

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 21/2010

Coram

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

DATE OF ORDER: 12.2.2010

In the matter of

Levy of additional UI charges consequent to the interim order dated 12.11.2009 of the Hon'ble High Court of Allahabad, Lucknow bench in writ Petition No. 10169 of 2009 (M/B) (UPPCL Vs. CERC & NRLDC)

And in the matter of

Northern Regional Power Committee, New Delhi

.... **Petitioner**

ORDER

Clause (3) of Regulation (7) of the CERC (Unscheduled Interchange charges and related matters) Regulations, 2009 (UI Regulations) provides as under:

“(3) In addition to UI Rate corresponding to frequency of 49.2 Hz, as stipulated under regulation 5, an Additional Unscheduled Interchange Charge at the rate equivalent to 40% of the UI Rate corresponding to frequency [below 49.22Hz] shall be applicable for over-drawal or under-injection of electricity for each time-block when grid frequency is below 49.2 Hz.”

2. UPPCL has filed writ Petition No. 10169 (M/B) challenging, *inter-alia* the provisions relating to levy to additional UI charges. In the above proceedings, the Hon'ble High Court of Allahabad, Lucknow bench, has vide its interim order dated 12.11.2009 directed as under:

“Under the circumstances we direct as an interim measure that the petitioner shall not be compelled to make the payment of 40% of the charges over and above the prescribed UI Charges which shall be deposited at Rs. 7.35/Kwh.

We are informed that petitioner has already deposited certain amount towards UI Charges. We, therefore, direct that the petitioner shall continue to deposit the UI charges but they shall not be compelled to deposit the additional 40% charges of the UI rate anymore till the next date of listing.”

3. NRPC vide its letter No. NRPC/SE(C)/09-10/176 dated 28.1.2010 has sought clarification regarding date of implementation of the above order of the High Court so that weekly UI accounts could be issued appropriately. It has been decided to treat the above letter as a petition, which we dispose of in the succeeding paragraphs.

4. Regulation (9) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008 (payment of fees regulations), provides that “the Commission may in appropriate cases and for reasons to be recorded in writing relax any of the provisions of these regulations”. Since the Northern Regional Power Committee (NRPC) has filed this petition for prompt discharge of its statutory functions which are not commercial in nature, we, in exercise of the power under regulation 9 of the payment of fees regulations, exempt the petitioner from payment of filing fee as prescribed in the above regulations.

5. As regards the clarification sought by the petitioner, we observe that the orders of the Hon’ble High Court are prospective in nature and need to be implemented only with effect from the date of the order. We also observe that the above interim order of the Hon’ble High Court does not prohibit raising of bills in accordance with the provisions of the UI regulations. NRPC may raise the bills accordingly. However, UPPCL shall not be compelled to deposit the additional 40% UI charges in compliance with the order of the High Court.

6. A copy of this order be also sent to UPPCL for information.

7. The petition is disposed of in the above terms.

sd/-
(V.S. VERMA)
MEMBER

sd/-
(S.JAYARAMAN)
MEMBER

sd/-
(Dr. PRAMOD DEO)
CHAIRPERSON