

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 87/MP/2018

Coram:

**Shri P.K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member**

Date of order: 2nd March, 2021

In the matter of

Petition seeking directions for preparation of UI account for under drawl 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.

And

In the matter of

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

.....Petitioner

Vs

1. Rajasthan Vidyut Prasaran Nigam Limited
Vidhyut Bhawan, Jyoti Nagar, Jaipur
2. The State Power Committee Rajasthan Vidyut Prasaran Nigam Limited
Vidhyut Bhawan, Jyoti Nagar, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited
Vidhyut Bhawan, Jyoti Nagar, Jaipur
4. Jodhpur Vidyut Vitran Nigam Limited
New Power House, Industrial Estate, Jodhpur
5. Ajmer Vidyut Vitran Nigam Limited
Vidhyut Bhawan, Makarwali Road, Panchsheel Nagar,
Shastri Nagar, Ajmer- 305004

....Respondents



ORDER

This Petition has been filed by the Petitioner, M.R. Industries, seeking directions on the Respondents for preparation of UI Energy Accounts of the Petitioner and for payment of UI charges for under-drawl of electricity purchased and paid for inter-State collective transactions under the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008 read with Rajasthan Electricity Regulatory Commission (Intra-State ABT) Regulations, 2006.

2. The Petitioner is a Member of 'Rajasthan Steel Chambers', an association of Steel Industries in the State of Rajasthan, representing the interest of its Members, who are consumers of the distribution companies in the State of Rajasthan. Rajasthan Steel Chambers had filed Petition No. 15/MP/2016 seeking directions on the Respondents for preparation of UI Energy Accounts for under-drawl against collective transactions within specified time and for payment of the UI charges. The Commission in its 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. Subsequently, the Petitioner had filed IA No. 90 of 2017 under Regulation 103A and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking amendment of the order dated 29.9.2017 in



Petition No. 15/MP/2016 on the ground of non-inclusion of the name of the Petitioner in the list furnished by the Association in the original Petition and for Commission's order dated 29.9.2017 to be made applicable to the Petitioner also. The Commission by order dated 29.1.2018 rejected the prayer of the Petitioner and disposed of the said IA as under:

"6. 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."

4. Thereafter, the Petitioner had filed I.A No. 63 of 2018 for waiver of filing fee for the present Petition and also prayed that the amount of Rs.1,00,000/- paid in IA No. 90/2017 in Petition No. 15/MP/2016 be adjusted against the filing fee for the IA No. 63/2018. According to the Petitioner, due to inadvertent error and oversight, the name of the Petitioner was not included in the list furnished in Petition No. 15/MP/2016, though it has paid its share of Rs. 75,000/- to the said Association towards filing of the petition. The Petitioner had pointed out that since the prayer in the said IA is the same as those prayed in this Petition, the fees of Rs. 1,00,000/- already deposited (in IA 90/2017) may be adjusted towards the filing of this IA. The Commission in its order dated 16.10.2018 rejected the Petitioner's prayer for waiver of filing fee and directed the Petitioner to deposit the filing fee of the present Petition and IA within two weeks from the issuance of the order. Relevant portion of the said order dated 16.10.2018 is extracted as under:

"7. The matter has been considered. The Commission in its order dated 29.1.2018 in IA 90/2017 had considered the submissions as regards the non-inclusion of the name of the Petitioner in Petition No.15/MP/2016 and had rejected the prayer of the Petitioner for amendment of order dated 29.9.2017. Having heard and disposed of



IA No.90/2017 as such, there is no reason for adjustment of the filing fees of Rs one lakh towards filing the present IA on the ground that the prayers are similar. Even otherwise, the payment of share of `75000/- by the Petitioner to Rajasthan Steel Chambers (Association) and the non-inclusion of the Petitioner's name in Petition No.15/MP/2016 by the Association are entirely matters between the Petitioner and the Association and the same cannot be a ground for waiver of court fees. In the above background, the prayer of the Petitioner for waiver of Court fees for filing the present Petition and the IA is rejected. As per Regulation 6(a) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, the fee to be charged for Interlocutory Application is Rupees One lakh and for Miscellaneous Application is Rupees three lakh. Accordingly, the Petitioner is directed to deposit the filing fees for the present Petition and the IA within two weeks from the date of this order."

5. As per Regulation 6(a) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 (hereinafter referred to as 'the Payment of Fees Regulations'), the Petitioner was required to pay filing fee of Miscellaneous Petition and IA of Rs. three lakh and Rs. one lakh respectively.

6. Clause 2 of Regulation 11 of the Payment of Fees Regulations provides as under:

"11. (1).....

(2) Without prejudice to the liability for late payment surcharge, the Commission may take any other action as may be considered appropriate for non-compliance of these regulations if payment of fees is delayed beyond two months from the due dates of payment as specified in these regulations."

7. It has been brought to our notice by the staff of the Commission that the Petitioner has still not made payment of filing fee for the instant Petition and IA No. 63/2018, which was payable by 30.10.2018 in terms of our order dated 16.10.2018 despite issuance of reminder dated 18.9.2019. Since the Petition is pending since 2018 and no response has been received from the Petitioner or its counsel as regards payment of filing fee. It appears that the Petitioner does not want to pursue this Petition. Accordingly, the Petition is dismissed for non-compliance of the



provisions of Payment of Fees Regulations and the order of the Commission dated 16.10.2018 directing the Petitioner to deposit filing fee for the present Petition and IA within two weeks from the issuance of the order.

8. With the above, the Petition No.87/MP/2018 is disposed of.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(P.K. Pujari)
Chairperson**

