

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

1. Non-compliance of the Commission's directions in a complaint of Bharat Sanchar Nigam Ltd. through its D.E.(Planning) and A.G.M.(CFA), New Tehri regarding undue delay in release of 3-phase connections of Neulibend and Jamnikhal Exchanges in Tehri Garhwal
2. Non-compliance of the Commission's directions in submission of reply on a News Published in Hindi Daily 'Rashtriya Sahara' on 22.06.2011 regarding excessive sag of conductors between the poles in Gram Sabha- Khadri Khadag Maaf under EDC (R)-Dehradun
3. Non-compliance of the Commission's directions on submission of reply on Monitoring of Action Plan on Commercial Performance of UPCL
4. Non-compliance of the Commission's directions on submission of reply on Monitoring of UPCL on safety Issues pertaining to Indian Electricity Rules

Coram

Shri Jag Mohan Lal Chairman

Date of Order - 08th December 2011

ORDER

In the Matter No. 1

1. In the matter of complaint filed by M/s BSNL vide its letter dated 05.01.2010 regarding non-release of 12kW, 3-phase connection at Neulibend (Distt. Tehri) alongwith four other sites.

1.1 The above complaint was forwarded to UPCL on 29.01.2010 for submission of action taken report latest by 10.02.2010. Since the licensee did not respond to the aforesaid letter of the Commission, the following reminders were issued to UPCL for submission of the action taken report and reasons for delay of the said connections in the matter:

- a) 2192/UERC/Dir(C&L)/09-10 dt. 12.03.10, last date given for submission: 25.03.2010
- b) 189/UERC/Dir(C&L)/09-10 dt. 22.04.10, last date given for submission: 20.05.2010

1.2 Meanwhile, BSNL filed another complaint on 16.09.2010 bringing to the notice of the Commission that despite payment of necessary charges and repeated persuasions made with UPCL's officers, the electricity connections of Neulibend and Jamnikhal area not being released, due to which, BSNL is unable to commission the Mobile/WLL BTSs resulting in heavy loss of revenue to the department besides facing public annoyance in these areas. On receipt of the aforesaid complaint, the Commission vide its letter dated 29.09.2010 directed UPCL to get the matter examined and submit the factual position and inform the Commission about action taken in the matter latest by 15.10.2010.

1.3 BSNL again filed a complaint on 30.10.2010 and brought to the notice of the Commission that despite regular correspondences, the above connections have not been released. The matter was re-examined and it was found that no report in this regard has been submitted by UPCL and accordingly, the following reminders were issued to UPCL for getting the matter examined and the licensee was directed to submit the factual position along with the action taken report:

- a) 1536/UERC/32/10-11 dt. 25.11.2010, last date given for submission: 15.12.2010
- b) 1759/UERC/Dir(C&L)/32/10-11 dt. 06.01.11, last date given for submission: 20.01.2011

1.4 Responding almost after 1½ years, CGM (Commercial), UPCL vide letter dated 27.07.2011 submitted a reply in the matter by simply forwarding the letter of Dy. General Manager, E.D.C. Srinagar, which reads as:

... "it is to inform you that the above connections has been released long back" ...

Whereas, on receipt of such reply from UPCL in which the licensee's officer has simply forwarded an appalling reply of licensee's field officer without any analysis of the matter for compliance with the provisions of the Regulations with

regard to quantum of delay alongwith reasons thereof. The Commission took strong exception to the content of reply ...*"that the above connections has been released long back"*... submitted by the licensee after enormous delay of issuing the direction in the matter. On this lackadaisical approach of the licensee a Show Cause Notice under section 142 of the Electricity Act, 2003 was issued to MD, UPCL on 10.08.2011 directing the licensee to submit reply along with detailed report in the matter by 25.08.2011.

- 1.5 Thereupon, UPCL vide affidavit No. 3274 dated 25.08.2011 submitted its reply to the show cause notice and the relevant extracts with regard to M/s BSNL's complaints are reproduced below:

"(i) The Corporate Office of the respondent company, on receipt of letters from the Hon'ble Commission, immediately forwarded the same to be filed officers with the direction to take necessary action in the matter as per direction of the Hon'ble Commission and to be submit the factual position alongwith action taken report within stipulated time. Hon'ble Commission's letter No.1204/UERC/Tech/9/2010 dated 29.09.2010 was forwarded to the Deputy General Manager, Electricity Distribution Circle, Srinagar Vide UPCL's Corporate Office letter No. 3176/UPCL/RM/M-30, dated 05.10.2010. Four reminders were also issued for seeking compliance report in the matter....."

"(iii) General Manager (Distribution), Garhwal Zone & Deputy General Manager, Electricity Distribution Circle, Srinagar have been again directed to submit the compliance report as per the direction of Hon'ble Commission in the above matters. These reports shall be submitted to be Hon'ble Commission shortly."

In the Matter No. 2

2. In the matter of a news published in Hindi Daily 'Rashtriya Sahara' on 22.06.2011 regarding excessive sag of conductors between the poles in Gram Sabha- Khadri Khadag Maaf, Rishikesh under the licensee's circle EDC (R)-Dehradun which is against the safety norms and might result in the occurrence of major accident in the area. Taking a serious view in the matter, the Commission vide its letter dated 30.06.2011 directed UPCL to submit a report in the matter by 10.07.2011.
- 2.1 No reply having been submitted by UPCL in the matter, the Commission further directed UPCL vide its letter dated 19.07.2011 to submit a report in the matter by

29.07.2011. Thereupon, UPCL submitted its reply vide letter dated 29.07.2011 by simply forwarding a frivolous letter of DGM, EDC (R), UPCL addressed to GM, Garhwal Zone, UPCL in reference to the letter of Advisor (Energy), GOU addressed to UPCL. However, the Commission's letter had no reference in the UPCL's aforesaid reply which is highly condemnable and amounts to the gross negligence on the part of the licensee while submitting replying to the Commission on the matters referred to it.

Taking strong exception over the non-serious functioning of the licensee while making its submission, the Commission issued a Show Cause Notice in the matter to MD, UPCL. The matter was clubbed with the matter of M/s BSNL, discussed earlier in the Order and a common Notice dated 10.08.2011 as mentioned in the above Para 1.4 was issued to the licensee.

- 2.2 Thereupon, UPCL submitted its reply to the show cause notice vide its common affidavit No. 3274 dated 25.08.2011. The relevant extract of the reply to the show cause notice in the matter of Gram Sabha- Khadri Khadag Maaf, Rishikesh is as follows:

"Though the responses received in the above matter were not in accordance with the direction of the Hon'ble Commission keeping in view the excessive delay already occurred in the matter and with a view to report some idea about the compliance status of the directions issued by the Hon'ble Commission. Proper compliance report could not be submitted by the Corporate office in the absence of availability of the Same at Corporate Office"

- 2.3 Considering the reply of UPCL that these reports shall be submitted shortly, the Commission waited for further 25 days and when no reply/compliance was made by UPCL, the Commission issued a notice dated 21.09.2011 for personal hearing of MD, UPCL under section 142 to be read with section 149 of the Electricity Act, 2003 with a direction to appear before the Commission on 18.10.2011 at 12:30 PM

In the Matter No. 3

3. The 3rd matter was the monitoring of the Commercial performance of UPCL based on the identified 11 nos. of works/commercial parameter wise Action Plan submitted by UPCL on 24.06.2008. In this connection, UPCL was directed on

06.07.2011 to submit present status/progress on the Action Plan latest by 01.08.2011. Vide this letter the Commission also directed the licensee to submit monthly progress of each of the above work/commercial parameter within 15 days of close of each month. No reply in compliance to the above directive was submitted by the licensee within the stipulated date. So, a reminder was sent to UPCL on 09.08.2011 for submitting the desired information by 16.08.2011. UPCL even did not respond to the above reminder and therefore, a meeting was held between the Officers of Commission and UPCL on 01.09.2011 in the Commission's office and in the above meeting UPCL had submitted that the requisite information alongwith status/progress on the action plan would be submitted by 20.09.2011.

In the Matter No. 4

4. The last and the 4th matter during the course of hearing was in connection with the monitoring of UPCL on Safety issues pertaining to I.E. Rules. In the matter, the Commission had directed UPCL on 06.07.2011 to submit the present status on the directions issued with reference to the Commission's Order dated 27.10.2008, 22.10.2009 and 18.02.2010 alongwith the Action Plan for achievements of the targets giving milestones for geographical areas/activities on the issues mentioned in the said letter latest by 20.07.2011. No reply in compliance to the above directive was submitted by the licensee within stipulated date and therefore, a reminder was sent to UPCL on 01.08.2011 for submitting the desired information by 10.08.2011. UPCL even did not respond to the above reminder and therefore, a meeting was held between the Officers of Commission and UPCL on 01.09.2011 in the Commission's office and in the above meeting UPCL had submitted that the requisite information alongwith action plan would be submitted by 20.09.2011.
5. Despite lapse of more than 15 days from the stipulated date of submission of the reply in the above matters namely Matter No. 3 & 4 above, UPCL did not respond to Commission's directions and accordingly, the Commission decided to include both the above matters namely Matter No. 3 & 4 (discussed at Para 3 & 4 of the Order) in the aforesaid Personal Hearing proceedings of MD, UPCL were

included vide Notice dated 07.10.2011. Based on the requests made by UPCL, the Commission agreed to postpone the Hearing which was finally fixed for 29.11.2011.

6. On 28.11.2011 a day prior to scheduled date of hearing, UPCL submitted some information regarding the above matters namely Matter No. 3 & 4 and the same were put up before the Commission.
7. Accordingly, the hearing was held on the stipulated date in which Managing Director, UPCL, Director (Operations),UPCL, Chief Engineer (Garhwal Zone), Chief Engineer (Kumaon Zone) were present. During the hearing, the issues were put up before the Commission one by one by the concerned officer along with Secretary of the Commission, to which Managing Director, UPCL submitted the following replies on each of the above matters:
 - (i) In the Matter of Non-compliance of the Commission's directions in a complaint of Bharat Sanchar Nigam Ltd. through its D.E.(Planning) and A.G.M.(CFA), New Tehri with regard to undue delay in release of 3-phase connections of Neulibend and Jamnikhal Exchanges in Tehri Garhwal, Managing Director, UPCL tendered his apology and requested for 15 days time for submission of detailed report including the analysis of the quantum and reason of delay in each of the connections of BSNL.
 - (ii) In the matter of non-compliance of the Commission's directions in submission of reply on a News Published in Hindi Daily 'Rashtriya Sahara' on 22.06.2011 with regard to overhead conductors dangerously hanging due to excessive sag of conductors between the poles in Gram Sabha- Khadri Khadag Maaf, Rishikesh under the circle EDC (R), Dehradun, Managing Director again tendered his apology and requested for 15 days time for submission of the comprehensive report alongwith remedial measures for compliance of the safety rules in the matter.
 - (iii) In the matter of non-compliance of the Commission's directions on submission of reply on Monitoring of Action Plan on Commercial Performance of UPCL, Managing Director, UPCL has submitted that the desired reports have been submitted on 25th November 2011 to the Commission.

- (iv) In the matter of non-compliance of the Commission's directions on submission of reply on Monitoring of UPCL on safety issues pertaining to I.E. Rules, Managing Director, UPCL has submitted that the desired reports have been submitted on 25th November 2011 to the Commission.
8. The above replies submitted by the licensee in the matter are to the utmost dissatisfaction of the Commission and therefore, reprimands the licensee for having lackadaisical approach while submitting compliance on the Orders/direction of the Commission. The Commission also pointed out that senior officers of the licensee should show due carefulness while dealing with the Order/directions of the Commission. The Commission has also observed at several occasions that the matters pertaining to Orders/directions of the Commission are being handled with gross negligence and carelessness which is highly objectionable.
10. In the light of the above the Commission hereby orders that:
- (i) The time extension for a period of 15 days for submission of desired information has been granted from the date of issuance of this order in the matter of BSNL and News published in Rashtriya Sahara.
- (ii) With regard to status/progress vis a vis targets as per the approved Action Plan for improvement of Commercial Performance of the licensee, the information submitted by the licensee is not proper and therefore, not acceptable. Accordingly, MD, UPCL is hereby directed to submit division wise quarterly targets set for FY 2011-12 against each of the commercial performance parameters/works decided in Action Plan dated 24.06.2008 alongwith month wise actual achievement of the divisions up to October 2011, within one month from the issuance of the Order. Besides this, UPCL shall from now onwards submit on regular basis quarterly reports based on the aforesaid methodology by 10th of the beginning of the next quarter. The licensee shall also submit work program in the form of Pert chart, wherever relevant, for the above proposed works.
- (iii) With regard to monitoring of safety issues, the report submitted by UPCL is not at all scientific and therefore, not acceptable. The Commission hereby directs MD, UPCL to submit a report on quantum of works pertaining to safety issues in

accordance with the directives issued by the Commission in the matter of quarterly targets and month wise achievement till Oct' 2011. Besides this, UPCL shall from now onwards submit on regular basis quarterly reports based on the aforesaid methodology by 10th of the beginning of the next quarter. The licensee shall also submit work program in the form of Pert chart, wherever relevant, for the above proposed works.

Taking a lenient view this time, the Commission has refrained from taking any stern action against MD, UPCL in accordance with the provisions of the Act including imposition of penalty. However, the licensee is hereby warned that if it conducts any such misdemeanors in future, appropriate action will be taken against the licensee. The Commission further directs MD, UPCL to examine the matters and fix responsibilities, for the above violations, and take necessary action against errant officers of the licensee as a deterrent for other officers in future while dealing with the matters pertaining to Orders/directions of the Commission.

(J.M. Lal)
Chairman