

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 22/RP/2015**

**Coram:  
Shri Gireesh B.Pradhan, Chairperson  
Shri A.K.Singhal, Member  
Shri A.S.Bakshi, Member**

**Date of Hearing: 10.12.2015**

**Date of Order: 30.12.2015**

**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.

**And**

**In the matter of**

State Load Despatch Centre  
Power Transmission Corporation of Uttarakhand,  
Vidyut Bhawan, Mijra, Dehradun

**...Petitioner**

Vs.

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

**....Respondent**

**Parties Present:**

Shri Rajiv Gupta, Superintending Engineer, PTCUL

**ORDER**

Based on the direction of the Commission by its order dated 17.8.2012 in Petition No. 125/MP/2012, proceedings under Section 142 of the Electricity Act, 2003 (Act) was initiated against the officers in charge of STUs/SLDCs of the defaulting States. Shri Rajiv Gupta, Respondent herein, who was working as the in-charge of SLDC, Uttarakhand was directed to show cause as to why penalty

should not be imposed on him under Section 142 of the Act and the penalty amount should not be recovered from his 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 Shri Rajiv Gupta came to the conclusion that Shri Rajiv Gupta while discharging the functions of Officer-in-charge of SLDC has not complied with the directions dated 10.7.2012 in Petition No. 125/SM/2012 and imposed a penalty of ₹ one lakh for non-compliance with the provisions of the Act, Grid Code and directions of the Commission and NRLDC.

2. The Review Petitioner, State Load Despatch Centre (SLDC)/Power Transmission Corporation of Uttarakhand Limited (PTCUL), has filed the present review petition seeking review of the order dated 2.7.2013 in Petition No. 177/SM/2012.

3. The Review Petitioner has submitted the following submissions:

(a) SLDC in Uttarakhand State has not been given autonomous status, it functions under administrative control of STU (PTCUL) and SE (SO) is not the head of SLDC and does not operate independently. Therefore, personal responsibility shall not be fixed solely on the respondent;

(b) In Uttarakhand, UPCL has no Automatic Load Disconnection System (ALDS) and the violation are being due to delay in load shedding in absence of ALDS as it takes 30-40 minutes to pass on the messages.

Since over drawl has been due to system and procedural constraint and

technical reasons and the non-implementation of ALDS by DISCOM. Therefore, SE, SLDC shall not be held responsible personally;

(c) Shri A.K.Jain, MD, UPCL who was also holding the charge of head of STU as M.D., PTCUL had agreed to the problem in getting immediate relief by manual load shedding thus causing violations during low frequency and had given approval vide Note and Order No. 1645/MD/PTCUL/A-1 dated 20.10.11 that “due to absence of ALDS in DISCOM in case of any violation if any penal action/penalty imposed by CERC it shall be borne by UPCL (DISCOM)”. Penalty on Shri A.K.Jain who has given approval as above as M.D.UPCL and PTCUL has been withdrawn by the Commission vide order dated 1.10.2014;

(d) There is not a single event that over drawl has taken due any or disobedience or non-compliance by the respondent as SE, SLDC on messages ABC issued by NRLDC.

(e) Since SE (SO) has performed duties as per instructions and orders of M.D., PTCUL the head of STU Uttarakhand, the Commission may review order of personal penalty imposed on Shri Rajiv Gupta also as in the case of Shri A.K.Jain, MD, PTCUL.

4. The Review Petition was heard after notice to the petitioner. Shri Rajiv Gupta, SE (Testing and Commissioning), PTCUL in the matter and submitted that as SLDC is not independent and has to function in concurrence with PTCUL and the distribution company, and therefore, the desired load relief in response to the NRLDC’s messages could not be achieved and therefore, Officer-in-charge of SLDC should not be personally held liable for the penalty.

**Analysis and Decision:**

5. We have considered the submissions made in the review petition. It has been stated that SLDC is not independent in Uttarakhand and is operating under the administrative control of STU (PTCUL). It has been further stated that SE, SLDC should not be personally held responsible since the over drawl has been due to system and procedural constraints and technical reasons and non-implementation of ALDS by DISCOM (PTCUL). We are unable to accept the above submission as SLDC has a statutory responsibility to discharge under the Act and in case of violation of its direction by the DISCOM, it has the statutory recourse under Section 143 of the Act to approach the State Commission. There is nothing in record which shows that the respondent as the Officer-in-charge of the SLDC at the relevant point of time has invoked its statutory powers under the Act to enforce grid discipline.

6. Reliance has been placed on the case of waiver of penalty in case of Shri A.K.Jain, Ex-MD, PTCUL. In our view, the said case is distinguishable from the present case. Shri Jain had retired from PTCUL when over-drawal took place based on which the penalty was imposed and therefore, could not have been held responsible for over-drawal. In case of the respondent he was very much in position as Officer-in-charge of SLDC on the date of over-drawl.

7. In view of the above, we are not inclined to entertain the prayer for review of the impugned order dated 2.7.2013. Since SLDC/PTCUL has stated on affidavit that Shri Gupta was not responsible for over-drawl, despite being the Officer-in-charge of SLDC at the relevant point of time, the SLDC may decide

who will bear the penalty imposed on Shri Gupta and arrange to deposit the same within a period of one month from the date of issue of this order.

8. Review Petition is disposed of in terms of the above.

Sd/-

**(A.S.Bakshi)**  
**Member**

sd/-

**(A.K.Singhal)**  
**Member**

sd/-

**(Gireesh B.Pradhan)**  
**Chairperson**