

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.15/MP/2016

Subject : Petition seeking directions for preparation of UI account for underdrawl against collective transactions within specified time and for that payment of UI charges in terms of the Central Commission Regulations read with the Regulations of the State Commission.

Date of hearing : 27.10.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Rajasthan Steel Chamber

Respondents :Rajasthan Vidyut Prasaran Nigam Limited &Others

Parties present : Ms. Swapna Sheshadri, Advocate, RSC
Shri S.K. Agarwal, Advocate, Rajasthan Discoms
Dr. A.P. Sinha, Advocate, Rajasthan Discoms
Shri S.P. Das, Advocate, Rajasthan Discoms
Shri Pradeep Misra, Advocate, RVPNL
Shri A.K. Gupta, RVPNL
Shri Sushil Mathur, RVPNL

Record of Proceedings

Learned counsel for SLDC, Rajasthan submitted that present petition is not maintainable before this Commission as only the Rajasthan Electricity Regulatory Commission has jurisdiction to deal with the matter as the members of the petitioner association are embedded customers of the State. Learned counsel further submitted that the present case does not fall under the provisions of Section 79 (1) (a) to (d) of the Electricity Act, 2003, and therefore jurisdiction of the Commission under Section 79 (1) (f) of the Act cannot be invoked. Learned counsel submitted that the present dispute can be dealt with in accordance with Regulation 29 of the Rajasthan Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulations, 2004. Learned counsel submitted that notwithstanding the issue of jurisdiction, actual drawal with frequency stepping is not provided with the SLDC. Learned counsel submitted that SLDC is trying to get the data from the respective distribution companies and address the grievance of the petitioner.

2. Learned counsel for Rajasthan Discoms submitted that the tender for Central Bulling System has already been awarded and the software for calculation of UI account is ready. Learned counsel submitted that SLDC is trying to cull out the data from March 2012 to June 2016 which will take some time and accordingly, Rajasthan Discoms are praying for four weeks time.

3. Learned counsel for the petitioner submitted that Regulation 20 (4) of the Open Access Regulations, 2008 clearly provides that the mismatch for the intra-State entities shall be determined by SLDC. Therefore, the contention of SLDC that it is not the obligation of SLDC to determine mismatch between the schedule and drawl of the petitioner is not correct. Learned counsel for the petitioner submitted that as per Regulation 6 of Intra-State ABT Regulations, 2006, SLDC is responsible for implementation of intra-State ABT in consultation with other entities. Learned counsel further submitted that Regulation 20(5) of the Open Access Regulations, 2008, provides that unless specified otherwise by the concerned State Commission, UI rate for intra-State entity shall be 95% (for under-drawals or over generation) of UI rate at the periphery of regional entity. In Para 15 of the SLDC reply, SLDC has admitted that “in the absence of intra-State UI rate specified by the State Commission for collective transmission for settlement of UI account of the intra-State entity is not possible”. In the absence of intra-State UI rate, the UI rate for intra-State entity as per Regulation 20(5) of the Open Access Regulations shall be applicable. Learned counsel submitted that this Commission has jurisdiction to adjudicate the dispute as it involves implementation of the provisions of the Open Access Regulations. Learned counsel requested for issue of suitable directions to SLDC for settlement of the UI dues of the members of the petitioner association in terms of Regulation 20 (5) of the Open Access Regulations.

4. Noting the submission of learned counsel for Rajasthan Discoms, the Commission directed Discoms to submit ABT data to SLDC on or before 30.11.2016 and directed SLDC to settle the UI accounts of the petitioner by 10.12.2016 and file an affidavit by 15.12.2016.

5. The petition shall be listed for hearing on 20.12.2016.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**