

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

I.A No. 90 of 2017
in
Petition No. 15/MP/2016

Coram:

**Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member**

Date of Order: 29.1.2018

In the matter of

Interlocutory Application under section 94(2) of the Electricity Act, 2003 read with Regulations 103A and 114 of the CERC (Conduct of Business) Regulations, 1999

And

In the matter of

Petition seeking directions for preparation of UI account under drawl against collective transactions within specified time and for payment of UI charges in terms of the Central Commission regulations read with Regulations of the State Commission

And

In the matter of

M.R. Industries
E-138/139, RIICO Industrial Area, Phase-II,
Bagru Extension, Bagru,
Jaipur

..... Applicant

And

Rajasthan Steel Chambers

.....Petitioner

Vs

State Load Despatch Centre, RVPNL
& 5 ors.

..... Respondents

Parties present:

Ms. Swapna Seshadri, Advocate, MRI
Ms. Rhea Luthra, Advocate, MRI
Ms. Parichita Chowdhary, Advocate, MRI
Shri Pradeep Misra, Advocate, RVPNL
Shri Naresh Kumar Agarwal, RVPNL



ORDER

This Interlocutory Application has been filed by M.R. Industries, a Member of Rajasthan Steel Chambers under section 94(2) of the Electricity Act, 2003 read with Regulations 103A and 114 of the CERC (Conduct of Business) Regulations, 1999 seeking the following reliefs:

(i) Recognize the Applicant- M.R.Industries as a member of the Petitioner Association- Rajasthan Steel Chambers;

(ii) Clarify that the Applicant shall be covered by the final order dated 29.9.2017; and

(iii) Pass such further order(s) as the Commission may deem just in the facts and circumstances of the matter.

Background

2. Petition No. 15/MP/2016 was filed by Rajasthan Steel Chambers, an association of Steel Industries in the State of Rajasthan to represent the interest of its Members who are the consumers of the Distribution Companies in the State of Rajasthan (JVNL, JdVNL and AVNL) amongst others, seeking directions on the Respondents to compile and provide UI Energy Accounts of the Members of Petitioner Association from March, 2012 till date and also to direct the Respondents to pay for the under-drawal of the UI charges computed based on the energy accounting the Open Access to Inter-State transmission Regulations, 2008 of this Commission as applicable to Intra-State entities. The Commission by order dated 29.9.2017 disposed of the said Petition directing as under:

“40. SLDC has submitted that the data received in excel sheet from all the three discoms is being examined to ascertain whether these data and the energy account provided could be utilized to finalize the UI account or not. The SLDC has also submitted that it is not practically possible for SLDC to finalize UI accounts of 41 consumers for the period March, 2012 to 25.2.2016 in a short period of time. It has further stated that it is poised to put all efforts to implement the direction of the Central Commission in minimum possible time. In this background, we direct that SLDC shall finalize and settle the UI accounts of the members of the Petitioner association within 3 months from the date of this order.”



3. The Applicant in the IA has submitted that after disposal of the said Petition it had obtained copies of all the pleadings and realized that there was an error / omission in the list of the Members of the Petitioner Association (attached with the original Petition) as the same did not include the name of the applicant. It has further submitted that it has been a Member of the Association from its very inception and had relied on the Association to handle all electricity matters on its behalf. The applicant has also enclosed copy of the affidavit signed by the President of the Petitioner Association acknowledging and accepting the error in the said list. In view of this, the applicant has prayed that it must be covered by the Commission's order dated 29.9.2017 in order to avoid any obstacles or confusion as regard to its applicability to the applicant. The applicant has submitted that the Commission has the powers under section 94(2) of the Electricity Act, 2003 read with Regulations 103A and 114 of the CERC (Conduct of Business) Regulations, 1999 to amend its orders and has accordingly prayed that the reliefs stated in para 1 above may be granted.

4. The matter was heard on 16.1.2018 on 'admission'. During the hearing, the learned counsel for the applicant submitted that the reliefs sought for may be allowed as the applicant being a Member of the Petitioner Association is to be covered by the Commission's order dated 29.9.2017. The learned counsel further submitted that the President of the Petitioner Association vide affidavit dated 11.11.2017 had acknowledged the fact that the applicant is a Member of the Petitioner Association and that there was an inadvertent error in the list attached to the original Petition as it did not include the name of the applicant. Accordingly, the learned counsel prayed that the application may be allowed in terms of the prayer made therein.



5. We have examined the matter. The applicant has submitted that the Commission in exercise of its powers under Regulations 103A and 114 of CERC (Conduct of Business) Regulations, 1999, may amend the order dated 29.9.2017.

Regulations 103A and 114 of the said Regulation provides as under:

“103A. Amendment of orders- Clerical or arithmetical mistakes in the orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Commission either of its own motion or on the application of any of the parties.”

114. General power to amend - The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any Proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

6. In terms of the above provisions, any clerical or arithmetical mistakes in the order arising due to accidental slip or omissions can be corrected by the Commission either on its own motion or an application filed by the parties. Similarly, the Commission has the power to amend any defect or error in the proceedings for the purpose of determining the real question or issue. In the present case, the order dated 29.9.2017 was passed by the Commission based on the submissions and the documents furnished by the parties. Therefore the non-inclusion of the name of the applicant in the list furnished by the Petitioner Association in the original Petition cannot be construed as an error apparent on the face of the order warranting review of the said order. Also, there is no defect or error in the said proceedings which warrant any correction or amendment to determine the real issue. Hence the prayer of the applicant for clarification / amendment of the order dated 29.9.2017 is not maintainable. However, considering the fact that the applicant is a member of the Petitioner Association, we grant liberty to the applicant to file appropriate application seeking reliefs on this count.



7. One more submission of the learned counsel is that in case the applicant is granted liberty to file application seeking the reliefs as aforesaid, the filing fee in respect of such application may be waived by the Commission. We direct the applicant to file the appropriate application in terms of the liberty granted above along with the request for waiver of fees, which shall be considered in accordance with law.

8. IA No.90 of 2017 is disposed of in terms of the above.

**Sd/-
(M.K.Iyer)
Member**

**Sd/-
(A.S.Bakshi)
Member**

**Sd/-
(A.K.Singhal)
Member**

