

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Suo-moto proceedings initiated under section 142 of the Electricity Act, 2003 for Non-compliance of the Commission's Directions

And

In the matter of:

Non-implementation of Order dated 09.10.2012 of the Ombudsman (Electricity) in the matter of IDPL, Virbhadra, Rishikesh

&

1. MD, Uttarakhand Power Corporation Limited (UPCL) Respondent 1
2. General Manager, M/s IDPL, Virbhadra, Rishikesh Respondent 2

Coram

Shri C.S. Sharma

Member-Chairman

Shri K.P. Singh

Member

Date of Hearing: May 15, 2014

Date of Order: May 16, 2014

The hearing was held in the matter wherein the Respondents were heard. Respondent No. 1 namely UPCL submitted that the Order dated 09.10.2012 of the Ombudsman (Electricity) have not been complied till date due to certain difficulties and complexities in implementation of the Order and that the matter is also subjudice before the Hon'ble High Court of Uttarakhand.

Respondent No. 2 also appeared before the Commission and apprised about the crisis including financial difficulties which M/s IDPL is facing. The representative of Respondent No. 2 also submitted that UPCL and IDPL may jointly work out the outstanding dues and agree on the amount including its payment terms to the satisfaction of both the parties in order to resolve the dispute. Respondent No. 2 also assured that any

mutual agreement on payment arrived thereof will be met by IDPL considering its revival package which is under advance stage of approval by the competent authority.

The Commission held that the current proceedings are limited to the proceedings under section 142 of the Electricity Act, 2003 for non-compliance of the Orders of the Ombudsman in the matter, and accordingly, asked the Respondent No. 1 to submit cause for non-implementation of the Order of the Ombudsman and if there is any injunction obtained from the superior Courts in this regard to which Respondent No. 1 denied of having such stay or injunction in the matter. However, Respondent No. 1 submitted that it has appealed against the Order of the Ombudsman in the Hon'ble High Court of Uttarakhand and the matter is subjudice.

The Commission considered the submission made by UPCL as legally unsustainable and hereby Orders that:

1. MD, UPCL should submit the date by which the Order dated 09.10.2012 of the Ombudsman (Electricity) will be implemented.
2. Compliance on the direction issued at Sl. No. 1 above be submitted to the Commission within five working days from the date of the Order, failing which, proceeding for imposition of penalty on the licensee & persons responsible for non-compliance shall be initiated under the provisions of the Act.

(K.P. Singh)
Member

(C.S. Sharma)
Member-Chairman