

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the Matter of: Application seeking approval of Uttarakhand Electricity Regulatory Commission (UERC) for declaring the Food Processing Industry as seasonal industry under clause-4 of the Rate Schedule RTS-7 to the Tariff Order for the FY 2011-12

In the Matter of:

Uttaranchal Power Corporation Limited

.....Petitioner

Coram

Shri Jag Mohan Lal Chairman

Date of Order: 18th October 2011

ORDER

An application no. 1677/UPCL/RM/K-15 dated 09.06.2011 has been filed by UPCL seeking approval of the Commission for declaring food processing industry as seasonal industry under clause-4 of Rate Schedule RTS-7 to the prevalent Tariff Order.

2. The Commission vide its letter dated 27.06.2011 asked UPCL to submit the following information latest by 04.07.2011:

"1. List of Food Processing Industries in the State alongwith the Contracted Load (qualify as seasonal industry).

2. Monthly Electricity bills of each such industries for FY 2010-11 for validating period of operation."

3. Despite issuing reminder to the licensee, no information could be submitted by them. The Commission has taken a serious view that even after the lapse of more than a month, the licensee has not been able to compile such basic information despite having a robust computerised billing system for industrial consumers.

4. The Commission is of the opinion that tariffs charges from consumers should be consistent with the provisions of the rate schedule of the Tariff Order including application of surcharge, rebate and other benefits available to the consumers. The licensee should endeavour to extend benefits to the consumers with regard to tariffs in accordance with the provisions of the Tariff Order. The Commission would like to point out that with regard to the matter being dealt in this order although licensee has submitted a proposal to the Commission, however, it has failed to comply with the directions for submitting the basic information, within stipulated time period, which shows lack of seriousness on the part of the licensee in the proceedings.

5. The Commission has taken notice of the records available in the office of the Commission. Based on the records, some of the frozen food industries have filed their representations vide letter dated 09.02.2011, 06.08.2011, 12.08.2011 and 22.08.2011 before the Commission submitting that they are seasonal industries, processing foods & vegetables grown in winter season, and fulfilling all the terms & conditions of seasonal industries provided in Rate Schedule RTS-7 of the Tariff Order. The Commission in its Tariff Order dated 24.05.2011 for FY 2011-12 has held that all the concerned consumers, fulfilling terms & conditions of seasonal industries, were directed to approach the licensee with their request and the licensee, thereafter, may approach the Commission for seeking prior approval of the Commission before notifying them as seasonal industry in accordance with the provisions and terms & conditions for seasonal industries laid down in the Tariff Order.

6. Notwithstanding specific directions to UPCL vide Commission letter dated 27th June 2011 for submitting list of those food processing industries in the State who qualify as seasonal industries, the licensee has submitted data of all food processing industries in Kumaon Zone after lapse of almost two months. The Commission has taken a serious view and directs the licensee to be more specific while submitting information before the Commission consistent with the directives. After analysing the month-wise demand and consumption pattern data of these food processing industries, the Commission is of the view that only frozen food industry qualify as seasonal industry and therefore, the Commission has no objection to grant seasonal industries status, **with effect from 09.06.2011** i.e. the date of UPCL's Petition No. 1677/UPCL/RM/K-15 in the matter, to **Frozen food industries having seasonal operation** subject to adherence to all the provisions and terms & conditions with

regard to seasonal industries stipulated in the Rate Schedule (RTS-7) of the prevalent Tariff Order.

7. The Commission hereby directs UPCL to monitor the consumption pattern of the these consumers so as to ensure that it complies with all the provisions and terms & conditions laid down for the seasonal industries in the Tariff Order and in case of any violation by the consumers, appropriate action in accordance with the provisions of the Tariff Order shall be taken by the licensee.

8. The Commission has taken strong exception towards the lackadaisical approach of the licensee during the proceedings and inaction on its part for not submitting specific information and within the stipulated time period consistent with the directions in the matter. Nevertheless, the Commission has decided to give opportunity to licensee that in case there are other food processing industries eligible for grant of seasonal industries status, the licensee may submit the requisite information in this regard.

(Jag Mohan Lal)
Chairman