

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 177/SM/2012

Coram:

Shri V.S.Verma, Member

Shri M. Deena Dayalan, Member

Date of Order: 1.1.2014

In the matter of

Review of the order dated 2.7.2013 in Petition No. 177/SM/2012 regarding non-compliance of the Commission's directions and the provisions of the Electricity Act, 2003 and Central Electricity Regulatory Commission (Indian Grid Code) Regulations, 2010.

In the matter of

Suo-motu review by the Commission

And

In the matter of

Shri Anil Kumar Jain, Managing Director, Power Transmission Corporation of Uttarakhand, Dehradun

Shri Rajiv Gupta, Superintendent Engineer (System Operation), State Load Despatch Centre, Uttarakhand

Respondents

Order

Based on the information received from the Northern Regional Load Despatch Centre, the Commission by its order dated 17.8.2012 in Petition No. 125/MP/2012 directed the staff of the Commission to process the case for initiation of action under Section 142 of the Act against the officers in charge of STUs/SLDCs of the defaulting States, including respondents for imposition of penalty for non-compliance of the Commission's directions and the provisions of the Electricity Act, 2003 and the Grid Code. Accordingly, the Commission vide its order dated 7.9.2012 directed the respondents to show cause as to why penalty should not be imposed on them under Section 142 of

the Act and the penalty amount should not be recovered from their salary for contravention of the provisions of the Act, Grid Code, directions of NRLDC and orders of the Commission. The Commission after considering the reply filed by the respondents came to the conclusion that the respondents have not complied with the directions dated 10.7.2012 in Petition No. 125/SM/2012 and observed that there are no mitigating factors which exonerate the respondents from the charges initiated under Section 142 of the Act. Accordingly, the Commission vide its order dated 2.7.2013 had imposed a penalty of ₹ one lakh each on the respondent Nos. 1 and 2 for non-compliance with the provisions of the Act, Grid Code and directions of the Commission and NRLDC.

2. Chief Engineer, SLDC, Uttarakhand by its letter dated 10.10.2013 has brought to our notice that Shri Anil Kumar Jain, Respondent No. 1 had retired from PTCUL with effect from 19.4.2012 which was prior to the date of issue of show cause notice. A copy of the letter dated 24.9.2013 from Shri Jain has also been enclosed in which Shri Jain has explained that the alleged grid violation took place after his retirement and therefore, he should not be made responsible and penalized.

3. The information regarding retirement of Shri Gupta from the post of Managing Director, PTCUL was not brought to our notice at the time of issue of show cause notice. Even Shri Gupta, the Second Respondent and NRLDC also did not bring this fact to the notice of the Commission during the hearing of the petition on 25.9.2012 and 23.5.2013. The Commission had issued the impugned order dated 2.7.2013 imposing the penalty on the belief that Shri Jain

was still continuing as the Managing Director of PTCUL. Now Shri Jain has brought to our notice that he was not in-charge of PTCUL at the relevant period. We are of the view that Shri Jain cannot be held liable for the grid violation committed by PTCUL during the relevant period. Accordingly, in modification of our dated 2.7.2013, we withdraw the penalty of ₹ one lakh imposed on Shri Anil Kumar Jain.

Sd/-

(M. Deena Dayalan)
Member

sd/-

(V.S.Verma)
Member