

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 26/2003

Present:

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

In the matter of:

Review of Commission's order dated 27th January 2003 on Petition No.19/2002(M/s Orient Ceramics & Industries Ltd., Bulandshahar Vs. UP Power Corporation Ltd)

And

In the matter of:

M/s Orient Ceramics & Industries Ltd. Bulandshar

---Petitioner

And

U.P. Power Corporation Ltd., Lucknow

----Respondents

Lucknow

Date: 24th May 2003

ORDER

M/s Orient Ceremics & Industries Ltd. Bulandshar Vs UPPCL

M/s Orient Ceramics & Industries Ltd., Bulandshahar (the Petitioner) through petition dated 14th February 2003 has sought review of the Commission's order dated 27th January 2003 passed in the petition No.19/2002 (M/s Orient Ceramics & Industries Ltd., Bulandshahar Vs. UP Power Corporation Ltd.) on following grounds:

- A. As such the petitioner is treated as belonging to the continuous category between the period from 18th July 2001 to 24th September 2002 then the charges paid for protective load should be adjusted?
 - B. The petitioner should be entitled to load factor rebate between the periods from 18th July 2001 to 24th September 2002.
2. The petition No. 19/2002 was against the penalty bills raised by UPPCL, on the basis of MRI reading, for using electricity exceeding the limit of 180 KVA (15 % of 1200 KVA) during peak hours. The petitioner represented that he was entitled to utilize 380 KVA load (200 KVA protective load + 15% of 1200 KVA) and not 180 KVA as calculated by UPPCL during peak hours. The dispute was for the period from 18th July 2001 to 24th September 2002 during which period, the petitioner opted for non-continuous industry tariff. In the counter affidavit, the respondents had offered that if the petitioner opts for continuous industry tariff in the disputed period, no penalty would be charged. This proposal was accepted by the counsel of the petitioner Sri. Vishal Dixit at the hearing dated 27th January 2003. Since the petitioner accepted the continuous industry tariff, the issue of peak hour violation was rendered in effective. The Commission passed the order accordingly.
 3. At the hearing, the counsel for the petitioner submitted that his client could not utilise the full load during peak hours in the period of dispute. Therefore,

charges paid for protective load should be adjusted. In their offer also the respondents had not indicated that protective load charges would not be adjusted.

4. The petitioner continues to have protective load of 200 KVA against the total contracted load of 1200 KVA. The supply of protective load consumers is not disconnected during emergency rostering. The emergency rostering can be at any time during the day depending on power system's requirement of the electrical network and not limited to peak hours only. In the peak hours, the power system has maximum demand. However, even during the peak hours, under the emergency rostering the supply of all consumers (continuous or non-continuous category) except protective load consumers is disconnected. So far as the petitioner is concerned, he remained a protective load consumer during relevant period (from 18th July 2001 to 24th September 2002). As such he was entitled to the benefit, which is available to a protective load consumer namely, that his supply was not disconnected during emergency rostering. Accordingly, it was open to him to use protective load during the emergency rostering. Being in that position, the petitioner could have and may have used the protective load during the entire period, as per his requirement. The petitioner has not submitted any evidence to show that he was not allowed to use protective load during the emergency rostering. Moreover, the petitioner was/is paying the protective load charges and continuous category tariff before/after the period of dispute. Therefore, there is no reason why the petitioner should not pay protective load charges and continuous category tariff during the period of dispute also.

5. The issue of load factor rebate was not raised by the petitioner at any point of time during oral or written arguments/submissions in the original petition No. 19/2002. Since, this plea has now been raised through this review petition, it has received due consideration of the Commission. The petitioner has opted for tariff schedule prescribed for continuous category of industry w.e.f.18th July 2001 to 24th September 2002, the petitioner is held entitled to load factor

rebate as per the provisions of the tariff order effective in the period from 18th July 2001 to 24th September 2002. Adjustment for the load factor rebate, if due to the petitioner should be made in his electricity bill.

The review petition is disposed of accordingly.

(Arun Sarkar)
Member

(S.C Dhingra)
Member

(J.L Bajaj)
Chairman

Lucknow
24th May 2003