

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Complaint filed by Sh. Manohar Singh Rawat against Electricity Officers in Munsiyari Division and Pithoragarh.

Coram

Shri V.J. Talwar Chairman

Shri Anand Kumar Member

Date of Order: 06 October, 2010

ORDER

An order was issued on 23.04.2010 in the case of personal hearing in the above matter held at Nainital on 17.04.2010 during which General Manager (Kumaon zone), Dy. General Manager, Electricity Distribution Circle- Ranikhet and Sub Divisional Officer- Munsyari were present.

2. Vide above order, the licensee was directed to:
 - (1) Get the case investigated by its vigilance department and submit a report thereon within 15 days of issuance of the order.
 - (2) To show cause why an action should not be taken against the licensee for violating the provisions of Regulation & Tariff Order and not including the

excess load penalty based on MDI reading for non-domestic consumers as in the above case within 15 days of issuance of the order.

- (3) However, no compliance report on the above directions was submitted by UPCL and therefore, UPCL was requested to submit the compliance on the above order first by 07.06.2010 vide letter No. 439 dated 21.05.2010 and then by 20.07.2010 vide letter No. 699 dated 06.07.2010.
- (4) As the Licensee had not submitted any compliance report/reply on the directions issued in the order dated 23.04.2010, inspite of repeated reminders, a notice for hearing under section 142 read with section 146 of the Electricity Act, 2003 was issued to MD, UPCL on 04.08.2010 for appearing before the Commission alongwith concerned officers for hearing on 10.08.2010 at 03:00 PM in the Commission's office and to show cause why an action should not be taken by the Commission against concerned officers of licensee for violating the provisions of Regulation, Tariff order & Commission's directives in this regard. The hearing was postponed and held on 19.08.2010 at 11:00 AM.
- (5) MD, UPCL alongwith General Manager (Kumaon Zone) and Dy. General Manager, Electricity Distribution Circle- Ranikhet appeared before the Commission and submitted the reply orally as well as in writing. On direction (1) of order dated 23.04.2010, it has been submitted that SP of vigilance cell, UPCL vide letter dated 04.05.2010, was directed to investigate the matter but the said officer of vigilance cell was returned to the police department as per orders of that department in the month of May 2010. Another officer of the rank of SP has joined the vigilance cell in UPCL on 27.07.2010 and has been directed vide letter dated 18.08.2010 to investigate the matter and submit the report by 31.08.2010 and the said investigation report shall be submitted to the Commission by 15.09.2010. After doing so, the licensee may take action on this report as per applicable provisions of law.
- (6) As regards direction number (2) of the order dated 23.04.2010 of the Commission, the UPCL states that the Dy. General Manager/General Manager (Kumaon Zone) have submitted their report vide letter dated 18.08.2010 and concluded that the method of

checking the load by Shri Ajit Kumar Yadav, SDO- Munsyari was against the provisions of regulations and tariff order.

- (7) In the present and previous Tariff Order, there is a provision for levy of Excess Load/Demand Penalty for certain categories including non-domestic consumers, where MDI exceeds its contracted load in a particular month. It has been submitted in the hearing by MD, UPCL that the present billing system does not capture this provision for some categories. In this case also, in violation of the Excess Load Penalty clause of "General conditions of Supply" in the approved Rate Schedule, neither the MDI of the consumer was reflected in the bill, although the meter was compatible for recording the same, nor the excess load penalty was being levied as per the said clause.

ORDER

Licensee, therefore, is directed to:

- i) Immediately take steps for making necessary corrections in billing system for relevant category of consumers and where electronic meters with MDI are installed, so as to read the maximum demand and implement the excess load penalty, if any as per the provisions of clause 10 of General Conditions in Tariff Order 2010-11 w.e.f. 31.10.2010.
- ii) Submit a report on the action, taken against Shri Ajit Kumar Yadav, SDO- Munsyari for not acting in accordance to the provisions of rules and regulations as per finding in the report given by GM & DGM, Kumaon Zone, UPCL vide letter dated 18.08.2010 submitted alongwith UPCL's reply under affidavit No. 2703/UPCL/RM/D-32 dated 18.08.2010.
- iii) Submit compliance of order by 31.10.2010.

Sd-
(Anand Kumar)
Member

Sd-
(V.J. Talwar)
Chairman