commission's order clearly directs to refund the transmission charges for quantum of schedule drawl energy i.e. schedule injection – transmission losses of the concerned petitioner, whereas the transmission charges for the unscheduled injection has not been refunded. As per the orders of the Commission they have refunded the amount to UPPCL who in turn will pay to the petitioner, so UPPCL should be made a party by the petitioner.

The Commission observes that the petitioner has to prove that there is a willful default and that is why respondent should be punished.

The Commission directs the petitioner that they should make UPPCL party in present petition and directs the petitioner to submit the proof of service of the petition to the respondents. The Commission directs UPPTCL to provide the calculations of the schedule injection and unscheduled injection and the transmission charges thereof to the petitioner with a copy to the Commission.

List on 18.11.15 at 15:00 hrs.

(I. B. Pandey)
Member

(Desh Deepak Verma)
Chairman

Dated: 29.10.2015