

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. **Shri Ashok Basu, Chairman**
2. **Shri G.S. Rajamani, Member**
3. **Shri K.N.Sinha, Member**

Petition No.81/2001

And in the matter of

Non-compliance of RLDC direction and violation of Grid discipline by Kahalgaon STPP.

And in the matter of

Power Grid Corporation of India Ltd.

.... Petitioner

Vs

1. Kahalgaon STPP, NTPC, Bhagalpur
2. Bihar State Electricity Board, Patna
3. Damodar Valley Corporation, Calcutta
4. Grid Corporation of Orissa Ltd., Bhubaneshwar
5. National Thermal Power Corporation, New Delhi
6. National Hydro Electric Power Corporation, Faridabad
7. West Bengal State Electricity Board, Calcutta
8. Department of Power, Govt. of Sikkim, Gangtok
9. Eastern Regional Electricity Board, Kolkata

.... Respondents

The following were present:

1. Shri R.G. Yadav, ED (SO), C.C., PGCIL
2. Shri V Mittal, PGCIL
3. Shri Sunil Agrawal, PGCIL
4. Shri S.K. Banerjee, ERLDC
5. Shri Debasis De, ERLDC
6. Shri P. Ray, EREB
7. Shri A.K. Sil, DVC
8. Shri A.K. Palit, DVC
9. Shri M.S. Chawla, AGM, NTPC
10. Shri D.S. Sharma, GM, NTPC
11. Shri R Mazumdar, Sr. Manager, NTPC
12. Shri R. Datt, NTPC

13. Shri A.M. Misra, NTPC
14. Shri K.K. Pande, GRIDCO

ORDER
(DATE OF HEARING 5-3-2003)

In our order dated 31.10.2002 we had directed implementation of ABT in the Eastern Region latest by 1.1.2003. An Interlocutory Application No.72/2002 was filed on behalf of the Damodar Valley Corporation, placing on record certain practical difficulties in implementation of ABT with effect from 1.1.2003 and a prayer was made for deferment of its introduction in the Region from 1.1.2003 to 1.4.2003. As a special case, we had allowed the prayer made by Damodar Valley Corporation. Nevertheless, we considered it appropriate to review the overall preparedness of the Region for introduction of ABT with effect from 1.4.2003 and for this purpose the matter was listed before us.

2. Shri S.K. Banerjee, AGM, ERLDC submitted that Eastern and Western Regions were synchronised on 5.3.2003. He further submitted that in case ABT was not implemented in the Eastern Region as scheduled, there would be difficulties in transfer of power from the Eastern Region to Western Region, which is already operating under ABT regime. He, therefore, submitted that ABT be implemented in Eastern Region with effect from 1.4.2003 as already directed by the Commission.

3. Shri P. Ray, EREB stated that in a Board meeting held recently, it had already been decided to implement ABT as per the Commission's directions. He also informed that Power Department, State Government of Sikkim had sought exemption from implementation of ABT in the State on the ground of inadequacy of transmission facilities

in the State for evacuation of its allocated share of power from Central generating stations. The representative of EREB clarified that Power Department of State Government of Sikkim was not represented on ERE Board meeting when it was resolved to introduce ABT with effect from 1.4.2003 in compliance of the Commission's directions. It was stated that a suitable reply was sent to the State Government explaining that EREB Secretariat had no authority to exempt the State Government from operation of ABT as it was being implemented under the Commission's directions and for this purpose State Government may have to approach the appropriate authority.

4. The representatives of ERLDC and EREB, however, clarified that the difficulty pointed out by the State Government of Sikkim could be overcome while preparing daily schedule for drawal of power by the different constituents of Eastern Region.

5. The representative of Damodar Valley Corporation submitted that its Central Load Despatch Centre, which was destroyed as a result of devastating fire on 11.11.2002, had been re-commissioned and was, therefore, ready for implementation of ABT.

6. In view of the statements made on behalf of the different authorities at the Bar, we are satisfied that ABT can be smoothly introduced in the Eastern Region with effect from 1.4.2003. We may also note that the other regions, namely Western, Southern and Northern Regions are already operating under the ABT regime.

7. During the hearing, it has also been brought to our notice that despite introduction of ABT, certain beneficiaries in other regions were not settling the claims for UI charges payable under ABT regime. The Commission's order on this issue is specific that UI charges have to be settled on priority as compared to any other charges. Any non-compliance of the Commission's directions/orders, including on the issue of non-settlement of UI charges may invite penal action under Section 44 or Section 45 of the Electricity Regulatory Commissions Act, 1998. We further note that Section 47 of the said Act makes the officer-incharge of the concerned utility liable for punishment in accordance with law in case of non-compliance of order of the Commission. The Commission may not hesitate to invoke these powers in appropriate cases, where required.

8. A copy of this order be sent to all the agencies involved in the Availability Based Tariff for taking note of para 7 above.

9. With these observations, the matter shall be deemed to have been closed.

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(G.S. RAJAMANI)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 11th March, 2003