

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:

MRI procedures, accuracy of meter, enhancement of security deposit and infringement of the Agreement.

And

In the matter of:

1. UP Power Corporation Ltd. through Executive Engineer, Electricity Urban Distribution Division, Gaziabad.
2. UP Power Corporation Ltd. through its Chairman

---Appellant

And

M/s Rathi Ispat Limited, Ispat Nagar, Ghaziabad

----Respondents

Order

M/s Rathi Ispat Limited Vs. UPPCL

M/s Rathi Ispat Limited has filed a petition U/s 26 of the UP Electricity Reforms Act, 1999 challenging the imposition of peak hour penalty on the basis of incorrect MRI Procedures, accuracy of meter, enhancement of security deposit and infringement of the agreement regarding voltage rebate. The matter relating to the accuracy of the meter is still pending with the Director of Electrical Safety U/s 26 of the Indian Electricity (Supply) Act, 1910 and directions have already been given by the Commission to the Director, Electrical Safety on 24th May 2002 to resolve the dispute at the earliest while choosing not to intervene at that stage on the appeal of UPPCL U/s 35 of the UP Electricity Reforms Act, 1999. However, the remaining portion of the dispute substantially refers to the accuracy of the billing process and infringement of the agreement, which falls within the purview of the Appellate Committee and is said to be already pending for its consideration. As the Appellate Committee failed to dispose of the matter within the required one-month period, as stipulated in the supply code, the Appellate Committee was directed by the Commission on 26th November 2002 to dispose of the complaint within an extended period of one month from the date of the order. The petitioner was also directed to extend effective co-operation in the process of consideration and disposal of the complaint by the Appellate Committee.

After lapse of one month, the petitioner again approached the Commission stating that the Appellate Committee has still not resolved the issue and has requested the Commission to consider the issues pending before the Committee on priority while leaving issues related to the accuracy of meter, which are pending with the Director Electrical Safety, to be decided at the relevant point of time.

Keeping in view the above facts, the petitioner was directed to file a fresh petition, capturing only the issues pending before the Appellate Committee and the respondents were directed not to effect disconnection as their Appellate Committee has failed to decide the issue in spite of time extension.

The petitioner, accordingly, filed a modified copy of the Original petition before the Commission on 20th February 2003, which is being sent to the respondents to submit their counter affidavit by 7th March, 2003 with a direction that disconnection of the petitioner's premise shall be kept in abeyance, subject to the decision of the Commission, provided the petitioner continues to pay his undisputed bill for electricity consumption that is by reducing the no load consumption of 943 KVA from the actual meter reading.

The next date of hearing is fixed on 24th March 2003.

(Arun Sarkar)

Member

(S.C Dhingra)

Member

(J.L. Bajaj)

Chairman

Lucknow : 21st February, 2002