

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. Dr. Pramod Deo, Chairperson
2. Shri R.Krishnamoorthy, Member
3. Shri S.Jayaraman, Member

**Petition No152/2008
(Suo motu)**

In the matter of

Maintenance of Grid Discipline – Compliance of provisions of the Indian Electricity Grid Code.

And in the matter of

1. Uttar Pradesh Power Corporation Limited, Lucknow
 2. Shri Awanish Awasthi, Former MD, Uttar Pradesh Power Corporation Limited, Lucknow
- ...Respondents**

The following were present:

1. Shri D.D. Chopra, Advocate, UPPCL
2. Shri Awinash Awasthi, , Former MD, UPPCL

**ORDER
(Date of Hearing: 5.2.2009)**

Northern Regional Load Despatch Centre (NRLDC) brought to the notice of the Commission certain specific instances of over-drawl by the first respondent at frequency below 49.0 Hz. A notice dated 27.11.2008 under Section 142 of the Electricity Act, 2003 (the Act) was issued to the first respondent directing it to explain

over-drawls on 13.10.2008 and 14.10.2008 at frequency below 49.0 Hz, as this was in violation of provisions of para 5.4.2 of the Indian Electricity Grid Code (IEGC).

2. A notice under Section 149 of the Act was also issued to the second respondent, who was in-charge and person responsible for the conduct of business of the first respondent.

3. The second respondent in the common reply dated 8.12.2008 rendered an unconditional apology for non-compliance of the orders and directions of the Commission, which he termed as "unintentional". At the hearing held on 16.12.2008 it was conceded on behalf of the respondents that there had been defaults, especially on 13.10.2008 and 14.10.2008. It was brought out that remedial measures taken subsequently had resulted in tremendous improvement from 19.11.2008 onwards.

4. After consideration of the reply filed by the second respondent, the Commission concluded that the offence of non-compliance of the provisions of the IEGC against the first respondent was established. The Commission further held that by applying the deeming provisions of Section 149, the second respondent was also guilty of non-compliance of provisions of the IEGC, along with the first respondent. Accordingly, by order dated 9.1.2009, a penalty of Rs. one lakh was imposed on the first respondent for overdrawing electricity from the regional grid on 13.10.2008 and 14.10.2008 at frequency below 49.0 Hz, in violation of the

provisions of the IEGC. The first respondent has since deposited the amount of penalty.

5. As regards the second respondent, he was directed to personally appear before the Commission on 5.2.2009 for a hearing on the question of penalty.

6. We heard Shri D. D. Chopra, Advocate, and also the second respondent. We were briefed about the extenuating circumstances leading to over-drawl of electricity on 13.10.2008 and 14.10.2008. It was explained that because the month of October was the month of religious festivals such as Ramzan, Dushehra, the first respondent was compelled to over-draw from the grid to meet the increased demand. We were further informed that the second respondent had already relinquished charge of the office of the Managing Director of the first respondent.

7. The argument made by the second respondent does not convince us for the reason that on account of these festivals, other States whose share was drawn by the first respondent would have also faced the similar increase in demand. Further, the respondents have already been found guilty of the charge of non-compliance of the IEGC. In totality of the circumstances, we feel that the ends of justice shall be met by imposing a nominal and token penalty of Rs. one thousand only (Rs. 1000/-) on the second respondent. We order accordingly. The amount of penalty shall be deposited latest by 28.2.2009. The copy of this order be sent to the second respondent through the present Managing Director of the first respondent.

8. With the above, the proceedings initiated against the respondents vide order dated 27.11.2008 stand concluded. The file be consigned to the records.

Sd/-
[S. JAYARAMAN]
MEMBER

Sd/-
[R. KRISHNAMOORTHY]
MEMBER

Sd/-
[DR. PRAMOD DEO]
CHAIRPERSON

New Delhi, dated 13th February 2009