

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

Petition No. 80 of 2009 (Suo Motu)

- Coram : Dr. Pramod Deo, Chairperson
Shri R.Krishnamoorthy, Member
Shri S. Jayaraman, Member
Shri V.S. Verma, Member
- Date of hearing : 21.4.2009
- Subject : Maintenance of Grid Discipline –Non - compliance of the provisions of the Indian Electricity Grid Code
- Respondents : 1. Transmission Corporation of Andhra Pradesh Ltd., Hyderabad
2. Shri Suthirtha Bhattacharya, Chairman & Managing Director, Transmission Corporation of Andhra Pradesh Ltd., Hyderabad
- Parties Present : 1. Shri Sanjay Sen, Advocate, APTRANSCO
2. Shri S.N. Murthy, APTRANSCO
3. Shri K. Ramakrishna, SRLDC
4. Shri Ajit Singh, SRPC

Learned counsel for the respondent submitted that subsequent to the initiation of the proceedings, there has been a marked improvement in the behaviour of the respondent. In support of this, he submitted the status report regarding the drawal by the respondent during April, 2009. He added that the above information was received only in the morning and that he would file the same on an affidavit in the course of the day. Officer of the respondent submitted that the respondent had made addition of 1000MW to its capacity and there would not be any further over-drawal from the grid.

2. Learned counsel for the respondent submitted that as per a judgment of the hon'ble Appellate Tribunal, penalty was to be imposed only in case of deliberate over-drawal. According to him, element of mens rea was necessary in such proceedings. He submitted that in the instant case, the respondent had stopped over-drawl after issue of the show cause notice and the case was to be viewed in the light of this factual position. To the pointed question as to whether

repeated over-drawal could be construed as unintentional, learned counsel answered that habitual offenders have to be dealt with appropriately. However, with regard to the present case, he submitted that corrective measures were taken by the respondents immediately.

3. The Commission pointed out to the learned counsel that the respondent had claimed in the reply affidavit sent through FAX that the CMD was not concerned with the over-drawal and that over-drawal was sought to be justified on the plea that the officers had acted in good faith. Learned counsel for the respondent fairly conceded that a violation was a violation. Learned counsel also submitted that language of the affidavit might require refinement as this was drafted by technical persons and he would do the needful shortly. He reiterated that immediate corrective measures were taken by the respondent and this aspect needed to be taken cognizance of in the case.

4. Learned counsel was directed to file the formal reply and the status report of over-drawal under an affidavit within one week.

5. Subject to this, the Commission reserved its orders.

Sd/=
(K.S. Dhingra)
Chief (Legal)