

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 86/2010 (Suo-motu)**

**Coram:**

**Dr. Pramod Deo, Chairperson  
Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member**

**DATE OF HEARING: 15.7.2010**

**DATE OF ORDER: 6.8.2010**

**In the matter of**

Contravention of the Directions of the Commission in order dated 30.10.2009 in Petition No. 137/2009

**And in the matter of**

Uttar Pradesh Power Corporation Ltd.

.....**Respondent**

**The following were present:**

1. Sh. Rahul Srivastava, Advocate, UPPCL
2. Sh. Mukesh Kumar Gupta, UPPCL
3. Sh. Satish Chandra, UPPCL

**ORDER**

The Commission in its order dated 30.10.2009 had imposed a penalty of Rs. 4.62 crores on UPPCL @ Rs. one lakh for each of the 462 contravention of the provisions of the Indian Electricity Grid Code (grid code) during the period 11.6.2009 to 19.6.2009. The respondent was directed to deposit the penalty latest by 15.11.2009.

2. Since the respondent did not take any step to deposit the penalty amount in compliance with the order of the Commission, a show cause

Order in Petition No. 86/2010 (suo-motu) dated 6.8.2010

notice was issued by order dated 30.3.2010 section 142 of the Act on the charge of contravention and non-compliance of the directions of the Commission. The respondent in its reply affidavit dated 22.5.2010, has submitted that the respondent had filed Writ Petition No. 10174 (MB) of 2009, challenging the order dated 14.10.2009 passed by the Adjudicating Officer in Adjudication Case No. 5/2009. The Hon'ble High Court of Allahabad (Lucknow bench) has passed an interim order by which the respondent was directed to deposit 30% of the amount of penalty with the Commission during the pendency of the petition. The respondent has faithfully complied with the interim order of the Hon'ble High Court. The respondent has further submitted that the order dated 30.10.2009 in Petition No. 137/2009 has been challenged before the Hon'ble High Court in Writ Petition No. 11704 (MB) of 2009. Since the ground of challenge in Writ Petition No. 10174/2009 and 11704/2009 are the same, the Hon'ble High Court has been pleased to tag both the writ petitions to be heard together.

3. The learned counsel for the respondent submitted that after hearing the parties in both the writ petitions on 13.7.2010, the High Court has allowed the prayer of the respondent for impleading Union of India through Ministry of Power. The matter is listed for hearing on 18.8.2010. The counsel for the respondent submitted that the hearing of the present petition may be deferred to a date subsequent to 18.8.2010.

4. We are of the view that the Hon'ble High Court has allowed partial stay of our order dated 14.10.2009 in Writ Petition No. 10174 by directing the respondent to deposit 30% of the penalty with the Commission. No such direction has been issued by the Hon'ble High Court in Writ Petition No. 11704/2009. Merely because the writ petitions are being heard together does not result in the extension of the stay in one petition in case of the other. The respondent still remains liable to deposit the penalty amount in terms of our directions dated 30.10.2009 in Petition No. 137/2009. As there is no stay on the operation of the said order, not depositing the penalty amount pursuant to our directions in order dated 30.10.2009 in Petition No. 137/2009 amounts to contravention of our order. Considering the totality of facts in this case, we give another opportunity to the respondent to deposit the penalty amount by 31.8.2010.

5. We direct the Managing Director, Uttar Pradesh Power Corporation Ltd., to take necessary steps to ensure that the penalty amount is deposited by 31.8.2010.

**sd/-**  
**(M. DEENA DAYALAN)**  
**MEMBER**

**sd/-**  
**(V. S. VERMA)**  
**MEMBER**

**sd/-**  
**(Dr. PRAMOD DEO)**  
**CHAIRPERSON**