

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Non-compliance of Commission's directions with regard to Commercial Performance Monitoring of the licensee including submission of monthly periodical reports in the prescribed formats by UPCL and Commission's Order dated 04.03.2013.

And

In the matter of:

Uttarakhand Power Corporation Limited (UPCL), Urja Bhawan, Kanwali Road, Dehradun

And

In the matter of:

1. Shri A.K. Johri, the then MD, UPCL
2. Shri Anil Kumar, the then Executive Director (Commercial), UPCL and
at present Director (Operations), UPCL ... Respondent

Coram

Shri J.M. Lal

Chairman

Shri C.S. Sharma

Member

Shri K.P. Singh

Member

Date of Order: March 11, 2014

For effective/efficient monitoring of the commercial performance of the distribution licensee and assessing the progress/performance at a glance, the Commission had prescribed formats for reporting the information with regard

to billing, metering, losses & energy auditing and issued the formats to UPCL vide letter No. 284 dated 17.05.2012 directing it to submit the monthly reports, henceforth in these prescribed formats so as to reach to the Commission's office by 15th day of each calendar month. The directive issued in the aforesaid letter is being reproduced below:

"... to submit monthly reports on regular basis in the formats enclosed herewith as Annexure-1 to 10. Based on these formats the first report in this regard should be submitted upto the month for which reliable information dully reconciled is available at head-quarter level of the licensee by 08.06.2012. Since format No. 9 "AT&C Losses" requires data on energy sold and assessment for the month factoring the time required for completion of the billing/collection cycle of the licensee, will be available after lapse of atleast two months, therefore, the status of AT&C losses in the first report should have information for March'2011 and March' 2012 only. Similar time gap must be observed by the licensee in this regard while submitting subsequent report.

UPCL is also hereby directed to submit these reports regularly on monthly basis by 15th of next month."

2. UPCL, at the first instance, did not comply with the direction of the Commission and submitted some information of May, 2012 on 09.07.2012 with number of deficiencies ignoring the prescribed formats. The Commission returned the submission made by the licensee and issued direction vide letter dated 13.07.2012 to submit the reports by 20.07.2012 after removing the deficiencies/anomalies pointed out. The Commission also expressed displeasure on the failure of licensee in submitting proper information within the stipulated time for each month and the views of the Commission were communicated to licensee through the aforesaid letter. The relevant portion of views of the Commission is being reproduced below:

"The Commission has taken strong exception over lackadaisical approach of the licensee in submitting these basic information on its commercial performance and has expressed its view that the licensee, on its own, may not be efficiently monitoring these performance parameters which are key to its business."

3. Despite communication of above views of the Commission, UPCL did not submit the desired information even by the extended date i.e. by 16.08.2012. Thereafter, the Commission issued individual Show Cause Notices to the respondents Sh. A.K. Johri, the then MD, UPCL and Sh. Anil Kumar, the then ED (Commercial) and now Director (Operations), UPCL on 24.08.2012 under section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions and reply of the Show Cause Notices was to be submitted by 03.09.2012. Both the officers of the licensee submitted their replies. On examining the reply, the Commission found them to be incomplete and anomalies pointed out therein were sent to both the respondents, directing them "*...to take necessary action for compliance and removal of above deficiencies in its subsequent monthly reports. The Commission has also directed to inform you that the Commission is primarily interested in the end result attained by the licensee against each of the performance parameters. Failure on the part of the licensee in timely submission of the monthly report within stipulated time will be taken very seriously by the Commission.*"
4. Even after issuance of above directions, the licensee continued to default and also failed to submit any valid reasons for their repeated non-compliance of the directions. The Commission took serious view over the repeated and continued lapse on the part of the licensee and initiated suo-moto proceedings under section 142 of the Electricity Act, 2003 and issued Show Cause Notices to both the respondents on 23.01.2013 for submission of their replies by 06.02.2013 and directing them to appear before the Commission on 11.02.2013 at 12:30 hrs. In response, both the respondents submitted their replies under affidavit by the stipulated date. On examination of the replies, it was observed that the officers of licensee instead of taking pro-active actions for compliance of the Commission's directions in the matter have attempted to justify the repeated non-compliance by them. On the scheduled date i.e. on 11.02.2013 at 12:30 hrs., the hearing was held. The Commission heard both the respondents who reiterated their written submission and assured the Commission that in future the desired information /report on the prescribed formats will be submitted by 15th of every month and requested the Commission to condone the delay in

submission of reply and assured that in future desired information will be submitted to the Commission by 15th of every month.

5. Further, the Commission took cognizance of reports submitted by the respondents and expressed concern over licensees indifference towards:

(1) Replacement of defective meters and provisional billing, that due to absence of continuous monitoring by the licensee's management, there is no visible improvement in replacement of defective meters and reduction of provisional billing including mitigation of man & material constraints, if any, encountered by the field units.

(2) Increasing AT&C losses and was of the view that UPCL should furnish cumulative AT&C losses data up to the month for which information is being submitted in the prescribed formats.

(3) Non-functioning of the energy accounting and internal audit system of the licensee. The Commission further pointed out that in single point bulk supply consumer categories, where it has conducted sample examination, the average billing rate are below the rates approved by the Commission in the Tariff Orders for the respective financial years.

6. Taking cognizance of the above the Commission decided the matter vide its Order dated 04.03.2013 as follows:

13. The Commission is of the view that in any proceeding, the licensee has become habitual of responding to issues/directions only on issuance of show cause notices under the provisions of the Electricity Act, 2003 while ignoring earlier directions issued by the Commission. The lackadaisical approach of the licensee and repetitive inaction on the part of the Respondents cannot be tolerated any longer now. The Commission warns the Respondents to mend their ways. The Commission cautions the licensee and the Respondents that if in future they do not channelize their efforts and lay down procedures and measures in accordance with the directions/regulations of the Commission and the Commission finds that the action of the licensee and the Respondents is not directed, towards ensuring compliances of the directions/regulations/ conditions of the licence, the Commission will construe this as

willful non-compliance on the part of the licensee and the Respondents and will act according to provisions of the Act/Conditions of the licence.

- 14. Particularly for the delays in submission of information/ reports desired by the Commission, Head of the Commercial wing will be held responsible and penal action including imposition of fine shall be taken in accordance with the provisions of Electricity Act, 2003 and Condition of the Licence. The Commission directs that from now on, the licensee shall submit the desired information/reports before the Commission regularly within the stipulated date in the prescribed formats.*
- 15. Taking a serious view over the increasing Distribution losses and AT & C losses of UPCL, the Commission directs MD, UPCL to submit a comprehensive Action Plan for reduction of these losses. Action Plan should also include Target Distribution losses as well as AT&C losses for each month and the monthly report/information discussed in the Order should present comparison of these actual losses vis-a-vis the targets laid down by UPCL in the aforesaid Action Plan.*
- 16. The notice for action against Respondents u/s 142 of the Act, at present, is kept on hold and would be disposed off by the Commission after watching compliance by Respondents for 3 months.*
7. In compliance to the directions issued in the Order dated 04.03.2013, UPCL submitted its reply vide letter no. 764 dated 28.03.2013, however, the Commission found the reply incomplete and asked the licensee vide its letter no. 304 dated 30.05.2013 that why it has not submitted the comprehensive action plan for the reduction of distribution losses and AT&C losses as directed in para 15 of the aforesaid Order.
8. UPCL vide its letter No. 1387 dated 14.06.2013 requested the Commission to allow time extension for submission of the above information by 20.07.2013 and submitted the reasons that preparation of comprehensive plan containing the division-wise and month-wise targets of distribution losses, collection efficiency and AT&C losses for reduction in losses was in process/progress and the exercise was expected to be completed by 15.07.2013. The Commission allowed the same and intimated vide its letter No. 01.07.2013. Meanwhile, UPCL vide its letter No. 1429 dated 20.06.2013 had submitted report on energy audit informing

the Commission that an agreement on 04.09.2012 was been signed with M/s Enzen Global for energy audit in the operational area of distribution licensee and submitted the status of progress of work.

9. Further, UPCL vide its letter No. 1583 dated 15.07.2013 sought time extension for the same upto the end of August, 2013 submitting the reason that the officers of UPCL were engaged in relieve/recovery work in the natural calamity hit areas. The Commission accepted the request of the licensee and allowed a time extension upto 30.08.2013 vide its letter No. 609 dated 18.07.2013.
10. In the meantime, the Commission decided to convene a review meeting with the licensee on 05.09.2013 with regard to performance and review of compliance status of various directions of the Commission and communicated this to UPCL vide letter No. 756 dated 20.08.2013. Consequently, on 04.09.2013, UPCL submitted the information pertaining to commercial performance in the prescribed formats upto July 2013 stating that the information of July 2013 was tentative and requested to waive off Annexure-10 under the reasons mentioned in earlier submission made vide letter No. 299/UPCL/RM/J-10 dated 06.02.2013, in which UPCL submitted that *"It is hereby submitted that DT level energy audit of 11kV feeders is being carried out in the 16 towns where RAPDRP has been implemented. The reporting format for energy audit for these towns is different from the one which has been stipulated by Hon'ble Commission. However, we would like to confirm that the prescribed format for energy audit has been integrated by RAPDRP Cell for compilation of Energy Audit Reports now onwards. The subsequent information pertaining to energy audit shall be submitted as per the prescribed format.*

Therefore, UPCL requests to the Hon'ble Commission to provide a waiver for Annexure-10 under the current filing."

11. On 05.09.2013, review meeting was held and Record Note of Meeting was circulated vide letter No. 894 dated 19.09.2013. In the meantime, UPCL vide its letter No. 1991 dated 11.09.2013 submitted the information with regard to month-wise revenue collection and efficiency parameters target for FY 2013-14, Action Plan for loss reduction in FY 2013-14 and circle-wise revised status of defective meters. Further, UPCL vide its letter No. 2064 dated 21.09.2013 had

submitted a letter stating that there were some typographical error in the information submitted vide letter No. 1991 dated 11.09.2013 and revised information were submitted.

12. In the review meeting, Commercial Performance Monitoring was one of the agenda points and point-wise discussions were held. Subsequent to the circulation of Record Note of the said meeting, UPCL submitted the status vide its letter no. 2211 dated 08.10.2013. The agenda points, with regard to Commercial Performance Monitoring, discussed in the meeting vis-à-vis replies submitted during the meeting by the officers/Directors of licensee and submissions made before the Commission vide licensee's aforesaid letters are summarized below:

Commercial Performance Monitoring...

"The Commission cautioned UPCL for adopting lackadaisical approach in submission of report and stated that punitive actions shall be taken against UPCL for non compliance of timely and correct report submission."

Director (Operations), UPCL agreed to submit timely & correct reports in future. The same was reiterated in its written submission.

(1) Metering

a) Status of NA/NR/IDF/ADF/RDF

- (i) *"The Commission also stressed that division-wise targets should be set and monthly monitoring should be done for ensuring the reduction of NA/NR cases."*

UPCL, in its reply, submitted division-wise targets of NA/NR.

- (ii) *"The Commission emphasized for reduction of IDF/ADF/RDF cases and asked the licensee to set division wise target levels for these cases and submit before the Commission by 15.10.2013."*

UPCL, in its reply, submitted division-wise targets of IDF/ADF/RDF.

- (iii) *“Further, the Commission suggested the licensee that in case improvement in NA/NR/IDF/ADF/RDF cases is not visible, penal action against the concerned divisional engineer should be taken by UPCL at its end.”*

UPCL submitted that action will be taken against the non performing officers as per rules and regulations applicable in UPCL.

b) Circle wise status report of Defective meters replacement

- (i) *“The Commission again cautioned UPCL for adopting lackadaisical approach in submission of report and stated that punitive actions shall be taken against UPCL for non compliance of timely & correct report in the prescribed format.”*

During the review meeting, Director (Operations), UPCL submitted that due to shortage of meters in the past, sufficient defective meters could not be replaced. However, now necessary arrangements for meter procurement have been done and replacement drive is in full swing and **UPCL has targeted to replace around 2 lacs defective meters by December 2013.** UPCL further submitted that for ensuring timely completion of replacement of defective meters, division wise monthly targets have been laid down by the licensee for replacement of defective meters. Further, UPCL in its written submission submitted that in future the report shall be submitted to the Commission regularly.

c) Ghost/Fictitious consumers

- (i) *“The Commission directed UPCL to conduct regular drive for finalizing of NB/SB/Ghost/non-traceable consumers. UPCL agreed that targets for the same shall be confirmed within a week.”*

UPCL submitted the details and target for finalization of Permanent Disconnection (PD) cases.

d) Replacement of Mechanical meters

During the review meeting Director (Operations), UPCL submitted that due to shortage of meters in past about 19000 meters could only be replaced during FY 2012-13 against target of 37187 and with the

availability of sufficient number of meters now, UPCL would be able to replace all the mechanical meters by **March 2014**.

- (i) *"The Commission has taken note of this submission by Director (Operation), UPCL. The Commission cautioned UPCL that they are already in default of CEA Regulations in this regard. The mechanical meters must be replaced as mentioned by them by March, 2014. Further, UPCL through its written submission has confirmed the same."*

e) Un-metered connections

It was observed by the Commission that as per report of March 2013 total un-metered consumers in UPCL were 12179 while as per CS-3 of the licensee, there were 26000 unmetered consumers. The Commission expressed its dissatisfaction and cautioned UPCL that such variation in figures should be thoroughly examined by UPCL before submitting any report/information to the Commission.

Further, the Commission also reminded that the Order dated 25.05.2012 vide which the Commission waived off the penalty imposed earlier (vide Order dated 11.08.2005) on the licensee for unmetered connection prevailing in the State **with the direction to install meters on remaining un-metered connections by 31.08.2012**. However, UPCL has **not metered the balance un-metered connections till date**.

The Commission expressed its displeasure over the manner UPCL is carrying out metering of unmetered connection and was of the view that under the scenario of poor performance by UPCL as also blatant violation of Commission's direction, **the penalty may again be invoked as earlier**.

Director (Operations), UPCL submitted that at present approx. 11000 consumers are un-metered and action plan for metering the same shall be submitted within a week. UPCL submitted the action plan and submitted that balance 9679 unmetered consumers would be metered by **December 2013**.

f) Status of metering of 11 kV, 33 kV feeders, cut-points, status of metering of DT in Towns.

- (i) *“The Commission directed UPCL to identify all the location where metering is not provided and submit an action plan for installation of meters accordingly by 30.09.2013. The Commission also advised UPCL to install meter on all cut points and outgoing 11 kV feeders. UPCL in its written submission has submitted that the action plan is under preparation and shall be submitted to the commission by 15.11.2013.”*

However, in this regard the Commission has not received any report till date.

(2) Billing

a) Outstanding Arrears

- (i) *“The Commission expressed its dissatisfaction over the authenticity of reports/information being submitted before it and directed UPCL that in future such variation should not occur.”*

UPCL in its reply dated 08.10.2013 undertook that all the reports would be submitted to the Commission duly checked by the officers posted at Corporate Office.

(3) Audit Report of 11 kV Feeders

In the review meeting Director (Operations), UPCL submitted percentage losses & number of unauthorized (Katiya) connections in various areas as follows: Bhagwanpur- 77% & 429, Bahadrabad- 47% & 20, Bhadaipura- 61% & 367, etc.

With the submission of Director (Operations), UPCL, the Commission observed that the methodology adopted by the auditing agency was based on the theoretical calculations and assumptions and therefore, cannot be relied upon. Actually energy auditing should be done with proper metering at each feeder, ‘T’ points, DTs & consumers in the entire system for efficient energy auditing in that system/area. The Commission was of the view that devoid of these measures, this audit exercise is futile.

“The Commission reiterated its earlier direction in this regard in the Tariff Order dated 11.04.2012 and directed UPCL to conduct/carryout the energy audit accordingly and submit audit report before the Commission.”

Director (Operations), UPCL submitted that the exercise of energy audit up to LT level of one 11 kV feeder in each circle would be carried in the first phase as per the direction of the Commission and the audit report would be submitted before the Commission by 31.12.2013.

Although, UPCL in its reply of review meeting, submitted the 11 kV feeders energy audit report of five circles. However, the Commission did not find the sample report in order and reiterated its earlier observation.

(4) AT&C losses of UPCL

The Commission observed that the AT&C losses reported for March, 2012 were 25.82% while for December, 2012 were 29.28%. Also UPCL is not submitting the monthly report with regard to AT&C losses within a maximum lapse of two months. Further, UPCL was also directed to incorporate monthly target levels alongside of actual levels of AT&C losses in the report.

The Commission reiterated its directive given to the licensee in the Tariff Order dated 06.05.2013 and directed UPCL to incorporate monthly target levels in the AT&C loss report format and to submit comprehensive plan within 15 days.

In the review meeting Director (Operations), UPCL submitted that the same will be complied within the stipulated time. Although UPCL submitted the compliance of above directive, however, the AT&C losses being reported in the monthly periodical reports were provisional. The Commission expressed its concern and not accepted the same.

13. UPCL vide its letter No. 2291 dated 19.10.2013 submitted the information on Commercial Performance Monitoring for August, 2013 on the prescribed formats and requested to waive off for 11th format i.e. Annexure-10 under the reasons mentioned earlier in letter no. 299 dated 06.02.2013.

14. Further, UPCL vide its letter No. 2830 dated 04.12.2013 submitted the Commercial Performance Monitoring report of September, 2013 on 10 formats and requested to waive off for 11th format i.e. Annexure-10 under the reasons mentioned earlier in letter no. 299 dated 06.02.2013. It has been observed that UPCL is continuously requesting for waiver off of Annexure-10 quoting the reference of letter no. 299 dated 06.02.2013 and did not even bother to review the aforesaid letter dated 06.02.2013. As in the above referred letter UPCL had simply requested that “... DT level energy audit of 11kV feeders is being carried out in the 16 towns where RAPDRP has been implemented. The reporting format for energy audit for these towns is different from the one which has been stipulated by Hon’ble Commission. However, we would like to confirm that the prescribed format for energy audit has been integrated by RAPDRP Cell for compilation of Energy Audit Reports now onwards. The subsequent information pertaining to energy audit shall be submitted as per the prescribed format.

Therefore, UPCL requests to the Hon’ble Commission to provide a waiver for Annexure-10 under the current filing.”

The Commission took evidence of this act of licensee and understands that either the licensee has not worked out the exercise or ignoring the directions of the Commission just to conceal the facts and its own inactions.

15. Further, the Commercial Performance report submitted by the licensee for the month of July 2013, August 2013 & September 2013 were examined by the Commission and following deficiencies were observed:
- (1) UPCL was not making timely submission of the reports as the report of September 2013 was submitted to the Commission on 04.12.2013.
 - (2) UPCL did not submit the reports on the formats prescribed by the Commission and was keeping on changing the period/fields as per its convenience.
 - (3) UPCL was repeatedly requesting for the waiver off of Annexure-10 i.e. information with regard to energy audit of 11 kV feeders, for more than 02 years.

- (4) There was a decrease in total number of billed consumers by 48672 in August, 2013 from June, 2013.
- (5) Percentage of NA cases was increased from 2.4% in April 2013 to 3.3% in September 2013.
- (6) Almost no change in status of IDF cases despite issuance of various directions of the Commission.
- (7) Percentage of RDF cases was increased from 0.8% in April 2013 to 0.9% in September 2013.
- (8) No change was evident as far as the status of meter exception and number of ghost consumers was concerned.
- (9) There was a substantial increase in number of NB and SB cases. In the month of April 2013, the NB cases were 63177 while at the end of September 2013, the number of such cases were 65000. Similarly, with regard to SB cases, those were 75186 in the month of April 2013 and 83371 at the end of September 2013.
- (10) Number of outstanding cases and amount of outstanding arrears were constantly increasing, which indicates that UPCL was not making any concrete efforts towards this.
- (11) The numbers of mechanical meters were continuously increasing month by month, inspite of UPCL's claim for replacement of such meters.

Status of Mechanical Meters		
As on July 2013	As on August 2013	As on September 2013
173458	179583	183191

- (12) It was submitted by UPCL that the unmetered consumers would be metered by March 2013. However, in its latest submission, UPCL submitted that total unmetered consumers as on Sept 2013 were 7859. The rate of metering of such unmetered consumers was not significant.
- (13) With regard to the status of revenue realization, UPCL submitted the Annexure-8, stating that the information of input energy and collection for

the months June to September 2013 were actual while other parameters viz. distribution loss, collection efficiency, AT&C loss are provisional.

Commission's View

The Commission observed that despite repeated cautions/warnings, the licensee has failed to take steps for compliances. It has also failed to improve correctness and timely submission of the information/data/reports being submitted by it before the Commission as the periodical report of September 2013 submitted by the licensee in the month of December 2013 that too with full of anomalies/deficiencies referred at para 15 of this Order.

The Commission, further, observed that UPCL was neither submitting the periodical reports within the stipulated time nor submitting the reports in the formats prescribed by the Commission. In this regard, the Commission had already issued an Order dated 04.03.2013 holding that Head of the Commercial wing of UPCL would be held responsible for the delays in submission of information/report desired by the Commission. It was also informed that the Commission in MYT Order dated 06.05.2013 for UPCL had issued specific directions for submitting the Commercial Performance Report on 11 Annexures (prescribed formats) by 15th day of next month.

Further, on enquiring about the Commercial Performance Monitoring report, it was brought to the notice of the Commission that the report of October and November 2013 were not submitted by UPCL by the 10th day of January 2014. The Commission expressed its deep concern over it and took note of various directions, reminders, Orders, Tariff Orders issued by the Commission for submitting the periodical Commercial Performance report having authentic information/data before the Commission vis-à-vis the licensee's commitments/submissions/compliance of replies made before the Commission from time to time. And was of the view that the officers of the licensee including the respondents did not even bother to look into the submissions made before

the Commission in previous correspondences and defying the directions of the Commission regularly.

The Commission in its Order dated 04.03.2013 in the matter of non compliance of Commission's directions with regard to Commercial Performance Monitoring of the licensee including submission of monthly periodical reports in the prescribed formats had clearly decided that:

“Particularly for the delays in submission of information/ reports desired by the Commission, Head of the Commercial wing will be held responsible and penal action including imposition of fine shall be taken in accordance with the provisions of Electricity Act, 2003 and Condition of the Licence. The Commission directs that from now on, the licensee shall submit the desired information/reports before the Commission regularly within the stipulated date in the prescribed formats.”

The Commission noted that in accordance with the above directions of the Commission, Head of the Commercial wing, UPCL alongwith other respondents will be held responsible for this entire lackadaisical approach and delays in submission of information/reports.

In the Order dated 04.03.2013 the Commission had cautioned the licensee and the respondents for their repetitive inaction and lackadaisical approach towards compliance of the directions of the Commission and non-responsiveness on the Commission's direction without issuance of show cause notices under the provisions of The Electricity Act, 2003. Further, the Commission in the same Order had warned the respondents that if in future they do not channelize their efforts and lay down procedures and measures in accordance with the directions/regulations of the Commission and the Commission finds that the action of licensee and the respondents are not conducive in ensuring the compliances of regulations/license condition/directions, the Commission will construe this as willful non compliance on the part of licensee and the respondents and will act according to provisions of the Act/conditions of the licence.

Further, the Commission clearly decided in the Order dated 04.03.2013 that:

“The notice for action against Respondents u/s 142 of the Act, at present, is kept on hold and would be disposed off by the Commission after watching compliance by Respondents for 3 months.”

In light of above, it has been clearly established that the licensee and its officers including respondent No. 2 failed to ensure the submission of the periodical reports in time on commercial performance monitoring and shown its non-serious approach in submission of information. Licensee's above indifferent behavior is extremely disturbing and cannot be overlooked. The reports as and when received also fail to establish that licensee is heeding the directions of the Commission on improving metering of the consumers.

Giving ample opportunity and sufficient time to licensee and the respondents for compliances of the issued directions and submission of periodical reports in the prescribed formats exclusively meant for the benefits of licensee, the licensee and respondents failed to comply with the directions of the Commission issued vide various Orders and Tariff Orders.

The Commission considers this act of licensee as deliberate non-compliance of the directions of the Commission and holds the following officers of UPCL responsible for the non compliance of the Commission's direction:

- (1) Sh. A.K. Johri, the then MD, UPCL
- (2) Sh. Anil Kumar, the then ED, UPCL at present Director (Operations), UPCL
- (3) Head of the Commercial wing holding the chair at present.

Accordingly, the Commission is of the view that it is a fit case for imposition of penalty on the above mentioned officers of the licensee under section 142 of the Electricity Act, 2003. However, as an exceptional case and taking a lenient view, Sh. A.K. Johri who has relinquished the office of MD, UPCL since 02.09.2013 i.e. more than 6 months earlier, the Commission is not taking any action against him.

Based on the above and taking cognizance of the reply/submissions made before the Commission in the matter from time to time namely written submission on behalf of the licensee, review meeting etc., the Commission is of the view that these officers namely Sh. Anil Kumar, the then ED (Commercial), UPCL at present Director (Operations) and Sh. S.K. Tamta, Head of the commercial wing of UPCL have acted in an irresponsible manner and despite numerous opportunities are still non-compliant of the directions of the Commission. This is construed as willful non-compliance. Now, therefore, the Commission, in exercise of its power under section 142 and 149 of the Electricity Act, 2003 hereby decides to impose a personal penalty of ₹10,000.00 (Rupees Ten Thousand only) on each of the following:

- (1) Respondent No. 2 Sh. Anil Kumar, the then ED (Commercial), UPCL at present Director (Operations), UPCL.
- (2) Sh. S.K. Tamta, Chief Engineer (Commercial), UPCL, Head of the commercial wing.

The above penalty is required to be deposited to the Commission latest by 20.04.2014.

Further, Managing Director, UPCL is directed to personally ensure timely submission of the periodical reports in the prescribed formats on commercial performance as directed through the Commission's letter dated 17.05.2012 and subsequent correspondences from time to time in this regard and also demonstrate noticeable improvement in metering of the consumer.

Ordered accordingly.

(K.P. Singh)
Member

(C.S. Sharma)
Member

(Jag Mohan Lal)
Chairman