

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri R.Krishnamoorthy, Member**
- 3. Shri S.Jayaraman, Member**
- 4. Shri V.S. Verma, Member**

**Petition No. 112/2009
(Suo-motu)**

In the matter of

Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawal schedule by the Electricity Department, Daman & Diu.

And in the matter of

Electricity Department, Administration of Daman & Diu, Daman.....**Respondent**

ORDER

According to the Indian Electricity Grid Code (hereinafter referred to as "Grid Code"), all regional constituents are required to pay Unscheduled Interchange (UI) charges for the energy drawn by them in excess of their respective drawal schedules. The UI accounts are issued by the Regional Power Committee (RPC) Secretariat on a weekly cycle. Clause 5 of Annexure-I of Chapter 6 of the Grid Code clearly stipulates that payment of UI charges shall have a high priority and the concerned constituents shall pay the indicated amounts into the regional pool account operated by the RLDC within ten days of the issue of statement by the RPC Secretariat. Clause 7 of the said annexure further provides that if UI payments are delayed beyond 12 days from the date of issue of the statement, the defaulting constituents shall have to pay simple interest @ 0.04% for each day of delay. These time limits for payment of UI charges are further emphasized in clause (1) and (2) of regulation 10

of the Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 which came into force with effect from 1.4.2009.

2. It is seen from Western Regional Load Despatch Centre (WRLDC) report dated 5.6.2009 that arrears of UI charges payable by the respondent has been steadily increasing since March 2009 as indicated hereunder:

(Rs. in crore)

S.No.	Month	Amount payable at the beginning of the Month
(a)	March	6.45
(b)	April	13.06
(c)	May	14.37
(d)	June	15.39

3. In this connection, it is also significant that on an earlier occasion also, the respondent had defaulted in timely payment of UI charges, which attracted initiation of suo-motu proceedings vide the Commission's order dated 4.6.2008 in Petition No. 57/2008. Subsequently, the proceedings were dropped vide Commission's order dated 4.7.2008 based on the assurance given by the respondent vide its reply affidavit attested on 23.6.2008 and on noticing substantial compliance of the Commission's order dated 4.6.2008.

4. From the above account, prima facie it appears that the respondent has not complied with the provisions of the Grid Code and the undertaking given to the Commission. The respondent is hereby directed to show cause, latest by 30.6.2009 as to why action under Section 142 of the Electricity Act, 2003 should not be taken

against it for non-compliance of the provisions the Grid Code mandating timely payments of UI charges and also the undertaking given before the Commission.

5. List on 9.7.2009 for further directions.

6. Officer-in-charge of WRLDC and the Member – Secretary, WRPC or their representatives shall assist the Commission in the proceedings.

Sd/=
(V.S. Verma)
Member

Sd/=
(S. Jayaraman)
Member

Sd/=
(R. Krishnamoorthy)
Member

Sd/=
(Dr. Pramod Deo)
Chairperson

New Delhi, dated the 22nd June 2009