

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri R. Krishnamoorthy, Member**
- 3. Shri S. Jayaraman, Member**

Petition No. 117/2007

In the matter of

Directions to the NR constituents to honour the power transfer limits and curb the overdrawals from the grid so that the entire NEW electricity grid is secure.

And in the matter of

Northern Regional Load Despatch Centre, New Delhi

.....Petitioner

Vs

1. Uttar Pradesh Power Corporation Limited, Lucknow.
2. Power Development Department, Govt. of Jammu & Kashmir, Jammu.
3. Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur.
4. Punjab State Electricity Board, Patiala.
5. Haryana Vidyut Prasaran Nigam Limited, Panchkula.
6. Delhi Transco Limited, New Delhi.
7. Himachal Pradesh State Electricity Board, Shimla.
8. Power Transmission Corporation of Uttaranchal Limited, Dehradun.
9. Electricity Department, UT Chandigarh, Chandigarh.

....Respondents

ORDER

The Commission by its order dated 7.11.2007 specified a scheme for levy of 'congestion charge' of 300 paise/kWh (hereinafter referred to as 'the scheme') for Northern Region constituents under certain conditions. The scheme was initially to be in force for a period of three months with effect from 19.11.2007, as a contingency measure. The Commission by order dated 15.2.2008 extended the scheme, as initially specified in the order dated 7.11.2007, up to 5.10.2008.

2. Uttar Pradesh Power Corporation Limited (UPPCL) filed a Writ Petition No. 2153 (MS) of 2008 before the Lucknow Bench of the Hon`ble High Court of Judicature at Allahabad against the said order dated 15.2.2008. The Hon`ble High Court vide its order dated 1.5.2008, *inter-alia*, directed as under:

“Prima facie case for interim relief is made out.
Till the next date of listing, if any notice being issued in pursuance of the impugned order dated 15.2.2008; the same shall be kept in abeyance.”

3. We have carefully considered the scope and import of the above order of the Hon`ble High Court. In our view the Hon`ble High Court has been pleased to stay the operation of any notice that may be issued pursuant to the order dated 15.2.2008, but there is no stay against operation of the said order dated 15.2.2008 nor against its extension beyond 5.10.2008 as such. Based on the facts available, The Commission has been advised that the Hon`ble High Court's order does not interdict continued levy of congestion charge, but has stayed issuance of notice to the petitioner before it, that is, UPPCL.

4. The conditions prevailing at the time of issue of order dated 7.11.2007 continue to exist and grounds for levy of the congestion charge still hold good. It is, therefore, directed that subject to the orders of the Hon`ble High Court, the scheme specified in the order dated 7.11.2007 shall continue to apply for a period up to 31.3.2009 or till such time the revised scheme is statutorily specified, whichever is earlier.

5. The petitioner is further directed to file a quarterly report on the actual operation of the scheme of 'congestion charge', listing each occasion of its levy, with reasons/ causes, start and end times, and net amount collected.

Sd/-
(S. JAYARAMAN)
MEMBER

Sd/-
(R. KRISHNAMOORTHY)
MEMBER

Sd/-
(DR. PRAMOD DEO)
CHAIRPERSON

New Delhi, dated the 15th October 2008