

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Non-compliance of the Commission's directions on the complaint of Shri Pradeep Datta, Executive Director, M/s Datt Infrastructure & Services Ltd., 12-D, Race Course Dehradun regarding tapping of 33kV independent feeder of Dev Bhoomi Industrial Estate, Pohana-Iqbalpur Road, Roorkee

Coram

Shri Anand Kumar Member

Date of Order 25th February 2011

ORDER

A complaint was received from Shri Pradeep Datta, Executive Director, M/s Datt Infrastructure & Services Ltd., 12-D, Race Course Dehradun regarding tapping of their 33kV independent feeder namely Dev Bhoomi Industrial Estate, emanating from 132 kV Ramnagar in EDD-Roorkee (Rural).

The complaint was forwarded to UPCL vide letter No. 386/UERC/2010 dated 14.05.10 for the submission of its comments and factual position latest by 28.05.10 followed by reminders (05 Nos.) for submission of comments and factual position by stipulated dates as per following details:

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| <i>a) 577/UERC/2010 dated 16.06.10,</i> | <i>: 30.06.2010</i> |
| <i>b) 719/UERC/10-11 dated 12.07.10,</i> | <i>: 15.07.2010</i> |
| <i>c) 767/UERC/Dir(C&L)/09/10-11 dated 16.07.10</i> | <i>: 31.07.2010</i> |
| <i>d) 979/UERC/Dir(C&L)/10-11 dated 20.08.10,</i> | <i>: 31.08.2010</i> |
| <i>e) 1231/UERC/Dir(C&L)/10-11 dated 01.10.10</i> | <i>: 07.10.2010</i> |

UPCL did not respond to even a single letter and a Show cause notice No. 152/UERC/Dir(C&L)/10-11 dated 02.12.2010 was issued to UPCL under section 142 of the Electricity Act, 2003 to submit explanation by 15.12.2010. UPCL did not submit any reply to the notice either.

Taking a serious view over lackadaisical approach of the licensee, a notice for hearing was issued vide letter No. 1785/UERC/Dir(C&L)/10-11 dated 7.01.2011 to Managing Director, Director (Operations) and Chief General Manager (Regulatory Management), UPCL to appear before the Commission on 17.01.2011 at 11:00 AM and submit their reply in the matter, on affidavit alongwith the explanation as to why appropriate action should not be taken in accordance with the provision of the Electricity Act, 2003 for non-compliance of the Commission's directions. Due to unavoidable circumstances the said hearing was postponed and scheduled to be held on 24.01.2011 at 11:00 AM.

Meanwhile Managing Director, PTCUL and Executive Engineer, 132 kV S/s, Ramnagar, PTCUL, Roorkee were also directed to appear before the Commission on above date with the relevant documents namely log books, single line diagram of the 132 kV S/s as the 33 kV Devbhumi feeder line under reference emanates from 132kV S/s, Ramnagar (under the control of PTCUL).

The hearing was held on the scheduled date and time at Commission's office and Director (Operations), Chief General Manager (Regulatory Management), DGM, Electricity Distribution Circle, Roorkee, all belonging to UPCL and General Manager(O&M), General Manager (Commercial & Regulatory) and Executive Engineer 132kV S/s, Ramnagar, Roorkee, all belonging to PTCUL, were present at the time of hearing. During the hearing UPCL submitted its reply on affidavit before the Commission and relevant extract of the submission are reproduced below:

"2. ...on receipt of complaint from the office of the Hon'ble Commission vide its letter dated 14.05.2010, General Manger(Distribution), Garhwal zone and Deputy General Manager, Electricity Distribution Circle, Roorkee were directed by the Corporate Office of the respondent company to submit the factual position in the matter as per direction of the Hon'ble Commission, but the information received only on 17.01.2011 vide Deputy General Manger, Electricity Distribution circle Roorkee's letter dated 17.01.2011. A copy of said letter is enclosed at Annexure-A. The details of directions issued from Corporate Office to the General Manger

(Distribution) Garhwal Zone, and Deputy General Manger, Electricity Distribution Circle, Roorkee for submission of the desired information are as follows:

- i. No. 367/UPCL/RM/M-106 dated 21.05.2010.
- ii. No. 639/UPCL/RM/M-106 dated 23.06.2010.
- iii. No. 615/UPCL/RM/M-misc., dated 21.06.2010.
- iv. No. 770/UPCL/RM/M-106 dated 15.07.2010.
- v. No. 809/UPCL/RM/M-106 dated 21.07.2010.
- vi. No. 2761/UPCL/RM/M-misc., dated 25.08.2010.
- vii. No. 2851/UPCL/RM/M-106 dated 31.08.2010.
- viii. No. 3179/UPCL/RM/M-106 dated 05.10.2010.
- ix. No. 3693/UPCL/RM/M-106 dated 06.12.2010.
- x. No. 64/UPCL/RM/M-106 dated 11.01.2011.
- xi. No. 113/UPCL/RM/M-106 dated 15.01.2011.

The copies of the above letters are enclosed herewith **at Annexure-B.**

- (i) "M/s Dutt Infrastructure & Services Ltd. Developed an industrial estate jointly with SIDCUL in village-Bandakheri of Roorkee and on the request of M/s Dutt Infrastructure & Services Ltd., the respondent company vide its letter No. 1113/CMD/UPCL/C-12, dated 19.02.2005 (Annexure-C) inter-alia approved the following:

"2. The developer of the above industrial estate will construct 33/11 kV substation of 10 MVA capacity alongwith 11 kV and LT line at their own cost within the estate. The facility after erection will be handed to UPCL for operation and maintenance and necessarily supervision charges as applicable will be paid by the Company.

4. The Corporation will construct 33 kV line with dog conductor from 132 kV S/S Ramnagar to Industrial Estate alongwith 33 kV bay for which the developer has to pay the cost of line and bay as per prevailing rules and regulations."

- (ii) The supply to above 33 kV feeder is given through 33 kV from 132 kV substation, Ramnagar, Roorkee, which is under control of Power Transmission Corporation of Uttarakhand Limited. As per record available, this feeder was temporarily connected through Jack bus with Landhora Feeder on 03.03.2010 to 07.03.2010 and Jhabreda Feeder was connected on 07.04.2010 to 20.04.2010 due to break downs.

- (iii) *As per provisions of law, 33 kV substation and the 33 kV feeder constructed at the cost of M/s Dutt Infrastructure & Services Ltd., are to be maintained by the respondent company and the respondent company has the right to use these assets for the supply of energy to any other person(s). In this connection, the relevant provisions of schedule-VI to the Indian Electricity Act, 1910 are quoted hereinbelow:*

“(2) Any service line laid for the purpose of supply in pursuance of a requisition under sub-clause (1) shall, notwithstanding that a portion of it may have been paid for by the person making the requisition, be [maintained by the licensee who shall also have the right to use it for the supply of energy to any other person].”

Provisions of schedule-VI to the Indian Electricity Act, 1910 are also enclosed herewith at Annexure-D.

- (iv) *As regards, approval of Chief Electrical Inspector before connecting rural feeders to the 33 kV feeder, it is submitted that no such approval is required under law.”*

UPCL has submitted that due to delay in receipt from the field offices, the requisite details could not be submitted timely.

PTCUL has submitted that 33 kV cubicle and outdoor CTs of Landhaura feeder got damaged at 132 kV S/s Ramnagar and therefore, this feeder was connected to Devbhoomi feeder (under reference) during the period from 03.03.2010 to 07.03.2010. PTCUL further submitted that later on during the month of April 2010 once again 33 kV circuit breaker of Jhabrera feeder got defective and this feeder was connected to Devbhoomi feeder between the period 06.04.2010 to 20.04.2010. Since these feeders supply load to rural areas and when connected to Devbhoomi feeder resulted in frequent tripping of the Devbhoomi feeder during the said periods.

The Commission has taken cognisance of the replies submitted by both UPCL and PTCUL and is of the view that there has been serious administrative lapse on part of UPCL management in ensuring effective control over its field officers as is evident from the fact that inspite of issuance of 11 letters from management level at Head Quarter to field officers namely General Manager (Distribution) and Dy. General Manager concern, the details could be submitted after a lapse of about 08 months.

The Commission has also taken strong exception to exorbitant time as much as 14 days to rectify the problem including restoration of 33 kV outgoing Jhabrera feeder and

making it functional. It shows that the transmission licensee's fault recovery mechanism are appalling and need improvement to match with benchmark techniques available in the power transmission business.

In view of the above, Commission issues the following directions:

- 1) UPCL shall issue instructions to its field officers to take action on priority for submitting information required to be submitted under the Regulations and also as and when required by the Commission, in timely manner.
- 2) UPCL shall lay down procedure for connection of any dedicated feeder to other feeders under any eventuality or breakdown of the feeder. In this connection, UPCL is directed to issue instructions to its field officers to comply with the aforesaid procedures in future.
- 3) UPCL shall initiate disciplinary actions against the officers, responsible for delay in submission of desired information to the management.
- 4) PTCUL is directed to take up augmentations, maintenance and overhauling works on top priority, especially, in the substations where breakers and other S/s equipments are in dilapidated condition and thereby, shall ensure minimisation of interruptions including over loading of feeders.

The Commission also directs, both PTCUL and UPCL, to submit compliance reports, on the above directions, within 30 days after issue of this order.

(Anand Kumar)
Member