

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Present:

1. Shri J.L. Bajaj, Chairman
2. Shri S.C. Dhingra, Member
3. Shri Arun Sarkar, Member

In the matter of:

Limit of consumption of power during peak hours

And

In the matter of:

M/s Gageshwari Metals Private Limited, Secunderabad, Bulandshar
Represented by Sri. Vishal Dixit Advocate & Rajeev Verma

---Petitioner

And

U.P. Power Corporation Ltd., Lucknow
Represented by Sri. D.D Chopra, Advocate

----Respondents

Lucknow

Date: 16th December 2002

ORDER

M/s Gageshwari Metals Private Limited, Secunderabad, Bulandshar (Petitioner) has filed a petition, under clause 7.27, 7.28 & 7.29 of the Electricity Supply Code-2002, against the demand of additional security money raised by UP Power Corporation Ltd., (Respondent).

The petitioner applied to the respondent for an electric connection of 3.2 MVA contracted load under HV-2 class of consumer category. The respondent asked the petitioner vide letter No. 2922/R-5 dated 26th February 2002 to deposit an amount of Rs.44, 29, 221/= for release of connection. The break up of the amount provided in the letter is as follows:

Sl.No.	Particulars	Amount
1.	Security (3200*378*2)	24,19,200.00
2.	Line Charges	15,94,021.00
3.	System loading charges (3200*130)	4,16,000.00

On depositing the above amount (including the security amount of Rs.24,19,200=00) by the petitioner the respondent released the electric connection on 9th August 2002. In the electric bill for the month of October 2002 issued in November 2002, the respondent demanded an additional security of Rs.47, 47, 856/= from the petitioner. The petitioner represented against this demand of the additional security amount to the concerned, Deputy General Manager and General Manager of UPPCL. On the representation of the petitioner the General Manger (Distribution) Meerut Zone instructed the concerned Deputy General Manager, "Pl. accept security amount in two months by 20/12/02". The petitioner has submitted that the demand of additional security by the respondent is unjustified as it is against the provisions for security deposits specified in clause 4.54.2 (c) of the Electricity Supply Code-2002 (hereinafter referred as 'Code'). The petitioner has

prayed that additional security demand of Rs.47,47,856/= by the respondent through electricity bill of October 2002 be quashed and the respondent be directed to raise demand if any, only on the basis of 12 months average or after the closure of current financial year, as per the provisions of the Code.

The Code details the obligations of the Licensee and consumers vis-à-vis each other and specifies the set of practices that shall be adopted by the Licensee to provide efficient, cost-effective and consumer friendly service to the consumers. Clause 4.54.2 of the Code deal with the security deposit. Its sub-clauses from (a) to (c) are relevant to the issue and are reproduced below: -

- “4.54.2 (a) A security deposit to cover the estimated power consumption for two months shall be made by all consumers. The estimated consumption and security deposit amount for different categories shall be determined by the Licensee with the approval of the Commission. In case of enhancement of load, only additional security to cover the additional consumption shall need to be deposited.
- (b) The security amount shall be revised as per the tariff order.
- (c) The Licensee may give notice to any consumer for deposit of additional deposit if:
- (i) The security deposit falls short of covering the estimated power consumption bill for 2 months based on his average monthly consumption for the preceding financial year.
- (ii) The security deposit is reduced due to adjustment of outstanding dues.

The consumer shall deposit the additional sum within 15 days of the notice failing which the Licensee may take steps for disconnection.”

The petitioner has argued that as per the above sub-clause (c), no security can be enhanced without taking average of 12 months and if consumption of 12 months is not available, security cannot be enhanced. Therefore, the consumption of 2 months cannot be made the basis for the enhancement of security. The petitioner has also submitted that in the coming 10 months his electricity

consumption is likely to be less than that of in Sept & Oct. 2002. In that situation the demand for additional security will become totally unwarranted and unlawful.

The security is taken from the consumer to cover the expected consumption of the future two months. The basis for determination of future consumption specified in the Code is “ average monthly consumption of the preceding year. In this case, the consumption of preceding financial year is not available as the connection was released in August 2002 only. Whenever a new connection is released the respondent determines the security amount on the basis of its order No: 617-सी.यू.-दो/एस-8 दिनांक: 7-3-94. The order is reproduced below:

इलेक्ट्रिसिटी (सप्लाई) एक्ट, 1948 (एक्ट संख्या 54, 1948) की धारा 49 एवं 79 एवं उसके अधीन परिषद द्वारा गठित विद्युत आपूर्ति (उपभोक्ता) विनियमावली 1984 (कण्डीशन आफ सप्लाई) के अधीन शक्तियों एवं इस सम्बन्ध में अन्य समस्त शक्तियों का प्रयोग करते हुए एवं इस विषय पर पूर्ण पारित समस्त आदेशों को निरस्त करते हुए, उत्तर प्रदेश राज्य विद्युत परिषद, विभिन्न श्रेणी के उपभोक्ताओं से ली जाने वाली प्रतिभूति/अतिरिक्त प्रतिभूति, निम्नवत निर्धारित करते हैं:-

(अ) प्रारम्भिक प्रतिभूति : उपभोक्ताओं से प्रारम्भिक प्रतिभूति (जमानत) धनराशि निम्न प्रकार से ली जाएगी:-

(1)	घरेलू तथा अघरेलू रोशनी पंखा व पावर	रुपये 300/- प्रति किलोवाट
(2)	सार्वजनिक रोशनी	रुपये 1000/- प्रति किलोवाट
(3)	निजी नलकूप/पम्पिंग सेट (सिंचाई कार्य)	रुपये 200/- प्रति अश्वशक्ति
(4)	पब्लिक वाटर वर्क्स, सीवेज तथा पम्पिंग	रुपये 1000/- प्रति किलोवाट
(5)	लघु एवं मध्यम शक्ति एवं बड़े तथा भारी शक्ति (पब्लिक वाटर वर्क्स, सीवेज तथा पम्पिंग को छोड़कर)	न्यूनतम रुपये 300/- प्रति अश्व शक्ति अथवा मासिक न्यूनतम चार्ज का दो गुना
(6)	राजकीय नलकूप, पम्प कैनाल तथा लिफ्ट इरीगेशन	तदैव
(7)	रेलवे ट्रैक्शन	तदैव
(8)	विश्व बैंक नलकूप, लिफ्ट इरीगेशन वर्क्स आदि	तदैव
(9)	आर्क/इण्डक्शन फर्नेस, रोलिंग/री-रोलिंग मिल्स एवं	तदैव

	मिनी स्टील प्लाण्ट	
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सभी सरकारी, अर्द्धसरकारी तथा अन्य उपभोक्ताओं, जिनके सप्लाई से पूर्व प्रतिभूति की धनराशि, किन्हीं परिषदीय आदों/छूट आदि के कारण नहीं ली गयी हैं, से प्रारम्भिक प्रतिभूति की माँग उक्त के अनुसार तीस दिन की नोटिस देकर वसूल की जाएगी। समय अन्तर्गत धनराशि प्राप्त न होने की दशा में उपभोक्ता की आपूर्ति विच्छेदित की जा सकती है।

(ब) अतिरिक्त प्रतिभूति: उन उपभोक्ताओं, जिन्हें कनेक्शन दिया जा चुका है, उनकी प्रतिभूति का पुनरीक्षण प्रत्येक वित्तीय वर्ष की समाप्ति पर निम्नवत् किया जाएगा।

(1)	घरेलू एवं अघरेलू रोशनी पंखा व पॉवर	(1) किसी भी वित्तीय वर्ष में किसी भी दो बिलों के भुगतान न होने की दशा में ।
		उस वित्तीय वर्ष के औसतन दो माह के बिल के धनराशि के समतुल्य ।
(2)	सार्वजनिक रोशनी	गत वित्तीय वर्ष के औसतन दो माह के बिल की धनराशि के समतुल्य ।
(3)	निजी नलकूप/पम्पिंग सेट (सिंचाई कार्य)	तदैव
(4)	पब्लिक वाटर वर्क्स, सीवेज तथा पम्पिंग	तदैव
(5)	लघु एवं मध्यम शक्ति एवं बड़े तथा भारी शक्ति (पब्लिक वाटर वर्क्स, सीवेज तथा पम्पिंग को छोड़कर)	तदैव
(6)	राजकीय नलकूप, पम्प कैनल तथा लिफ्ट इरीगेशन	तदैव
(7)	रेलवे ट्रैक्शन	तदैव
(8)	विश्व बैंक नलकूप, लिफ्ट इरीगेशन वर्क्स आदि	तदैव
(9)	आर्क/इण्डक्शन फर्नेस, रोलिंग/री-रोलिंग मिल्स एवं मिनी स्टील प्लाण्ट	तदैव

उपरोक्त आंकलन के अनुसार यदि प्रतिभूति की धनराशि पहले जमा की गयी धनराशि से अधिक आती है तब अतिरिक्त धनराशि की मांग उपभोक्ता से 45 दिनों की नोटिस देकर प्राप्त की जाएगी। समय अन्तर्गत धनराशि प्राप्त न होने की दशा में उपभोक्ता की आपूर्ति विच्छेदित की जा सकती है।

The petitioner falls in (अ).(9) category of consumer class specified in the above order. The respondent has estimated the security amount of the petitioner in its above-referred letter No. 2922/R-5 dated 26th February 2002 on the basis of this order. It is clear from clause (ब) of the above order of the respondent that security could be re-examined only after the end of the financial year. The counsel for the respondent Sri Deepak Chopra agreed that the action by the Executive Engineer could be taken only under the provisions of the Code.

The Commission upholds the appeal of the petitioner and directs the respondent to withdraw the demand of additional security made to the petitioner in the electricity bill of October 2002.

(Arun Sarkar)
Member

(S.C Dhingra)
Member

(J. L Bajaj)
Chairman

16th December 2002
Lucknow