

ORDER

Complaints have been received by the Commission from time to time that notwithstanding clear directions contained in the tariff orders dated 08.09.2003 and 25.04.2005, UPCL has been unauthorisedly realising charges from consumers by way of System Loading Charges. The Commission dealt with such complaints in para 7.2.3 of its order dated 25.04.2005 and has since been pointing out to UPCL through various communications that realisation of such charges is unauthorised and invites punitive action. UPCL has recently made a factually incorrect submission creating an impression that its application pertaining to System Loading Charges dated 20.08.2003 is still pending for Commission's decision. The correct position is that reply to the said application was sent to UPCL on 26.04.2004 advising them to file their proposals with full details alongwith ARR for the year 2004-05. Submissions made by UPCL in the ARR were dealt with and disposed off in para 7.2.3 of the tariff order dated 25.04.2005. This position has again been pointed out clearly in the order of the Consumer Grievances Redressal Forum dated 14/17.12.2005.

2. Section 62(6) of the Electricity Act, 2003 clearly stipulates that any charge over and above the tariff determined by the Commission, if realised shall be refunded to the concerned person along with interest thereon. The Consumer Grievances Redressal Forum, Kumaon Zone, Haldwani who were approached by some consumers in this connection passed an order on 14/17.12.2005 directing UPCL to refund the excess amount realised by way of system loading charges after 20.09.2003 from the following petitioners:

- i) M/s Khatema Fibres Ltd.
- ii) M/s Tribhuvan Ispat Ltd.
- iii) M/s Shivangi Craft Ltd.
- iv) M/s Kashi Vishwanath Steels Ltd.

3. UPCL has not complied with the above directions of the Consumer

Redressal Forum, Kumaon Zone, Haldwani. M/s Kashi Vishwanath Steels Ltd., who was one of the Petitioners whose petition was decided by the Consumer Redressal Forum, has now brought the matter of non-compliance of Forum's directions before the Commission.

4. *Prima-facie* UPCL is guilty of continued non-compliance of not only the directions contained in Commission's tariff order but also of flouting the Consumer Redressal Forum's specific order given on 14/17.12.2005 for refund of excess amount realised from these consumers, after 20.09.2003.

5. Accordingly, UPCL is hereby given notice to show cause within 30 days why action should not be initiated against it under section 146 read with section 149 of the Electricity Act, 2003 for its failure to comply with orders of the Forum dated 14/17.12.2005. If no satisfactory reply is received within the stipulated period it will be presumed that UPCL has nothing to say in the matter and action as proposed will be initiated.

Date: 21.02.2006

Sd/
(Divakar Dev)
Chairman