

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

Present:

1. Shri Vijoy Kumar, Chairman

2. Shri Arun Sarkar, Member

In the matter of:

Admissibility of the Petition

And

M/s Panem Castings (P) Ltd., Kanpur  
Represented by Sri. Bidhan Chandra Rai, Advocate

---Petitioner

Vs.

U.P. Power Corporation Ltd., Lucknow

Lucknow

Date: 8<sup>th</sup> January, 2004

## Order

### **M/s Panem Castings (P) Ltd., Kanpur Vs. UPPCL**

This petition is regarding admissibility of system loading charges, collected by the distribution licensee, for new connection or for enhancement of load. The petitioner has challenged its admissibility mainly on the basis of schedule VI of the Indian Electricity Act, 1910.

In Para 27 to 29 of the petition, the petitioner has stated that he had filed a writ No.5013 of 1999 before the Hon' ble High Court at Allahabad which directed the Chairman of UPSEB (now UPPCL) to decide the admissibility of system loading charge. The Chairman, UPPCL has rejected the representation of the petitioner. Aggrieved by the decision of the Chairman UPPCL, the petitioner preferred a writ petition before the Hon' ble High Court which, is still under adjudication before the Hon' ble High Court.

In the hearing, the counsel of the petitioner submitted that the issue of admissibility of the system loading charge is still before the High Court but this petition is different and be admitted mainly on following grounds:

1. The writ has been filed in the High Court when the Commission was not established.
2. In this petition, the petitioner has challenged the demand of Rs.124800/= raised by UPPCL vide letter dated 23-5-03 towards system loading charge for enhancing the contracted load by 1600 KVA. The petitioner has submitted that he had paid this system loading charge while the load (2400 KVA) was initially sanctioned to him.

The first argument of the counsel of the petitioner that he has filed a writ in the Hon' ble High Court against the order dated 21<sup>st</sup> May, 2001 of the Chairman, UPPCL because the Commission was not existing at that time does not sustain, as the Commission was functioning much earlier than 21<sup>st</sup> May, 2001. Moreover, the petitioner has not withdrawn his writ petition in the Hon'ble High Court before filing this petition.

System loading charge is taken by UPPCL either in case of a new connection or when a existing consumer request for enhancement of load. The demand which is challenged by the petitioner is about system loading charges for the

enhanced load. The petitioner has paid the system loading charge while taking the new connection. Later due to recession in the market he surrendered his load and again taken new connection. Now he has requested for enhancement of load to UPPCL. Therefore, this is an issue about the admissibility of system loading charge on enhancement of load. The issue of admissibility of system loading charge is before the Hon'ble High Court.

The matter is sub judice. The Commission refuses to accept the petition.

(Arun Sarkar)  
Member

(Vijoy Kumar)  
Chairman

Lucknow  
8<sup>th</sup> January, 2004