

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.1/RP/2012
In Petition No. 158/2011 (Suo motu)**

Sub: Review of the order dated 12.7.2011 in Petition No. 158/2011 (Suo motu)- Default in payment of Unscheduled Interchanges (UI) for the energy drawn in excess of the drawn schedule by Department of Power, Government of Mizoram, Aizawal.

Date of hearing : 9.2.2012

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S. Verma, Member
Shri M.Deena Dayalan, Member

Review Applicant : Secretary, Department of Power, Government of Mizoram, Aizawal.

Parties present : Shri Pragyan Sharma, Advocate for the petitioner
Shri Rupesh Gupta, Advocate for the petitioner

Record of Proceedings

The learned counsel appearing on behalf of Shri Van Hela Pachuau, Chief Secretary and Secretary I/C, Power and Electricity Department, Government of Mizoram (hereinafter the "Review Applicant") submitted that the Commission in its order dated 27.9.2011 had directed Department of Power, Government of Mizoram and Secretary In-charge of the said Department to liquidate the outstanding UI dues of ₹ 2.64 crore including surcharge as on 20.9.2011. In the said order, the Secretary, Department of Power was directed to personally appear before the Commission on 18.10.2011 and explain the reason for non-compliance with the provisions of Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 as amended from time to time ("UI Regulations"). Learned counsel submitted that the said order dated 27.9.2011 was not brought to the notice of the Review Applicant who was holding the additional charge of the Secretary, Department of Power, Government of Mizoram and therefore, the Review Applicant could not appear before the Commission.

2. Learned counsel submitted that the order dated 25.10.2011 imposing a penalty of ₹ 1 lakh was received by the Review Applicant on 22.11.2011. On receipt of the said order, the Review Applicant immediately enquired about the summon for personal appearance from the concerned officer of Department of Power and Electricity. After inquiry, it was informed to the Review Applicant that the order dated 27.9.2011 was received in the Secretariat of the Secretary, Department of Power on 11.10.2011 on which date the Review Applicant was in London for training programme organized by Ministry of Personnel, Public Grievance and Pensions, Government of India. The Review Applicant returned to Delhi on 16.10.2011 and after attending the meeting reached Aizwal on 17.10.2011.

3. The learned counsel further submitted that order dated 27.9.2011 was never brought to the notice of the Review Applicant due to administrative lapses in the Department of Power for which the Review Applicant could not appear before the Commission on 18.10.2011. Therefore, non-appearance was unintentional. The learned counsel further submitted that the personal liability for penalty would cause severe harm to the career and future of Review Applicant. The learned counsel submitted that the Review Applicant has undertaken to introduce a proper system to attend the proceedings and comply with the orders of the Commission sincerely and timely by the Office of Engineering- in-Chief, Department of Power, and Government of Mizoram. The learned counsel requested for review of the order of the Commission imposing personal liability of the Review Applicant. The Commission directed that action taken on the officials at default be reported.

4. Accordingly, the Commission directed the Review Applicant to file a detailed affidavit indicating the action taken by him against officials responsible for lapses, on or before 2.3.2012.

By Order of the Commission

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