

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Record of Proceedings**

PETITION NO.152/2008 (Suo-motu)

Subject: Maintenance of Grid Discipline – Compliance of provisions of the Indian Electricity Grid Code.

Coram : Dr. Pramod Deo, Chairperson
Shri Bhanu Bhushan, Member
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member

Date of Hearing : 16.12.2008

Respondents : 1. UPPCL, Lucknow.
2. Shri Awanish Awasthi, Managing Director,
UPPCL, Lucknow.

Parties present : Shri D.D. Chopra, Advocate, UPPCL
Shri. Ashok Kumar, UPPCL
Shri. S.P. Gupta, UPPCL
Shri. V.P. Trivedi, UPPCL
Shri. S.R. Narasimhan, NRLDC
Shri. V. K. Agrawal, NRLDC.

At the outset, learned counsel for the respondents conceded that there had been defaults on the part of the State utility, especially on 13th and 14th October 2008 and conveyed their apology. He added that remedial measures were taken subsequently and there had been tremendous improvement from 19.11.2008 onwards. He submitted that the constraints faced by the State were very well known to the Commission and in view of this and the subsequent conduct of the respondents, he prayed that a lenient view might be taken.

2. It was pointed out to the respondents that constraints faced by the State had been relied upon repeatedly in the past also and the same could not be a justification for overdrawal at the cost of other constituents of the grid and its security. Any utility facing such constraints should either live with the problem or take other actions permissible under the law to overcome the constraints.

3. When asked to specifically provide the response of the second respondent to the notice under Section 149 of the Electricity Act, 2003, (the Act), learned counsel submitted that the second respondent had not willfully or deliberately

disobeyed the orders of the Commission or the IEGC and hence he was liable to be discharged by virtue of the proviso to the above Section, and further pleaded that the second respondent deserved a lenient view. To the pointed question as to whether the second respondent had issued any instructions for refraining from overdrawal, the representative of the respondents answered in the affirmative.

4. The Commission directed that the documentary evidence in support of the action of the second respondent be submitted within a week

5. Subject to the above, orders were reserved.

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