

CENTRAL ELECTRICITY REGULATORY COMMISSION

RECORD OF PROCEEDINGS

Petition No. 87/2008

Subject: Implementation of ABT with effect from 1.1.2007 in Intra-State Central Generating Station NLC, TPS-I supplying power to the sole beneficiary TNEB—Seeking Commission's directions for adopting correct version of processing software for the period from 1.1.2007 to 21.1.2007.

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

Petitioner: NLC

Respondents: SLDC and TNEB

Date of hearing: **30.9.2008**

Parties present: Shri. R.Suresh, NLC

The petitioner has made this application with specific prayers as follows:

- “(a) To take on record the present petition and the submissions of NLC thereof;*
- (b) To disapprove the methodology adopted by SLDC/TNEB in the matter of processing the energy injected during the period from 1.1.2007 to 21.1.2007 with defective old software.*
- (c) To give specific directions to process the energy injected by NLC-TPS-I for the period from 1.1.2007 to 21.1.2007 as per the correct new version of the processing software;*
- (d) To pay the amount of RS.154.30 lakhs as UI receivables calculated as per the new correct version of software, to NLC for the period from 1.1.2007 to 21.1.2007.*
- (e) To refund the amount of Rs.76.49573 lakhs along with interest, wrongly calculated and deducted by TNEB using defective old software for the period from 1.1.2007 to 21.1.2007*
- (f) To direct SLDC to act as a neutral and independent firm in such matters as envisaged under the Electricity Act 2003*
- (g) To pass such orders as deemed fit by the Hon'ble Commission.*

2. The representative of the petitioner explained that as per the directions contained in the Commission's order dated 6.12.2006, ABT was implemented with effect from 1.1.2007. The first respondent started preparing energy accounting based on the Lucid decoding software developed and furnished by M/S L&T for decoding the downloaded data from ABT meters and converting them as output energy for the purpose of UI accounting. As the petitioner noticed the discrepancy between the ex-bus energy values monitored vis-a-vis those downloaded, the matter was immediately reported to M/s L&T (OEM) on 12.1.2007. M/s L&T informed the petitioner that the problem was on account of wrong version of the Lucid software and the correct version of the Lucid software was installed on 22.1.2007. However, the first respondent continued energy accounting based on the old version of Lucid software on the ground that the new version of Lucid software was modified by the petitioner unilaterally as per its requirement.

3. Aggrieved thereby, the petitioner filed Petition No. 71/2007 seeking the intervention of the Commission to adjudicate the dispute relating to energy accounting and appropriate directions to the respondents to accept the proven version of Lucid software installed on 22.1.2007. The Commission by its order dated 1.10.2007 directed that the parties should adopt new version of software for the purpose of billing from the date of hearing of the petition i.e 21.8.2007. Subsequently, the Commission by its order dated 14.3.2008 directed that for the period 22.1.2007 to 20.8.2007 energy accounting was to be done using the new Lucid software.

4. In the above backdrop, the representative of the petitioner submitted that it had preferred bills of UI upon the second respondent for payment of an amount of Rs.2, 58, 42,744/- for the period from 22.1.2007 to 20.8.2007 based on the order 14.3.2008. The second respondent after adjusting an amount of Rs.76, 49,573/- allegedly payable by the petitioner on UI account for the period from 1.1.2007 to 21.1.2007 on the basis of the old software, made payment of the balance amount of Rs.1,81,93,171/-. According to the petitioner, the energy output as per the old software does not represent correctly the entire energy injected by the petitioner and if the correct version of the software is considered, the petitioner is entitled to receive an amount of Rs.154.3 lakh as UI during the period in question (1.1.2007 to 21.1.2007). The representative of the petitioner submitted that the Commission having recognized in its order that the old version of the software cannot be taken into effect for UI calculations for the period from 22.1.2007, it could only be prudent on part of the second respondent, having consumed the energy injected, to consider the correct version of the software for the period from 1.1.2007 to 21.1.2007 also. The representative of the petitioner further submitted that the correct version of processing software had to be adopted for the period 1.1.2007 to 21.1.2007 as well.

5. The Commission after hearing the representative of the petitioner admitted the petition and ordered notice on the respondents.

6. The petitioner is directed to serve copies of the petition to the respondents, latest by 30.11.2008. The respondents may file their response by 20.12.2008 with advance copy to the petitioner who may file its rejoinder, if any, by 27.12.2008.

7. The petition will be listed on 13.1.2009 for further directions.

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