

**Before**

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

**Misc. Appl. No. 35 of 2015**

**In the matter of:**

Petition filed under Section 86(1) (k) of Electricity Act read with UERC(Terms and Conditions of Intra-State Open Access)Regulations, 2015

**And**

**In the matter of:**

**Indian Energy Regulatory Services,** .....Petitioner  
T-44, Karampura, New Delhi

**&**

**In the matter of:**

**Uttarakhand Power Corporation Limited (UPCL)** .....Respondent 1  
Victoria Cross Vijeta Gabar Singh Bhawan, Kanwali Road,  
Balliwala Chowk, Dehradun

**State Load Despatch Centre (SLDC)** .....Respondent 2  
Vidyut Bhawan, Near ISBT Crossing, Saharapur Road,  
Majra, Dehradun

**CORAM**

<b>Shri Subhash Kumar</b>	<b>Chairman</b>
<b>Shri C.S. Sharma</b>	<b>Member</b>
<b>Shri K.P. Singh</b>	<b>Member</b>

**Date of Hearing: August 18, 2015**

**Date of Order: August 18, 2015**

Heard the Petitioner and the Respondents on admissibility of the Petition.

Respondent No. 1 submitted that the Petitioner has no *locus standii* to file the Petition as the regulation 9(1) of UERC (Conduct of Business) Regulations, 2014 allows only the affected person to file the Petition before the Commission and not the representative. He further quoted the aforesaid Regulation, wherein following has been specified:

*"The Commission may initiate any proceedings suo moto or on a Petition filed by any affected person."*

The Commission notes that in the instant case the Petition is filed by M/s Indian Energy Regulatory Services (IERS) as an authorized representative on behalf of 05 open

access consumers of Uttarakhand. They therefore are not the affected party as required, in the above referred regulation for initiating proceedings. The Commission therefore upholds the contention of the Respondent 1.

The Commission further observes that the instant Petition is filed under section 86(1) (k) of the Electricity Act, 2003 read with regulation 41 of UERC (Terms and Conditions of intra-State Open Access) Regulations, 2015 for issuing the direction/order/instruction sought on the issues raised in the Petition.

The Commission enquired from the Petitioner regarding the justification and applicability of the aforesaid section of the Act & regulation and to explain as to how the following provisions of the Act and Regulations can be the governing law to seek remedy/relief in the present case:

**Section 86(1)(k) of the Electricity Act, 2003**

*“discharge such other functions as may be assigned to it under this Act.”*

**Regulation 41 of UERC (Terms and Conditions of intra-State Open Access) Regulations, 2015**

***“Powers to Remove Difficulties***

*If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Despatch Centre, distribution licensee and the open access customer, to take such action, as may appear to the Commission to be necessary to expedient for the purpose of removing difficulties.”*

The Petitioner simply reiterated the above provisions, however, could not justify as to how they apply or support maintainability of this Petition.

The Commission holds that the above provision of the Act has no relevance to the present Petition and cannot be pressed in service to sustain maintainability of the same.

Further, with regard to the relevance of regulation 41 of UERC (Terms and Conditions of intra-State Open Access) Regulations, 2015, in the present Petition, it has been observed that the said regulation is specifically for the removal of difficulties which may arise in giving effect to any of the provisions of the above regulations. However, none of the issues raised in the Petition falls under the purview of the said regulation. Hence both the provisions under which the Petition has been filed are adjudged as unrelated to the subject matter of the Petition. The Petitioner during

hearing could not put forth any argument in support of maintainability other than those mentioned in the Petition.

In light of the above the Commission holds that, as the Petitioner is not a proper person to initiate proceedings and has also failed to establish maintainability of this Petition, the Petition be dismissed as not maintainable.

Ordered accordingly.

**(K.P. Singh)**  
Member

**(C.S. Sharma)**  
Member

**(Subhash Kumar)**  
Chairman