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**BEFORE THE HON'BLE UTTAR PRADESH STATE ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

PETITION NO. <sup>1034</sup>..... OF 2015

**IN THE MATTER OF:**

Petition under Section 142 of the Electricity Act, 2003 against Uttar Pradesh Power Transmission Corporation Limited, for violation of Section 39 & 40 of the Electricity Act, 2003 and the Orders dated 31.05.2013, 1.10.2014 & 18.6.2014 passed by the Hon'ble Commission

**AND IN THE MATTER OF:**

Open Access Users Association

..... Petitioner

**VERSUS**

Uttar Pradesh Power Transmission Corporation Limited ..... Respondent No. 1

Uttar Pradesh State Load Despatch Centre ..... Respondent No. 2

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Along with fees with

DD no. 347600 of  
Rs 1000, dated 5/8/15.

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## **SYNOPSIS**

The present petition has been filed by Open Access Users Association against Uttar Pradesh Power Transmission Corporation Limited (hereby referred to as the "Respondent no. 1") and Uttar Pradesh State Load Despatch Centre (hereby referred to as the "Respondent no. 2"), under Section 142 of the Electricity Act, 2003 for violation of Section 39 & 40 of the Electricity Act, 2003 and the Orders dated 31.05.2013, 1.10.2014 & 18.6.2015 passed by this Hon'ble Commission.

The Petitioner is a registered Society formed under the Societies Registration Act, 1860. The Petitioner was registered as society on 04.08.2012. The main objective of the Petitioner is to safeguard the interest of the open access consumers all over India. The Petitioner aims to create a responsible forum to highlight consumer awareness on Open Access and its implications. The Petitioner also aims at adhering to safety, security and commercial issues to all Open Access consumers in the Power Market.

The Petitioner has filed the present petition against Respondent No. 1 under section 142 of the Electricity Act, 2003 seeking to impose penalty on the Respondent No. 1 for consistent non-compliance by the Respondent No. 1 of the provisions of the EA 2003, regulations enacted thereunder and orders of this Hon'ble Commission. The Petitioner is further seeking relief from this Hon'ble Commission to direct the Respondent No. 1 to augment its transmission network in a time-bound manner and enable open access to consumers in the State of Uttar Pradesh.

**BEFORE THE HON'BLE UTTAR PRADESH STATE ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

**PETITION NO..... OF 2015**

**IN THE MATTER OF:**

Petition under Section 142 of the Electricity Act, 2003 against Uttar Pradesh Power Transmission Corporation Limited, for violation of Section 39 & 40 of the Electricity Act, 2003 and the Orders dated 31.05.2013, 1.10.2014 & 18.6.2014 passed by the Hon'ble Commission.

**AND IN THE MATTER OF:**

Open Access Users Association

..... **Petitioner**

2<sup>nd</sup> Floor, D21 Corporate Park,

Sector 21, Dwarka,

New Delhi-110075

**VERSUS**

**MEMO OF PARTIES**

**1. UTTAR PRADESH POWER TRANSMISSION CORPORATION LIMITED**

Shakti Bhawan, 14, Ashok Marg,

Lucknow,

Uttar Pradesh 226001

2. UTTAR PRADESH STATE LOAD DESPATCH CENTRE

Shakti Bhawan, 14, Ashok Marg,

Lucknow,

Uttar Pradesh 226001

**THROUGH**

**Ms. Mandakini Ghosh / Mr. Parinay Deep Shah**

**PETITIONER**

**BEFORE THE HON'BLE UTTAR PRADESH STATE ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

**PETITION NO..... OF 2015**

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Petition under Section 142 of the Electricity Act, 2003 against Uttar Pradesh Power Transmission Corporation Limited, for violation of Section 39 & 40 of the Electricity Act, 2003 and the Orders dated 31.05.2013, 1.10.2014 & 18.6.2014 passed by the Hon'ble Commission

**AND IN THE MATTER OF:**

Open Access Users Association

2<sup>nd</sup> Floor, D21 Corporate Park,

Sector 21, Dwarka,

New Delhi-1100

..... **Petitioner**

**VERSUS**

Uttar Pradesh Power Transmission Corporation Limited

Shakti Bhawan, 14, Ashok Marg,

Lucknow,

Uttar Pradesh 226001



..... Respondent No. 1

Uttar Pradesh State Load Despatch Centre

Shakti Bhawan, 14, Ashok Marg,

Lucknow,

Uttar Pradesh 226001

..... Respondent No. 2

**MOST RESPECTFULLY SHOWETH**

**FACTS OF THE CASE**

1. The present petition has been filed by Petitioner, Open Access Users Association against the Respondent No. 1, Uttar Pradesh Power Transmission Corporation Limited under Section 142 of the Electricity Act, 2003 (EA 2003) seeking to impose penalty on the Respondent No. 1 for consistent non-compliance by the Respondent No. 1 and direct the Respondent No. 1 to provide open access to consumers. The Respondent No. 1 has failed to comply with the provisions of the EA 2003, regulations of this Hon'ble Commission and various tariff orders of this Hon'ble Commission and ensure development of an efficient and coordinated transmission network for smooth flow of electricity. Accordingly, the Respondent No. 1 has failed to adequately augment its transmission network thus resulting in denial of Inter-State Open Access to the open access users in the State of Uttar Pradesh due to lack of transmission capacity.

2. The Petitioner is a registered Society formed under Societies Registration Act XXI of 1860. The Petitioner was registered as Society on 04.08.2012. The main objective of the Petitioner is to safeguard the interests of the open access consumers all over India. The Petitioner aims to create a responsible forum to highlight consumer awareness on various types of Open Access charges levied by different States and their implications. The Petitioner also aims at adhering to safety, security & commercial issues to all Open Access consumers in the Power Market. A list of the Petitioner's members is annexed herewith as **Annexure P1**.
3. The Respondent No. 1 is the state transmission licensee under Section 14 and 39 of the EA 2003. The Respondent No. 1 is entrusted with the responsibilities of planning and development of an efficient and economic intra-State transmission system, providing connectivity and allowing open access for use of the intra-State transmission system in coordination, among others, licensees and generating companies. In doing so, it is guided by the provisions of the UP Electricity Grid Code, 2007, UPERC (Terms and Conditions for Open Access) Regulations, 2004, and UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 as amended from time to time. The Uttar Pradesh State Load Despatch Centre, Respondent No. 2 (SLDC) was formed by the Government of Uttar Pradesh (GoUP), in exercise of the powers vested under Section 31 of the EA, 2003, vide Notification No. 78/24 U.N.N.P.-11- 525/08 dated 24.01.2011 for the purpose of exercising the powers and discharging the functions under Part V of the EA, 2003. SLDC is operated by the Respondent No. 1 in its capacity as the State Transmission Utility. SLDC shall be the apex body to ensure integrated operation of the power system in the State



4. The Respondent No. 1 operates the SLDC which is entrusted with the duty of providing optimum scheduling and dispatch of electricity within a state to keep accounts of electricity flowing through the state grid, to provide Standing Clearance/No Objection Certificate to consumers applying for inter-state Open Access and to provide real time operation for grid control and dispatch of electricity through the state grid.

5. Section 2(47) of the EA 2003 provides as below:

*"(47) 'open access' means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission."*

6. That as per section 42(2) of the EA 2003 it is the duty of the State Commission to introduce Open Access in a state on payment of the open access charges. It is the duty of the distribution licensee and the state transmission licensee under Section 42, 40 and 39 of the EA 2003 to provide non-discriminatory open access to applicants. The relevant sections are as below:

*"42. Duties of Distribution Licensees and open access*

*-*

*(1) ...*

*(2) The State Commission shall introduce open access in such phases and subject to such conditions (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and*

in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that such open access shall be allowed on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilized to meet the requirements of current level of cross subsidy within the area of supply of the Distribution Licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use:

Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003 (57 of 2003) by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt."



7. It is the duty of the Respondent No. 1 to develop and maintain an efficient and coordinated transmission network in the state. The Respondent No. 1 is also duty bound to provide non-discriminatory open access to the consumers in the state. Section 39 & 40 of the EA 2003 is extracted as below:

*"39. (1) The State Government may notify the Board or a Government company as the State Transmission Utility:*

*Provided that the State Transmission Utility shall not engage in the business of trading in electricity:*

*Provided further that the State Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity, of such State Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 to function as transmission licensee through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.*

*(2) The functions of the State Transmission Utility shall be -*

*(a) to undertake transmission of electricity through intra-State transmission system;*

*(b) to discharge all functions of planning and co-ordination relating to intra-state transmission system with -*

- (i) Central Transmission Utility;
- (ii) State Governments;
- (iii) generating companies;
- (iv) Regional Power Committees;
- (v) Authority;
- (vi) licensees;
- (vii) any other person notified by the State Government in this behalf;

(c) to ensure development of an efficient, co-ordinated and economical system of intra-State transmission lines for smooth flow of electricity from a generating station to the load centres;

(d) to provide non-discriminatory open access to its transmission system for use by-

- (i) any licensee or generating company on payment of the transmission charges ; or
- (ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the State Commission:

*Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated:*

*Provided also that the manner of payment and utilization of the surcharge shall be specified by the State Commission.*

*Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use."*

*"40. It shall be the duty of a transmission licensee -*

*(a) to build, maintain and operate an efficient, co-ordinated and economical inter-State transmission system or intra-State transmission economical inter-State transmission system or intra-State transmission system, as the case may be;*

*(b) to comply with the directions of the Regional Load Despatch Centre and the State Load Despatch Centre as the may be;*

*(c) to provide non-discriminatory open access to its transmission system for use by-*

*(i) any licensee or generating company on payment of the transmission charges; or*

*(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:*

*Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:*



*Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the Appropriate Commission:*

*Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated:*

*Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:*

*Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use."*

8. It is stated that any consumer who wants to avail short-term inter-state Open Access is required to fulfill the following criteria under the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (**CERC Regulations**):

- i. Industries must have a Contract demand of 1 MW and above.
- ii. Industries must have Grid connectivity of 11KV and above.
- iii. They must install ABT compliant meter.
- iv. They must obtain pre standing clearance or No objection certificate from the respective State Load Despatch Center.

Copy of the CERC Regulations is annexed herewith as **Annexure P 2**.

9. As per Regulation 8 of CERC Regulations, when a State utility or intra-State entity proposes to participate in trading through power exchange, it is required to obtain a no objection or prior standing clearance from the SLDC. The SLDC is required to acknowledge receipt of the application for no objection or standing clearance within twenty four hours. While processing



the application, the SLDC is required to verify whether there is existence of infrastructure necessary for time block wise energy metering and accounting in accordance with the Grid Code and whether surplus transmission capacity is available in the State network. Where the applicant fulfils both conditions, the SLDC shall convey its concurrence or no-objection or prior standing clearance to the applicant within three working days. If the application is found to be defective or incomplete, the SLDC is required to communicate the deficiency or defect within two working days. Where the SLDC has neither communicated the defect in the application nor the refusal nor the concurrence/no objection/standing clearance within the stipulated time frame, the concurrence/no objection/standing clearance shall be deemed to have been granted. Regulation 8 of the Open Access Regulations which is extracted as under:

*"8. Concurrence of State Load Despatch Centre for bilateral and collective transactions*

*(1) Wherever the proposed bilateral transaction has a State utility or an intra-State entity as a buyer or a seller, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure.*

*(2) When a State utility or an intra-State entity proposes to participate in trading through a power exchange, it shall obtain a "no objection" or a prior standing clearance from the State Load Despatch Centre in such form as may be prescribed in the detailed procedure, specifying the aggregate MW up to which the State utility or intra-State entity may submit buy or sell bid(s) in the power*

exchange(s) taken together. The "No Objection" or "Prior Standing Clearance" issued by the State Load Despatch Centre shall not be exchange specific.

(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on any Power Exchange(s) and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market:

Provided that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction, the applicant shall declare that he agrees to ensure that aggregate quantum in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day/contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted:

Provided further that the same clearance may be utilized for the day ahead bilateral transaction also, subject to limit of quantum and time as specified in the standing clearance:

Provided also that while granting Standing Clearance time period for the clearance may be defined either in time blocks of hours or on the basis of peak period or off-peak period or round the clock (RTC):

Provided also that where violations of the limit of quantum and time are reported by SLDC against any entity, the Commission may, after giving an



opportunity of hearing, debar the said entity from transacting in power market for seven days.

(3) (a) For obtaining concurrence or 'no objection' or prior standing clearance an application shall be made before the State Load Despatch Centre who shall, acknowledge receipt of the application, either by e-mail or fax, or any other usually recognised mode of communication, within twenty four hours from the time of receipt of the application:

Provided that where the application has been submitted in person, the acknowledgement shall be provided at the time of submission of the application.

"(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on any Power Exchange(s) and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market:

Provided that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction, the applicant shall declare that he agrees to ensure that aggregate quantum in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day/contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted:

*Provided further that the same clearance may be utilized for the day ahead bilateral transaction also, subject to limit of quantum and time as specified in the standing clearance:*

*Provided also that while granting Standing Clearance time period for the clearance may be defined either in time blocks of hours or on the basis of peak period or off-peak period or round the clock (RTC):*

*Provided also that where violations of the limit of quantum and time are reported by SLDC against any entity, the Commission may, after giving an opportunity of hearing, debar the said entity from transacting in power market for seven days."*

*(b) While processing the application for concurrence or 'no objection' or prior standing clearance, as the case may be, the State Load Despatch Centre shall verify the following, namely-*

- (i) existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, and*
- (ii) availability of surplus transmission capacity in the State network.*

*(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on any Power Exchange(s) and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market:*

*Provided that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for*



*bilateral intra-day transaction/contingency transaction, the applicant shall declare that he agrees to ensure that aggregate quantum in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day/contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted:*

*Provided further that the same clearance may be utilized for the day ahead bilateral transaction also, subject to limit of quantum and time as specified in the standing clearance:*

*Provided also that while granting Standing Clearance time period for the clearance may be defined either in time blocks of hours or on the basis of peak period or off-peak period or round the clock (RTC):*

*Provided also that where violations of the limit of quantum and time are reported by SLDC against any entity, the Commission may, after giving an opportunity of hearing, debar the said entity from transacting in power market for seven days."*

*(c) Where the existence of necessary infrastructure, availability of surplus transmission capacity in the State network and submission of affidavit as required under provisos to sub-clause (a) of clause (3) of this regulation have been established, the State Load Despatch Centre shall convey its concurrence or no objection or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within three (3) working days of receipt of the application."*

*Provided that when short-term open access has been applied for the first time by any person, the buyer or the seller, the State Load Despatch Centre shall convey to the applicant such concurrence or 'no objection' or prior standing clearance, as the case may be, within seven (7) working days of receipt of the application by e-mail or fax, in addition to any other usually recognised mode of communication.*

*(3A) In case the State Load Despatch Centre finds that the application for concurrence or 'no objection' or prior standing clearance, as the case may be, is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within two (2) working days of receipt of the application;*

*Provided that in cases where the State Load Despatch Centre has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.]*

*(4) In case the application has been found to be in order but the State Load Despatch Centre refuses to give concurrence or 'no objection' or prior standing clearance as the case may be, on the grounds of non-existence of necessary infrastructure or unavailability of surplus transmission capacity in the State network, or non-submission of the affidavit in accordance with relevant provisos to subclause (a) of clause (3) of this regulation, such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within the period of three (3) working days*



or seven (7) working days, as the case may be, from the date of receipt of the application, specified under clause (3), along with reasons for such refusal:

*Provided that where the State Load Despatch Centre has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application or refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable, from the date of receipt of the application, concurrence or 'no objection' or prior standing clearance, as the case may be, shall be deemed to have been granted:*

*Provided further that where concurrence or 'no objection' or prior standing clearance, as the case may be, is deemed to have been granted by the State Load Despatch Centre, the applicant such as the State utility or the intra-State entity or short term customer as the case may be, shall submit to the nodal agency (concerned Regional Load Despatch Centre) in case of bilateral transactions and the power exchange in case of collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange, the following on affidavit in the format as provided in the detailed procedure at least three days in advance:*

*(a) Declaring that the State Load Despatch Centre has failed to convey any deficiency or defect in the application or its refusal or concurrence or 'no objection' or 'prior standing clearance', as the case may be, within the specified time;*

(b) Declaring that necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place;

(c) enclosing the following documents:-

(i) a copy of the complete application made to the State Load Despatch Centre for seeking 'concurrence' or 'no objection' or 'prior standing clearance', as the case may be;

(ii) Deficiency or defect in the application, if any, communicated by the State Load Despatch Centre and the action taken to remove or rectify the defect or deficiency;

(iii) a copy of the acknowledgement, if any, given by the State Load Despatch Centre, or any other evidence in support of delivery of the application to the State Load Despatch Centre;

(iv) Necessary affidavit in accordance with provisos to the clause (3 a) of Regulation 8 of this Regulations.

Provided also that the Power Exchange shall forward the copy of the affidavit along with the documents received from the State utility or the intra-State entity or short term customer as the case may be, to the nodal agency (National Load Despatch Centre) at least two days before the delivery;

Provided also that the concerned Regional Load Despatch Centre in case of bilateral transaction and concerned power exchange in case of collective transaction for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange shall forward the copy of the affidavit along with the documents to the concerned SLDC on the same day it is received."



10. Clause 2.7.3 of the Indian Electricity Grid Code (IEGC) provides as under:

*"In case of inter-State bilateral and collective short term transactions having a state utility or an intra-State entity as a buyer or a seller, SLDC shall accord concurrence or no objections or prior standing clearance, as the case may be, in accordance with the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 as amended from time to time."*

11. It is stated that currently, there is acute power shortage in the State of Uttar Pradesh (UP). This State is facing peak-hour power shortage to the tune of 17% or 2667 million units for FY 14-15 (as per CEA Load Generation Balance Report FY 15-16), as compared to 5.8% of previous year (CEA Load Generation Balance Report FY14-15). Accordingly, the industrial consumers are deprived of quality power at competitive rates through RTC. The consumers are desirous of sourcing power through inter-state open access as the domestic tariffs of the state distribution licensees is very high in comparison to the tariffs available in other states. However, the industrial consumer in Uttar Pradesh with contract demand of 1MW more are not getting standing clearance/NOC from the SLDC. The SLDC is refusing to grant the standing clearance/NOC to industrial consumers on the grounds of lack of surplus transmission capacity. Therefore, the consumers in the state of Uttar Pradesh with contract demand of more than 1MW are forced to continue procuring power from the distribution licensee at a high price. This is in violation to the rights of non-discriminatory open access available to a consumer under Section 39, 40 & 42 of the EA 2003. Copy of relevant extracts of the CEA Load Generation Balance Report illustrating power shortage in the

state obtained from the CEA website is annexed herewith as **Annexure P 3**. A chart showing UP tariffs in comparison to other states is annexed herewith as **Annexure P 4**.

12. An industrial consumer with contracted load of 5 Mega Watt, M/S Kanpur Edible Oil (Pvt.) Ltd. is engaged in the business of manufacture of edible oil, Vanaspati and soya meal in the state of Uttar Pradesh. The aforementioned industrial consumer had applied for inter-state short term open access under the CERC Regulations. The application for Standing Clearance/No Objection Certificate bearing Letter No: KEPL/OA/reg/01 dated 02.09.2014 to avail Short Term inter-state Open Access by M/S Kanpur Edible Oil (Pvt.) Ltd. was received by the Respondent on 11.09.2014. On 19.09.2014, the SLDC denied standing clearance/no-objection for Inter-State Open Access to M/S Kanpur Edible Oil (Pvt.) Ltd. on grounds of unavailability of surplus transmission capacity in state network and Total Transfer Capacity ("TTC") and Available Transfer Capacity ("ATC"). Copy of the SLDC's refusal dated 19.09.2014 is annexed herewith as **Annexure P 5**.
13. It is pertinent to note that there are a number of other industries similarly situated to M/S Kanpur Edible Oil (Pvt.) Ltd. which are facing acute power shortage. However, pursuant to such refusal of open access, the industries are aggrieved as they are unable to source power through open access and left with no option but to take supply of power from the state distribution licensee. The industries have even installed the required infrastructure, i.e. ABT metering. Despite having ABT meters, the SLDC continues to refuse grant of standing clearance for availing inter-state short term open access on grounds of lack of surplus transmission capacity. As per the Respondent No. 1's report dated 6.04.2015, the current TTC and ATC in the state is as below:



Month	TTC (MW)	Reliability Margin	ATC	Long/Medium Term	Available Margin for Short Term
	B	C	D= B-C	E	F=D-E
April 2015	6400	400	6000	6561	NIL
May 2015	6400	400	6000	6561	NIL
June 2015	6400	400	6000	6561	NIL

14. It is submitted this Hon'ble Commission has enacted the Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2006 ("**Transmission Tariff Regulations, 2006**") on 6.10.2006. These Regulations are applicable for the purposes of ARR filing and Tariff determination of the Transmission Licensees within the State of Uttar Pradesh from FY 2007-08 onwards. Regulation 3.6 of the Transmission Tariff Regulations, 2006 obligates the transmission licensee to file a capital investment plan along with the ARR petition. The capital investment plan provides clarity to this Hon'ble Commission regarding status of transmission projects, its ongoing progress, and desirability and completion date. Regulation 3.6 is as below:

**"3.6 Capital Investment Plan**

*1. The licensee shall identify projects for the ensuing year and subsequent four years and submit detailed capital investment plan along with a financing plan for undertaking the identified projects in order to meet the requirement of load growth, refurbishment and replacement of equipment, reduction in*



transmission losses, improvement of voltage profile, improvement in quality of supply, system reliability, metering, communication and computerization, etc.

2. The Commission shall consider and approve the licensee's capital investment plan, subject to prudence check. The costs corresponding to the approved investment plan of the licensee for a given year shall be considered for determining its annual revenue requirement.

Provided that approval would not be required in cases where the project cost is below Rs. 10 crores.

Licensee's ARR filing shall separately show ongoing projects that will spill into the year under review, and new projects that will commence but may be completed within or beyond the tariff period. For the new projects, the filing must provide the justification as stipulated under investment guidelines of the Commission.

4. The licensee shall demonstrate that his financing plan matches his investment requirement plan.

5. In addition to the approved capital investment plan, the licensee can seek provision for additional capital expenditure anytime during the tariff year to meet expenditure incurred due to natural calamities involving substantial investments. The Commission shall examine and if satisfied shall approve the corresponding costs for inclusion in revenue requirement in the next period.

6. In presenting the justification for new projects, the licensee shall detail the specific nature of the works, and outcome sought to be achieved. The detail must

be shown in the form of physical parameters, e.g., addition of new capacities in terms of sub-stations, lines, VAR compensating devices, tele-metering equipments & communication systems etc. so that it is amenable for physical verification. This is necessary to ensure that the approved investment plans are implemented and the licensee does not derive improper financial benefit by delaying or neglecting to make the proposed investment. In case of any significant shortfall in physical implementation, the Commission shall require the licensee to explain the reasons, and may proportionately reduce the provision, including the interest and the return component, made towards revenue requirement, in the next period.

7. The Transmission Licensee shall provide Completion Report in respect of all capital projects as and when they achieve the Commercial Operation Date to the Commission.

8. Capitalization of works by the Transmission Licensee shall be linked to the physical completion of the works. The Commission will not accept any capitalization that does not have work completion certificates and the work is put to beneficial use of consumers.

9. The Transmission Licensee shall maintain asset registers at each operating circle/ division that will capture all necessary details on the asset, including the costs incurred, date of commissioning, location of asset, and all other technical details. Data in financial accounts shall be consistent with that in the asset registers."



15. It is stated that submission of a capital investment plan by Respondent No. 1 is of vital importance as this Hon'ble Commission will determine the capital costs and ARR of the transmission licensee after conducting a prudence check on the projects reflected in the capital investment plan. Capitalization of works will only occur after the works are completed. This Hon'ble Commission has been directing the Respondent No. 1 to submit a capital investment plan and a road map for augmentation of the transmission system in tariff orders dated 31.05.2013, 1.10.2014 and 18.6.2015 within a specified time period. However, the Respondent is yet to submit a capital investment plan. As a result of the same there is no clarity regarding the development of the transmission network and currently, there is allegedly no capacity in the state transmission system to allow for short-term open access. The current state of the projects undertaken by the Respondent is as below:

Voltage Level	Name of Transmission Line	Scheduled	Revised	Status of the Transmission Line
	ULO of Muzaffarnagar - Nara II at Jansath Ckt-II Lalitpur - Lalitpur TPS (Ckt-II) Muzaffarnagar - Nara Ckt-II	Commissioned		Completed During the Period
765 KV	Anpara D- Unnao	Jan-12	Feb-15	Forest Clearance, Power Line Crossing, Right of Way and Right of Use
765 KV	BARA TPS- Mainpuri		Mar-15	No Construction Progress in Current Status as per the DCR Report
320 KV	Aligarh- Atrauli		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is June 2015 in DCR Report
400 KV	Aligarh- Sikandrabad		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report- No work Progress
220 KV	Aurai- Mirzapur		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report
220 KV	Aurai- Phoolpur		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report
220 KV	Badaun- Sambhal		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report
220 KV	Baghpat- Baghpat		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report
400 KV	Banda- Allahabad (Reewa Road) DCQ		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report
400 KV	Banda- Orai DCQ		Jul-15	DCR Report till June 2015- Anticipated Date: July 2015- No work anticipated Date is March 2015 in DCR Report



220 KV	Deoria- Rasra		Jul-15	CEA Report till June 2015. Anticipated Date July 2015. However Anticipated Date is March 2016 in Karim Report.
220 KV	Gajothar- Jaunpur	Aug-09	Jul-15	CEA Report till June 2015. Anticipated Date July 2015. However Anticipated Date is March 2016 in Karim Report.
400 KV	ULO of Aligarh- Sikandarabad		May-15	CEA Report till June 2015. Anticipated Date May 2015. However Anticipated Date is March 2016 in Karim Report. Also No completion in CEA Report on Transmission Lines Completion till June 2015.
400 KV	ULO of Azamgarh- Sultanpur at Tanda			Work Not Started Same Status as of 2014/15 in Report.
400 KV	ULO of Samnath- Azamgarh at Varanasi/Jaunpur			Work Not Started Same Status as of 2014/15 in Report.
220 KV	ULO of Shajahanpur- Hardoi Line at Rosa	Mar-11	Jul-15	Delayed from along Time. Three Substation. No Completion till date.
220 KV	Murti- Pratap Vihar			Same Status as per CEA Report on Transmission Lines till March 2015. No Progressing Progress in the Construction Right.
220 KV	Rosa- Deoria		Jul-15	CEA Report till June 2015. Anticipated Date July 2015. However Anticipated Date is March 2016 in Karim Report.
765 KV	Mainpuri- Greater Noida		Aug-15	CEA Report till June 2015. Anticipated Date Aug 2015. However Anticipated Date is March 2016 in Karim Report.
765 KV	Mainpuri- Hapur		Oct-15	CEA Report till June 2015. Anticipated Date Oct 2015. However Anticipated Date is March 2016 in Karim Report.
765 KV	Hapur- Greater Noida		Dec-15	CEA Report till June 2015. Anticipated Date Dec 2015. However Anticipated Date is March 2016 in Karim Report.

Copy of the relevant extracts of the CEA report illustrating the state of transmission projects in Uttar Pradesh till June, 2015 is annexed herewith as **Annexure P 6.**

16. In tariff orders dated 31.5.2013, 1.10.2014 and 18.6.2015, this Hon'ble Commission has recorded that despite repeated reminders, the Respondent No. 1 is failing to submit capital investment plan. Accordingly, this Hon'ble Commission has discounted 30% of the capital cost due to such non-compliance. The relevant extracts of the tariff order dated 31.5.2013, 1.10.2014 and 18.6.2015 are as below:

Order dated 31.05.2013

"The directives to the Licensee as issued under the present Tariff Order along with the time frame for compliance are given in the table below:

TABLE 9-1: DIRECTIVES

Sr. No.	Description of Directives for UPPTCL/SLDC	Time Period for compliance from the date of issue of the Tariff Order
10.	<p>The Commission directs the UPPTCL to submit a long term business plan in accordance with Clause 2.1.6 of the Transmission Tariff Regulations.</p> <p>The UPPTCL in such business plan shall identify capex projects for the ensuing year and subsequent four years and submit detailed capital investment plan along with a financing plan for undertaking the identified projects in order to meet the requirement of load growth, refurbishment and replacement of equipment, reduction in transmission losses, improvement of voltage profile, improvement in quality of supply, system reliability, metering, communication and computerization, etc.</p>	Within 3 months

Order dated 01.10.2014



**"C) The Commission's view:**

3.2.6 The Commission directs the Petitioner that the capital investment plan should be commensurate with the anticipated load growth, improvement in voltage profile, improvement in quality of supply and system reliability. The Commission directs the Petitioner to claim the capital investment plan henceforth, strictly in accordance with applicable Tariff Regulations for the Petitioner. The Commission directs the Petitioner to take adequate measures at the planning stage itself, so as to mitigate the Right of Way issues.

3.2.7 The Commission also directs the Petitioner to submit the detailed road map for augmentation of Transmission capacity within 1 month of this Order.

...

**The Commission's Ruling**

7.4.3 Regulation 3.6 of the Transmission Tariff Regulations specifies as under:

**"3.6 Capital Investment Plan**

1. The licensee shall identify projects for the ensuing year and subsequent four years and submit detailed capital investment plan along with a financing plan for undertaking the identified projects in order to meet the requirement of load growth, refurbishment and replacement of equipment, reduction in transmission losses, improvement of voltage profile, improvement in quality of supply, system reliability, metering, communication and computerization, etc.

.....

3. Licensee's ARR filing shall separately show ongoing projects that will spill into the year under review, and new projects that will commence but may be completed within or beyond the tariff period. For the new projects, the filing must provide the justification as stipulated under investment guidelines of the Commission.

4. The Licensee shall demonstrate that his financing plan matches his investment requirement plan.

.....



6. In presenting the justification for new projects, the licensee shall detail the specific nature of the works, and outcome sought to be achieved. The detail must be shown in the form of physical parameters, e.g., addition of new capacities in terms of sub-stations, lines, VAR compensating devices, telemetering equipments & communication systems etc, so that it is amenable for physical verification.....

In case of any significant shortfall in physical implementation, the Commission shall require the licensee to explain the reasons, and may proportionately reduce the provision, including the interest, and the return component, made towards revenue requirement, in the next period.

....."

7.4.4. As stated above, the Transmission Tariff Regulations clearly specify the procedure for approval of the Capital Investment Plan. The Petitioner has not proposed the Capital Investment Plan for FY 2014-15 in accordance with the Transmission Tariff Regulations.

7.4.10 The Commission approved the capital investments for FY 2011-12 as Rs. 2336.40 Crore in Section 6.2 of the Order. The Commission has observed that the capital investment proposed by the Petitioner is not in strict accordance with the Transmission Tariff Regulations. In order to reprimand the Petitioner, the Commission disallows 30% of the capital investment proposed in the Petition and allows only 70% of the proposed capital investment for FY 2014-15. **The Commission directs the Petitioner to claim the capital investment plan henceforth, strictly in accordance with applicable Tariff Regulations for the Transmission Licensee."**

#### Order dated 18.06.2015

"6.4.3 As stated above, the Transmission Tariff Regulations, 2006 clearly specify the procedure for approval of the Capital Investment Plan. The Petitioner has not proposed the Capital Investment Plan for FY 2015-16 in accordance with the Transmission Tariff Regulations, 2006.

6.4.9 The Commission has observed that the capital investment proposed by the Petitioner is not in strict accordance with the Transmission Tariff Regulations, 2006. In order to reprimand the Petitioner, the Commission disallows 30% of the capital investment proposed in the Petition and allows only 70% of the proposed capital investment for FY 2015-16. **The Commission directs the Petitioner to claim the capital investment plan henceforth,**

*strictly inaccordance with applicable Tariff Regulations for the Transmission Licensee."*

Copy of the relevant extracts of the tariff orders dated 31.5.2013, 1.10.2014 and 18.6.2015 is annexed herewith as **Annexure P 7 (Colly)**.

17. From the above it is clear that one of the major reasons for lack of transmission corridors is delay in proper planning and commissioning of transmission projects. It is stated that the Respondent No. 1 has been failing to provide a proper capital investment plan for developing an efficient transmission network. It has consistently been failing to comply with the directions of this Hon'ble Commission. Resultantly, the Respondent No. 1 is failing to plan and develop its transmission projects resulting in lack of augmentation of transmission capacity in the state. Further, the Respondent No. 1 is failing to execute its Project in a timely manner and is constantly deferring the commissioning of high voltage lines. As a result, the Respondent No. 1 is unable to provide the consumers with open access. The Respondent No. 1 is accordingly acting in violation of Section 39 & 40 of the EA 2003 and Regulation 3.6 of the Transmission Tariff Regulations by impeding the consumers from availing inter-state open access due to its own failure to develop adequate transmission lines.
18. It is pertinent to note that due to denial of open access by the SLDC caused by failure on part of Respondent No. 1 to develop adequate transmission capacity, industries in Uttar Pradesh are bound to buy power from their respective distribution licensee. Such procurement of power increases the cost of production by large extents that result in shut down of that plant or shifting to some other states where Open Access is feasible. The distribution



licensees in Uttar Pradesh are buying power at a high price from generators on long term contracts to cover up their peak hour shortage rather than using Open Access facility. Such high cost of power is forcing the industries to shut-down operations in the state. Such continuous slow-down of the state economy will have a grievous impact on the future development of the state. A list of industries that have either shut down operations or shifted operations to another state is annexed herewith as **Annexure P 8**.

19. The industry is grievously affected as the distribution tariffs are consistently increasing every year. The industry is being forced to consumer this expensive power and are not being allowed access to cheaper power available on the power exchange/bilateral contracts with generators situated outside the state. The tariff increase in the state is illustrated below:

Financial Year	Tariff (Energy Charge)	Percentage Increase
FY 11-12	Rs 3.75- 4.60 per unit	
FY 12-13	Rs 5.20- 5.90 per unit	Hike by 38.6 %
FY 13-14	Rs 5.20- 5.90 per unit	No Change
FY 14-15	Rs 5.60-6.30 per unit	Hike by 7.69%
FY 15-16	Rs 5.95- Rs 6.65 per unit	Hike by 5.5% to 6.25%

20. In comparison to obtaining power at high retail tariffs prevalent in the state, the industries will be great benefitted if it sources cheaper power via short-



term open access from the power exchange. As an example, it is pertinent to note that the landed cost of power from the state distribution licensee is Rs 7.45 per unit for 33 KV Industrial Consumer whereas the landed cost of power sourced through the power exchange is Rs. 5.14 per unit which results in savings of Rs 2.31 per unit. Charts illustrating the landed cost of power sourced from the distribution licensee and the power exchange are annexed herewith as **Annexure P 9 (Colly)**.

21. Further, it is pertinent to note that inter-state open access is the only source of cheap power for the consumer. The consumer may not even avail power through intra-state open access as there are only 5-6 IPPs in the state which are selling 90-100% of its' power to the state distribution licensees. Therefore, it is not viable for open -access users to attempt to source power from intra-state generators. A list of generators and their supply pattern is as below:

- ROSA Power Project- Reliance Power- 1200 MW - 100% to State DISCOMs
- ANPARA C Plant- owned by LANCO- 1100 MW- 91.5% to State DISCOMs
- LALITPUR Plant- Bajaj Energy Private Limited- 1782 MW- 90% to State DISCOMs
- BARA Power Project- JAYPEE-1320 MW- 90% Share to State DISCOMs
- Bajaj Hindustan- 450 MW- Bajaj Energy Private Limited - 100% Share to State DISCOMs

Further, As per UP Energy Policy, Amendment (Dec 24, 2009) "States share in Power has been scaled down from existing 90% to just 50% in power generated by private player, and news reports suggest that IPPs in the state are closing down operations in the state. This will further affect the

availability of power in the state to supply to open access consumers. Relevant extracts of the tariff order for Dakshinanchal Vidyut Vitran Nigam Limited dated 18.06.2015 specifying the details regarding the number of IPPs in the state along with UP Energy Policy are annexed herewith as **Annexure P 10 (Colly)**.

22. It is stated that Open Access is a right of every consumer to procure power from exchange or from any other sources other than the distribution licensee. The scope and object underlying the EA 2003 is to promote un-discriminatory open access to every category of consumers and to enhance competition in the power market. According to Section 42 (2) and 39 of the EA 2003, the State Commission shall promote open access to every consumer on payment of open access charges. Therefore denial of open access is strictly beyond the scope and object of the said Act.
23. That National Electricity Policy, 2005 also lays emphasis on the development of an efficient transmission network so as to promote open access and avoid stranded generation capacity. The relevant provisions of the NEP is as below:

### **"5.3 TRANSMISSION**

*5.3.1 The Transmission System requires adequate and timely investments and also efficient and coordinated action to develop a robust and integrated power system for the country.*

*5.3.2 Keeping in view the massive increase planned in generation and also for development of power market, there is need for adequately augmenting transmission capacity. While planning new generation capacities, requirement of associated transmission capacity would need to be worked out simultaneously in order to avoid mismatch between generation capacity and transmission facilities. The policy emphasizes the following to meet the above objective:*



- The Central Government would facilitate the continued development of the National Grid for providing adequate infrastructure for inter-state transmission of power and to ensure that underutilized generation capacity is facilitated to generate electricity for its transmission from surplus regions to deficit regions.
- The Central Transmission Utility (CTU) and State Transmission Utility (STU) have the key responsibility of network planning and development based on the National Electricity Plan in coordination with all concerned agencies as provided in the Act. The CTU is responsible for the national and regional transmission system planning and development. The STU is responsible for planning and development of the intra-state transmission system. The CTU would need to coordinate with the STUs for achievement of the shared objective of eliminating transmission constraints in cost effective manner.
- Network expansion should be planned and implemented keeping in view the anticipated transmission needs that would be incident on the system in the open access regime. Prior agreement with the beneficiaries would not be a pre-condition for network expansion. CTU/STU should undertake network expansion after identifying the requirements in consultation with stakeholders and taking up the execution after due regulatory approvals.
- Structured information dissemination and disclosure procedures should be developed by the CTU and STUs to ensure that all stakeholders are aware of the status of generation and transmission projects and plans. These should form a part of the overall planning procedures.
- The State Regulatory Commissions who have not yet notified the grid code under the Electricity Act 2003 should notify the same not later than September 2005.

5.3.3 Open access in transmission has been introduced to promote competition amongst the generating companies who can now sell to different distribution



licensees across the country. This should lead to availability of cheaper power. The Act mandates non-discriminatory open access in transmission from the very beginning. When open access to distribution networks is introduced by the respective State Commissions for enabling bulk consumers to buy directly from competing generators, competition in the market would increase the availability of cheaper and reliable power supply. The Regulatory Commissions need to provide facilitative framework for non-discriminatory open access. This requires load dispatch facilities with state-of-the art communication and data acquisition capability on a real time basis. While this is the case currently at the regional load dispatch centers, appropriate State Commissions must ensure that matching facilities with technology upgrades are provided at the State level, where necessary and realized not later than June 2006.

5.3.4 The Act prohibits the State transmission utilities/transmission licensees from engaging in trading in electricity. Power purchase agreements (PPAs) with the generating companies would need to be suitably assigned to the Distribution Companies, subject to mutual agreement. To the extent necessary, such assignments can be done in a manner to take care of different load profiles of the Distribution Companies. Non-discriminatory open access shall be provided to competing generators supplying power to licensees upon payment of transmission charge to be determined by the appropriate Commission. The appropriate Commissions shall establish such transmission charges no later than June 2005.

5.3.5. To facilitate orderly growth and development of the power sector and also for secure and reliable operation of the grid, adequate margins in transmission system should be created. The transmission capacity would be planned and built to cater to both the redundancy levels and margins keeping in view international standards and practices. A well planned and strong transmission system will ensure not only optimal utilization of transmission capacities but also of generation facilities and would facilitate achieving ultimate objective of cost effective delivery of power. To facilitate cost effective transmission of power across the region, a national transmission tariff framework needs to be implemented by CERC. The tariff mechanism would be sensitive to distance, direction and related to quantum of flow. As far as possible, consistency needs to be maintained in transmission pricing framework in inter-State and intra-State systems. Further it should be ensured that the present network deficiencies do not result in unreasonable transmission loss compensation requirements.

5.3.6 The necessary regulatory framework for providing non-discriminatory open access in transmission as mandated in the Electricity Act 2003 is essential for signaling efficient choice in locating generation capacity and for



*encouraging trading in electricity for optimum utilization of generation resources and consequently for reducing the cost of supply."*

24. It is stated that the denial of open access in the state is also against the spirit, scope and object of the Competition Act, 2002. By restricting open access and forcing the consumers to procure power from the state distribution licensee amounts to allowing the distribution licensee to bring monopolism in the power trading market thereby making gross violation of Section 4 of the Competition Act, 2002. Denial of open access may lead to monopoly of the local distribution licensee. As a result, it will increase the prices of commodity (electricity) and thus will make procuring power through the local distribution licensee unviable. Therefore, with such denial of open access, there will be no competition in the market which shall not only lead to increase in price of commodity but also will defeat the very object of the National Tariff Policy and EA, 2003.
25. That Open Access provides an alternative to the consumers to have an option to procure power through any source other than the distribution licensee. In other words, it gives them the freedom (basically referred as freedom of choice) to procure power from any source other than the distribution licensee. As a result, denial of open access implies a restriction on the consumers not to enjoy their freedom of choice.
26. That every consumer demands cheap and efficient power. Cheap power can only be made available if and only if open access is allowed to be procured from outside the state. As a result, it would enhance more competition in the market and will allow more and more industries to come. The power tariff for

every category of consumers is quite high and with denial of open access it will rise further and thereby it is leading to industries moving out of the state of Uttar Pradesh. As a serious consequence, it may cause severe loss of infrastructure in the state of Uttar Pradesh.

27. It is stated that the members of the Petitioner is greatly aggrieved by such denial of Open Access due to the failure on the part of the Respondent No. 1 to comply with the direction of this Hon'ble Commission and develop adequate transmission capacity for smooth flow of power. The Respondent No. 1 has failed to comply with its duties under the EA 2003 and Transmission Tariff Regulations, 2006. The Petitioner is accordingly challenging the wrongful non-compliance by Respondent No. 1 which has lead to denial of open access in the state.
28. This petition is bona fide and the Petitioner is grievously affected by the Respondent's non-compliance of Section 39 and 40 of the EA 2003, Regulation 3.6 of the Transmission Tariff Regulations, 2006 and tariff orders dated 31.05.2013, 1.10.2014 and 18.06.2015.
29. This Hon'ble Commission has the jurisdiction to adjudicate this matter under Section 142 of the EA, 2003 and impose penalty on the Respondent for non-compliance. It is stated that no remedies has been sought from any other forum/court/authority etc and that no other application is pending in the matter with any other court.



30. **Prayer:**

In the light of the aforementioned facts and circumstances of the present case, it is, therefore most respectfully prayed that this Hon'ble Commission may graciously pleased to:

(a) Initiate action against Respondent No. 1 under Section 142 of the Electricity Act, 2003 for acting contrary to the provisions of the Act, Rules and Regulations and Orders of this Hon'ble Commission;

(b) To direct the Respondent No. 1 to fulfill its functions under the EA 2003 and develop an efficient network and provide non-discriminatory open access in a time bound manner;

(c) To direct the Respondent No. 1 to comply with Regulation 3.6 of the Transmission Tariff Regulations and submit a capital investment plan in a time bound manner; and

(d) Pass suitable directions or orders that in the interim and during the pendency of the aforementioned petition before this Honorable Commission, short-term inter-state open access may be allowed to open access applicants;

(e) Direct the Respondent No. 1/SLDC to promote and allow Open Access in the state of Uttar Pradesh;

(h) To pass any other order/(s) as it deems fit and necessary in the interest of justice.

Dated at Lucknow on this, the ..... day of August 2015.

PETITIONER

**Open Access Users Association**

DATED

PLACE:



**DECLARATION BY PETITIONER**

The petitioner above named hereby solemnly declares that nothing has been concealed or suppressed and further declares that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original /fair reproduction of the original/true translation thereof.

Verified at New Delhi on this                      day of August, 2015.



**PETITIONER(S)**

**COUNSEL FOR PETITIONER(S)**

**VERIFICATION**

I, Anirban Mondal, son of Jayanta Kumar Mondal aged about 25 years, working for gain at OPEN ACCESS USERS ASSOCIATION, working as Law Officer ,do hereby verify that the contents of paragraph .... to ....., are true to my personal knowledge/derived from official record and that I have not suppressed any material facts.

**DATE**

**PLACE: NEW DELHI**



**SIGNATURE OF THE PETITIONER(S)**

**OR AUTHORIZED OFFICER**

**AFFIDAVIT**

I, Anirban Mondal, son of Jayanta Kumar Mondal aged about 25 years, working as law officer of the Petitioner resident of D-36 Second Floor, Sector-8, Dwarka, New Delhi-110075, presently at New Delhi do hereby solemnly affirm and state as under:

1. I say that I am authorized representative in the Petitioner Association and am competent to swear the present affidavit.
2. I say that I have read the contents of the above petition filed by the Petitioner Association and I have understood the contents of the same.
3. I say that the contents of the petition filed by the Petitioner Association are based on the information available with the Petitioner Association in the normal course of business and believed by me to be true.
4. I say that the Annexures to the petition are the true and correct copies of their original.

*A Mondal*  
DEPONENT

**VERIFICATION**

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom. I also verify that the contents of paras ..... of the petition and paras ..... of the petition are true on facts and those of paras ..... of the petition are believed to be true and correct upon information received and believed to be true to the best of my knowledge and belief.

Verified at ..... on this ..... day of August, 2015

*A Mondal*  
DEPONENT



ATTESTED  
*[Signature]*  
Notary Public Delhi

- 8 AUG 2015



## ANNEXURE -P1

## LIST OF PETITIONER'S MEMBERS IN UTTAR PRADESH

SL NO.	NAME OF THE MEMBERS
1.	Devyani food industries Ltd
2.	Varun Beverages Limited
3.	Jinadal Saw Limited
4.	Gujarat Fluorochemicals Limited
5.	Enershell Alloys & Steel Pvt Ltd
6.	Amba Shakti Steels Ltd
7.	ACC Ltd
8.	Shree Balaji Concast Pvt Ltd
9.	Wazir Industries
10.	Hillite Industries Pvt Ltd
11.	Rimjhim Ispat Ltd
12.	Sri Jaibalaji Ispat Pvt Ltd
13.	Hari Om Ispat & Alloys Pvt Ltd
14.	Trimurti Concast Pvt Ltd
15.	T.T Ltd (Unit:- Gajroula Spinning Mills)
16.	Rama Shyma Papers Ltd
17.	Raman Ispat Pvt Ltd
18.	Suresh Furnace Pvt Ltd



SL NO.	NAME OF THE MEMBERS
19.	Sarvottam Rolling Mills Pvt Ltd
20.	Tirpati Balaji Fibers Ltd
21.	Silverton Pulp & Papers Pvt Ltd
22.	Shree Sildhballi Steels limited
23.	Pasupati Fabric Ltd
24.	Ginni Filaments Ltd
25.	Sonata Steels Pvt Ltd
26.	Pawan Alloys & Casting pvt Ltd
27.	Hemkund Duplex & Boards Pvt Ltd
28.	Prabhu Alloys Pvt Ltd
29.	Shri Ganga Paper Mills Pvt Ltd
30.	Shree Bankey Bihari Concast (P) Ltd
31.	Mankameshwar Steels Pvt Ltd
32.	Suyash Kraft & Papers Ltd
33.	Meenu Paper Mills Pvt. Ltd
34.	Parijat Paper Mills Ltd
35.	CHW Forge Pvt. Ltd
36.	Sathe Synthetics(Rakesh Fuel Pvt Ltd)

*Amrinda*



SL NO.	NAME OF THE MEMBERS
37.	JPS Steels Pvt Ltd
38.	Excel Teknika Limited
39.	G M K Steels Pvt Ltd
40.	Barsana Industries
41.	Aristocraft Papers Pvt Limited
42.	Sumiti Alloys Private Limited
43.	Supreme Ceramics Ltd
44.	Ayesha Steels Pvt Ltd
45.	Pilkhuwa Water Proofing Co Pvt Ltd
46.	Trikoort Iron and Steel Casting Ltd
47.	Shyam Forging(P) Ltd
48.	Sutech Industries Pvt Ltd
49.	Agarwal Ferro Metallic Pvt Ltd
50.	Baba Alloys Private Limited
51.	Ferolite Jointings Limited

*Anondal*

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**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**NOTIFICATION**

No.L-7/105(121)/2007-CERC

Dated the 25th January, 2008

In exercise of powers conferred by Section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission, hereby makes the following regulations, namely:-

**Short Title, Commencement and Application**

1. (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.
- (2) These regulations shall apply to the applications made for grant of <sup>1</sup>[short-term open access] for energy transfer schedules commencing on or after 1.4.2008 for use of the transmission lines or associated facilities with such lines on the inter- State transmission system.

**Definitions**

2. (1) In these regulations, unless the context otherwise requires:
  - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
  - (b) <sup>2</sup>[bilateral transaction" means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a

<sup>1</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009

<sup>2</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009



specified point of injection to a specified point of drawl for a fixed or varying quantum of power (MW) for any time period during a month;]

(c) "collective transaction" means a set of transactions discovered in power exchange through anonymous, simultaneous competitive bidding by buyers and sellers,

(d) "Commission" means the Central Electricity Regulatory Commission referred to in Section 76 of the Act,

(e) "day" means a day starting at 00.00 hours and ending at 24.00 hours,

(f) <sup>3</sup>["detailed procedure" means the procedure issued under regulation 4,]

(g) "Grid Code" means the Grid Code specified by the Commission under Clause (h) of sub-section (1) of Section 79 of the Act,

(h) "intra-State entity" means a person whose metering and energy accounting is done by the State Load Despatch Centre or by any other authorized State utility;

(i) <sup>4</sup> ["long-term customer" means a person granted long-term access for use of the inter-State transmission system.]

<sup>5</sup>[(i-a) "medium-term customer" means a person granted medium-term open access for use of the inter-State transmission system.]"

(j) "month" means a calendar month as per the British calendar;

<sup>3</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 29.5.2009.

<sup>4</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 29.5.2009.

<sup>5</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 29.5.2009.

(k) "nodal agency" means the nodal agency defined in Regulation 5 of these regulations;

(l) <sup>6</sup>[Omitted]

(m) "power exchange" means the power exchange established with the prior approval of the Commission;

(n) "regional entity" means a person whose metering and energy accounting is done at the regional level;

<sup>7</sup>[(n-a) "short-term open access" means open access for a period up to one (1) month at one time.]

<sup>8</sup>[(n-b) "short-term customer" means a person who has availed or intends to avail short term open access.]

(o) "State Commission" means the State Electricity Regulatory Commission constituted under Section 82 of the Act and includes the Joint Commission constituted under Section 83 thereof;

(p) "State network" means network owned by the State Transmission Utility, distribution licensee or any other person granted licence by the State Commission to construct, operate and maintain the transmission system;

<sup>6</sup> Omitted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>7</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>8</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



(q) "State utility" means a State Transmission Utility, or a State Electricity Board, or Electricity Department of the State, or a State Government organization authorized to sell or purchase electricity on behalf of the State;

(r) "time block" means 15 minutes time period specified in the Grid Code for the purposes of scheduling and despatch; and

(s) "working day" means a day on which banks are open for business;

(2) Words and expressions used in these regulations and not defined herein but defined in the Act or the Grid Code, shall have the meaning assigned to them under the Act or the Grid Code, as the case may be.

#### **Scope**

3. <sup>9</sup>[(1) The long-term-customer and the medium-term customer shall have priority over the short-term customer for use of the inter-State transmission system.

(2) The short-term customer shall be eligible for short-term open access over the surplus capacity available on the inter-State transmission system after use by the long-term customer and the medium-term customer, by virtue of-

- (a) inherent design margins;
- (b) margins available due to variation in power flows; and
- (c) Margins available due to in-built spare transmission capacity created to cater to future load growth or generation addition.]

#### **Detailed Procedure**

<sup>9</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

4. <sup>10</sup>[ Subject to the provisions of these regulations, the Central Transmission Utility, till the Regional Load Despatch Centre is operated by it and thereafter the Government company or any authority or corporation notified by the Central Government under sub-section (2) of Section 27 of the Act: shall, after obtaining prior approval of the Commission, issue the detailed procedure to operationalise open access and on any residual matter not covered under these regulations.]

#### **Nodal Agency**

5. The nodal agency for bilateral transactions shall be the Regional Load Despatch Centre of the region where point of drawal of electricity is situated and in case of the collective transactions, the nodal agency shall be the National Load Despatch Centre.

#### **Submission of <sup>11</sup>[Short-term Open Access] Application**

6. (1) An <sup>12</sup>[short-term customer] or the power exchange (on behalf of buyers and sellers) intending to avail of <sup>13</sup>[short-term open access] for use of the transmission lines or associated facilities for such lines on the inter-State transmission system, shall make an application to the nodal agency in accordance with these regulations.

(2) The application for a bilateral transaction shall contain the details, such as names and location of supplier and buyer, contracted power (MW) to be

<sup>10</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>11</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>12</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>13</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



scheduled and interface at which it is referred to, point of injection, point of drawal, starting time block and date, ending time block and date, and such other information that may be required in the detailed procedure.

(3) The application for a collective transaction shall contain the requisite details in accordance with the detailed procedure.

#### **Application Fee**

7. An application made for each bilateral transaction or the collective transaction shall be accompanied by a non-refundable fee of Rupees five thousand (Rs.5000/-) only.

Provided that the fee for bilateral transaction on the day of the application or on the day immediately following the day of the application may be deposited within three working days of submission of the application.

#### **Concurrence of State Load Despatch Centre for bilateral and collective transactions**

8. (1) Wherever the proposed bilateral transaction has a State utility or an intra-State entity as a buyer or a seller, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure.

(2) When a State utility or an intra-State entity proposes to participate in trading through a power exchange, it shall obtain a "no objection" or a prior standing clearance from the State Load Despatch Centre in such form as may be prescribed in the detailed procedure, specifying the MW up to which the entity may submit a buy or sell bid in a power exchange.

(3) <sup>14</sup>[(a) For obtaining concurrence or 'no objection' or prior standing clearance an application shall be made before the State Load Despatch Centre who shall, acknowledge receipt of the application, either by e-mail or fax, or any other usually recognised mode of communication, within twenty four hours from the time of receipt of the application:

Provided that where the application has been submitted in person, the acknowledgement shall be provided at the time of submission of the application.

(b) While processing the application for concurrence or 'no objection' or prior standing clearance, as the case may be, the State Load Despatch Centre shall verify the following, namely-

- (i) existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, and
- (ii) availability of surplus transmission capacity in the State network.

(c) Where existence of necessary infrastructure and availability of surplus transmission capacity in the State network has been established, the State Load Despatch Centre shall convey its concurrence or 'no objection' or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within three (3) working days of receipt of the application:

<sup>14</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



Provided that when short-term open access has been applied for the first time by any person, the buyer or the seller, the State Load Despatch Centre shall convey to the applicant such concurrence or 'no objection' or prior standing clearance, as the case may be, within seven (7) working days of receipt of the application by e-mail or fax, in addition to any other usually recognised mode of communication.]

<sup>15</sup>[(3A) In case the State Load Despatch Centre finds that the application for concurrence or 'no objection' or prior standing clearance, as the case may be, is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within two (2) working days of receipt of the application.

Provided that in cases where the State Load Despatch Centre has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.]

- (4) <sup>16</sup>[In case the application has been found to be in order but the State Load Despatch Centre refuses to give concurrence or 'no objection' or prior standing clearance as the case may be, on the grounds of non-existence of necessary

<sup>15</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>16</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

infrastructure or unavailability of surplus transmission capacity in the State network, such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within the period of three (3) working days or seven (7) working days, as the case may be, from the date of receipt of the application, specified under clause (3), along with reasons for such refusal:

Provided that where the State Load Despatch Centre has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application or refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable, from the date of receipt of the application, concurrence or 'no objection' or prior standing clearance, as the case may be, shall be deemed to have been granted:

Provided further that where concurrence or 'no objection' or prior standing clearance, as the case may be, is deemed to have been granted by the State Load Despatch Centre, the applicant while making application <sup>17</sup>[ ] shall submit to the nodal agency an affidavit (in the format provided in the detailed procedure), duly notarised, declaring that –

- (a) the State Load Despatch Centre has failed to convey any deficiency or defect in the application or its refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified time,

<sup>17</sup> Omitted vide Corrigendum dated 10.6.2009 to Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009



(b) necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place; and enclosing with the affidavit –

- (i) a copy of the complete application after removal of deficiency or rectification of defects, if any communicated, made to the State Load Despatch Centre for seeking concurrence or 'no objection' or prior standing clearance, as the case may be, and
- (ii) a copy of the acknowledgement, if any, given by the State Load Despatch Centre, or any other evidence in support of delivery of the application to the State Load Despatch Centre.]

**Procedure for Advance Scheduling for bilateral transactions**

9. (1) An application for advance scheduling for a bilateral transaction may be submitted to the nodal agency up to the fourth month, the month in which an application is made being the first month.

Provided that separate application shall be made for each month, and for each transaction.

- (2) (a) An application for inter-State scheduling during the fourth month shall be made up to the last day of the first month.

(b) All applications received shall be taken up together for consideration. (c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the fifth day of the second month.

- (3) (a) An application for inter-State scheduling during the third month shall be made up to five (5) days prior to the close of the first month.

(b) All applications received shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the close of the first month.

Provided that while accepting the application, <sup>18</sup>[short-term open access] granted to any person prior thereto shall not be withdrawn.

(4) (a) An application for inter-State scheduling in the second month shall be made with the nodal agency up to ten (10) days prior to the close of the first month.

(b) All applications shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant five days prior to the last day of the first month.

Provided that while accepting the application, <sup>19</sup>[short-term open access] granted to any person prior thereto shall not be withdrawn.

(5) Wherever the nodal agency rejects an application, it shall convey its reasons to the applicant in writing.

### **Congestion management**

10. Where in the opinion of the nodal agency, grant of all applications at a particular stage of advance scheduling is likely to cause congestion in one or more of the transmission corridors to be used, it shall conduct electronic bidding for grant of <sup>20</sup>[short-

<sup>18</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 20.05.2009.

<sup>19</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>20</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 20.05.2009.



term open access] for the available surplus transmission capacity among the applicants at that stage, in accordance with the detailed procedure.

Provided that if any person does not participate in the bidding process he shall be deemed to have withdrawn his application.

**Procedure for scheduling of bilateral transactions on first-come-first served basis**

11. (1) The applications for grant of <sup>21</sup>[short-term open access] for the second month, received after the date specified in clause (4) of Regulation 9 and the applications for grant of <sup>22</sup>[short-term open-access] during the first month shall be considered on first-come-first-served basis, and such transactions shall be scheduled subject to availability of the required transmission capacity.

Provided that such applications shall reach the nodal agency at least four (4) days in advance of the date of the bilateral transaction:

Provided further that separate application shall be made for each transaction.

- (2) All these applications shall be processed and decided within three (3) days of their receipt.

**Procedure for scheduling for day-ahead transactions**

12. All applications for bilateral transactions received within three days prior to the date of scheduling and up to 1500 hrs of the day immediately preceding the date of

<sup>21</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 20.05.2009.

<sup>22</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 20.05.2009.

scheduling shall be clubbed and treated at par, and shall be processed after processing of the applications for collective transactions received till 1500 hrs.

**Illustration:**

An application for scheduling a transaction on 25th day of a month, shall be processed on first-come-first-served basis only if such application is received till 21<sup>st</sup> day of that month. If the application is received on 22nd day or 23rd day or up to 1500 hrs on 24th day, it shall be treated only after processing of the applications for collective transactions received up to 1500 hrs on 24th day for scheduling on 25th day.

**Procedure for scheduling of transactions in a contingency**

13     <sup>23</sup>[ In the event of a contingency, the buyer or on its behalf, a trader may locate, and the power exchange may offer its platform to locate, a source of power to meet shortterm contingency requirements even after the cut-off time of 1500 hrs of the preceding day and apply to the nodal agency for short-term open access and scheduling and in that event, the nodal agency shall endeavour to accommodate the request as soon as may be and to the extent practically feasible, in accordance with the detailed procedure.]

**Revision of Schedule**

14.     <sup>24</sup>[(1) The short-term open access schedules accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or revised

<sup>23</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 20.05 2009.

<sup>24</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 20.05 2009.



downwards on an application to that effect made to the nodal agency by the short-term customer:

Provided that such cancellation or downward revision of the short-term open access schedules shall not be effective before expiry of a minimum period of two (2) days:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

(2) The person seeking cancellation or downward revision of short-term open access schedule shall pay the transmission charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the nodal agency, and thereafter in accordance with the revised schedule prepared by the nodal agency during the period of such cancellation or downward revision.

(3) In case of cancellation, operating charges specified under regulation 17 shall be payable for two (2) days or the period of cancellation in days, whichever is less.

Note: The provisions of this regulation shall also be applicable to the short-term customers granted short-term open access prior to 15.6.2009.]

#### **Curtailment in case of transmission constraints**

15. <sup>25</sup>[(1) The Regional Load Despatch Centre may curtail power flow on any transmission corridor by cancelling or re-scheduling any transaction, if in its opinion cancellation or curtailment of any such transaction is likely to relieve the transmission constraint on the corridor or to improve grid security;

Provided that subject to provisions of the Grid Code, while cancellation or curtailment of any transaction, among short-term, medium-term and long-term transactions, short-term transactions shall be cancelled or curtailed first, followed by medium-term and thereafter long term-transactions:

Provided further that while cancelling or curtailing any short-term transaction, bilateral transactions shall be cancelled or curtailed first followed by collective transactions.]

- (2) In case of inter-regional bilateral transactions, approved schedule may be revised or cancelled by the Regional Load Despatch Centre, if the Central Government allocates power from a central generating station in one region to a person in the other region and such allocation, in the opinion of the Regional Load Despatch Centre, cannot otherwise be implemented because of congestion in inter-regional link. The intimation about such revision or cancellation shall, as soon as possible, be conveyed to the affected <sup>26</sup>[short-term customer]s.

<sup>25</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>26</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



(3) In case of curtailment of the approved schedule by the Regional Load Despatch Centre, transmission charges shall be payable pro-rata in accordance with the curtailed schedule:

Provided that operating charges shall not be revised in case of curtailment.

#### Transmission Charges

16. <sup>27</sup>[(1) In case of bilateral transactions, the transmission charges at the rate specified hereunder shall be payable by the short-term customer for the energy approved for transmission at the point or points of injection:

Type of Transaction	Transmission charges(Total) (Rs./MWh)
(a) Bilateral, intra-regional	80
(b) Bilateral, between adjacent regions	160
(c) Bilateral, wheeling through one or more intervening regions	240

(2) In case of the collective transactions, transmission charges at the rate of Rs. 100/MWh for energy approved for transmission separately for each point of injection and for each point of drawal, shall be payable.

(3) The intra-State entities shall pay the transmission charges for use of the State network as fixed by the respective State Commission in addition to the charges specified under clauses (1) and (2):

<sup>27</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

Provided that in case the State Commission has not determined the transmission charges, the charges for use of respective State network shall be payable at the rate of Rs.80/MWh for the electricity transmitted.

Provided further that non-fixation of the transmission charges by the State Commission for use of the State network shall not be a ground for refusal of <sup>28</sup>[short-term open access]

Provided also that the transmission charges payable for use of the State network shall be conveyed to the Regional Load Despatch Centre concerned who shall display these rates on its web site.

Provided also that the transmission charges payable for use of the State network shall not be revised retrospectively.]

#### **Operating Charges**

17. (1) Operating charges at the rate of Rs. 2,000 /- per day or part of the day for each bilateral transaction for each of the Regional Load Despatch Centre involved and at the rate of Rs.2,000 /- per day or part of the day for each State Load Despatch Centre involved shall be payable by the applicant.
- (2) In case of the collective transaction, operating charges shall be payable by the power exchange @ Rs.5000/- per day to the National Load Despatch Centre for each State involved and Rs.2,000 /- per day for the State Load Despatch Centre involved for each point of transaction.

<sup>28</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009



(3) National Load Despatch Centre shall share the operating charges with the Regional Load Despatch Centres in such manner as may be decided by the Central Transmission Utility.

(4) All buyers within a State shall be clubbed together and all sellers within a State shall be clubbed together by the power exchange (with necessary coordination with the State Load Despatch Centre) and each of the groups shall be counted as a single entity by National Load Despatch Centre for levy of operating charges and for scheduling.

Provided that for levy of operating charges for State Load Despatch Centre and levy of the intra-State transmission charges, each point of injection or drawal in the State network shall be counted separately.

**Note 1**

The operating charges include fee for scheduling, system operation and collection and disbursement of charges.

**Note 2**

The operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (4) of Section 28 of the Act.

**Payment of transmission charges and operating charges**

18. In case of the bilateral transaction, the applicant shall deposit with the nodal agency transmission charges and operating charges within three (3) working days of grant of application and in case of collective transactions, the power exchange shall deposit

with the nodal agency these charges by the next working day falling after the day on which its application was processed.

Provided that in case of the collective transactions, the transmission charges for use of State network and operating charges for State Load Despatch Centre shall be settled directly by the power exchange with respective State Load Despatch Centre.

**Default in payment of <sup>29</sup>[short-term open access] charges**

19. (1) In case of default in payment of the application fee or the charges specified under these regulations, the nodal agency may, in its discretion, decide not to schedule the transaction, or to cancel the scheduling of already scheduled transaction or not to entertain any application of such persons in future until such time the default is cured.

(2) Notwithstanding the above, the person committing default in payment shall pay simple interest at the rate of 0.04% for each day of default.

**Unscheduled Inter-change (UI) Charges**

20. (1) All transactions for State utilities and for intra-State entities scheduled by the nodal agency under these regulations, shall be accounted for and included in the respective day-ahead net interchange schedules of the concerned regional entity issued by the Regional Load Despatch Centre.

(2) Based on net metering on the periphery of each regional entity, composite UI accounts shall be issued for each regional entity on a weekly cycle and transaction-wise UI accounting, and UI accounting for intra-State entities shall not be carried out at the regional level.

<sup>29</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009



- (3) The State utility designated for the purpose of collection / disbursement of UI charges from / to intra-State entities shall be responsible for timely payment of the State's composite dues to the regional UI pool account.
- (4) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities shall be determined by the concerned State Load Despatch Centre and covered in the intra-State UI accounting scheme.
- (5) Unless specified otherwise by the concerned State Commission, UI rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of UI rate at the periphery of regional entity.
- (6) <sup>30</sup>[No charges, other than those specified under these regulations shall be payable by any person granted short-term open access under these regulations.]

#### **Reactive Energy Charges**

21. (1) No separate reactive energy charge accounting for <sup>31</sup>[short-term open access] transactions shall be carried out at inter-State level.

Provided that the State Utility designated for the purpose shall be responsible for timely payment of the State's composite dues to the regional reactive charge account in accordance with the provisions of the Grid Code.

<sup>30</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>31</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

- (2) The reactive energy drawals and injections by the intra-State entities shall be governed by the regulations applicable within the State concerned.

#### **Special Energy Meters**

22. (1) Special Energy Meters shall be installed by the Central Transmission Utility for and at the cost of the regional entities and by the State Transmission Utility for and at the cost of the intra-State entities.
- (2) Special Energy Meters installed shall be capable of time-differentiated measurements for time block wise active energy and voltage differentiated measurement of reactive energy in accordance with Annexure – 2 to Chapter-6 of the Grid Code.
- (3) Special Energy Meters shall always be maintained in good condition.
- (4) Special Energy Meters for the regional entities shall be open for inspection by any person authorized by the Central Transmission Utility or the Regional Load Despatch Centre.

#### **Transmission losses**

23. (1) The buyers and sellers of the electricity shall absorb apportioned energy losses in the transmission system as estimated by the Regional Load Despatch Centre and the State Load Despatch Centre concerned, and applied in accordance with the detailed procedure.
- (2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply, inter-utility transfer and drawal of electricity.



(3) The applicable transmission losses for the regional transmission system as well as for State network shall be declared in advance and shall not be revised retrospectively.

#### **Compliance of Grid Code**

24. The buyers and sellers of energy shall comply with the provisions of the Grid Code in force from time to time.

#### **Collection and Disbursement of Transmission Charges and Operating Charges**

25. <sup>32</sup>[(1) The transmission charges and the operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency, except for transmission charges for State network and operating charges for State Load Despatch Centre in the case of the collective transaction.

(2) The transmission charges collected by the nodal agency for use of the transmission system other than State network, for a bilateral transaction shall be directly disbursed to the long-term customers after disbursing 25% of such transmission charges to the Central Transmission Utility in the following manner,

(a) In case of intra-regional bilateral transaction: 75% of the transmission charges to the region concerned.

(b) In case of bilateral transaction between adjacent regions: 37.5% of the transmission charges for each region.

(c) In case of bilateral transaction through one or more intervening regions: 25% of the transmission charges for each of importing and

<sup>32</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

exporting each region and remaining 25% of the transmission charges to be allocated equally among all intervening regions.

(3) The transmission charges collected for use of the transmission system other than State network for a collective transaction for each point of injection and each point of drawal shall be disbursed by the nodal agency in the following manner, namely-

(a) Central Transmission Utility: 25%

(b) Long-term customers of the region of point of injection or drawal, as the case may be, is situate: 75%

(4) The transmission charges shall be disbursed to the long-term customers in proportion to the monthly transmission charges payable by them.

(5) The transmission charges for use of State network shall be disbursed to the State Transmission Utility concerned.

(6) In case <sup>33</sup>[a State utility] is the short-term customer, the operating charges and the transmission charges collected by the nodal agency shall not include the charges for use of the State network and operating charges for the State Load Despatch Centre.”]

#### <sup>34</sup>[Short-term Open Access Not To Be Granted]

<sup>33</sup> Substituted vide Corrigendum dated 10.6.2009 to Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>34</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



25A. When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange charges, transmission charges, reactive energy charges, congestion charges and fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme.]

#### **Redressal Mechanism**

26. <sup>35</sup>[All disputes arising under these regulations shall be decided by the Commission based on an application made by the person aggrieved.]

#### **<sup>36</sup>[Information System – National Load Despatch Centre and Regional Load Despatch Centres]**

27. National Load Despatch Centre and each Regional Load Despatch Centre shall post the following information on their websites in a separate web-page titled “Open access information”:

- (a) These regulations;
- (b) The detailed procedure;

<sup>35</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 29.5.2009.

<sup>36</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No 86) on 29.5.2009.

(c) A list of bilateral transactions accepted by the nodal agency, to be displayed till the end of the month in which transactions are scheduled, indicating:

- (i) Name of customers;
- (ii) Period of the <sup>37</sup>[short-term open access] granted (start date and end date);
- (iii) Point or points of injection;
- (iv) Point or points of drawal;
- (v) Transmission systems used (in terms of regions and States);
- (vi) Accepted schedule (MW) with start time and end time;

**Note**

The status report shall be updated daily.

(d) Information regarding usage of the inter-regional links.

(e) The information regarding average regional energy losses for the previous 52 weeks.

(f) Transmission charges and applicable transmission losses for various State networks as informed by the State utilities concerned.

(g) The list of <sup>38</sup>[short-term open access] applications for advance scheduling received as the nodal agency which have not been accepted, along with reasons for denial, to be displayed till one month after the scheduling period.

<sup>37</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

<sup>38</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.



<sup>39</sup>[Information System – State Load Despatch Centres]

27A. Each State Load Despatch Centre, shall within 60 days of coming into force of these regulations, develop its website and post the following information on separate web-page titled "information on Inter-State Open Access":

(a) List of bilateral transactions for which concurrence has been granted and list of entities to whom concurrence or "no objection" or prior standing clearance, as the case may be, has been granted till the end of the month in which such concurrence or no objection or prior standing clearance has been granted, indicating:

- (i) Name of customer;
- (ii) *Period of concurrence* or "no objection" or standing clearance, as the case may be, (start date and end date);
- (iii) Point or points of injection and drawal,; and
- (iv) Accepted schedule (MW).

**Note**

The status report shall be updated daily.

- (b) Average transmission losses for the State network for the immediately preceding 52 weeks;
- (c) Applicable transmission charges and transmission losses for the State network;
- (d) List of applications where concurrence or "no objection" or standing clearance, as the case may be, was not granted, along with reasons for refusal, to

<sup>39</sup> Inserted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 29.5.2009.

be displayed till one month after the scheduling period given in the application,  
and

(c) A list of applications pending for decision.]

### **Savings and Repeal**

28. (1) The provisions of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall not apply to the <sup>40</sup>[short-term open access] customers whose applications are processed under these regulations.
- (2) The provisions relating to long-term customers as contained in the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall continue to apply till Commission notifies separate regulations covering aspects relating to long-term customers.
- (3) The provisions relating to short-term open access as contained in the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall stand repealed on 1.4.2008.

Sd/-

(Ravinder)  
Chief (Engg.)

The Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 were published in Part III, Section 4 No. 10 of the Gazette of India (Extraordinary) dated 7.2.2008 and amended vide

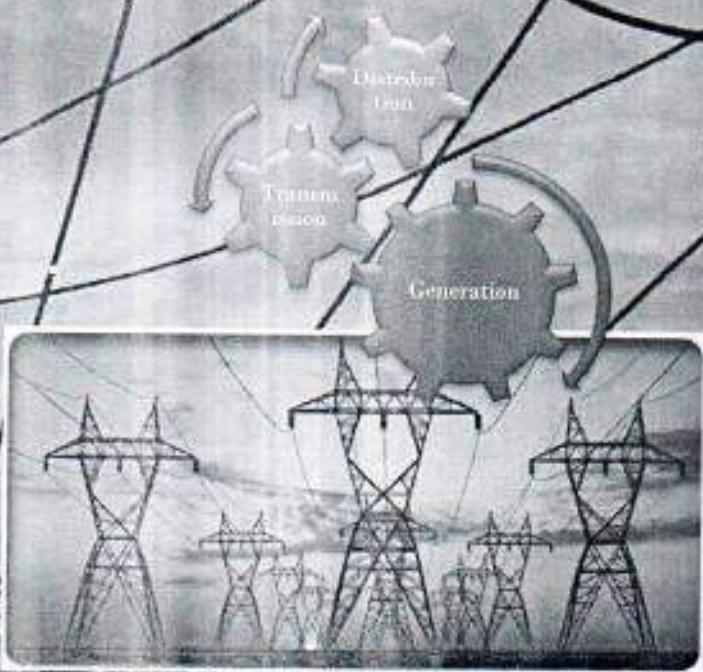
Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations, 2009 published in Part III, Section 4 No. 86 of the Gazette of India (Extraordinary) dated 29.5.2009 and Corrigendum dated 10.6.2009

<sup>40</sup> Substituted vide Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations 2009, published in the Gazette of India (Extraordinary) Part III, Section 4 (No. 86) on 20.05.2009.





# भारत उत्पादन संतुलन रिपोर्ट 2014-15 **LOAD GENERATION BALANCE REPORT 2014-15**



भारत सरकार  
Government of India  
विद्युत मंत्रालय  
Ministry of Power  
केन्द्रीय विद्युत प्राधिकरण

Central Electricity Authority

(विद्युत अधिनियम, 2003 की धारा 73(ए) के तहत के.वि.प्रा. के सांविधिक दायित्व का निर्वहन करते हुए)  
(In fulfillment of CEA's obligation under section 73(a) of Electricity Act, 2003)



**Actual power supply position in terms of Peak Demand vis-à-vis Peak Met of various States/  
Systems during the year 2013-14**

Region / State / System	Peak Demand (MW)	Peak Met (MW)	Surplus(+) / Deficit(-)	
			(MW)	(%)
Chandigarh	345	345	0	0.0
Delhi	6,035	5,653	-382	-6.3
Haryana	8,114	8,114	0	0.0
Himachal Pradesh	1,561	1,392	-169	-10.8
Jammu & Kashmir	2,500	1,998	-502	-20.1
Punjab	10,089	8,733	-1,356	-13.4
Rajasthan	10,047	10,038	-9	-0.1
Uttar Pradesh	13,089	12,327	-762	-5.8
Uttarakhand	1,826	1,826	0	0.0
<b>Northern Region</b>	<b>45,934</b>	<b>42,774</b>	<b>-3,160</b>	<b>-6.9</b>
Chhattisgarh	3,365	3,320	-45	-1.3
Gujarat	12,201	12,201	0	0.0
Madhya Pradesh	9,716	9,716	0	0.0
Maharashtra	19,276	17,621	-1,655	-8.6
Daman & Diu	322	297	-25	-7.8
Dadra & Nagar Haveli	661	661	0	0.0
Goa	529	529	0	0.0
<b>Western Region</b>	<b>41,335</b>	<b>40,331</b>	<b>-1,004</b>	<b>-2.4</b>
Andhra Pradesh	14,072	13,162	-910	-6.5
Karnataka	9,940	9,223	-717	-7.2
Kerala	3,671	3,573	-98	-2.7
Tamil Nadu	13,522	12,492	-1,030	-7.6
Puducherry	351	333	-18	-5.1
Lakshadweep	9	9	0	0.0
<b>Southern Region</b>	<b>39,015</b>	<b>36,048</b>	<b>-2,967</b>	<b>-7.6</b>
Bihar	2,465	2,312	-153	-6.2
Damodar Valley Corporation	2,745	2,745	0	0.0
Jharkhand	1,111	1,069	-42	-3.8
Odisha	3,727	3,722	-5	-0.1
West Bengal	7,325	7,294	-31	-0.4
Sikkim	90	90	0	0.0
Andaman & Nicobar	40	32	-8	-20.0
<b>Eastern Region</b>	<b>15,888</b>	<b>15,598</b>	<b>-290</b>	<b>-1.8</b>
Arunachal Pradesh	125	124	-1	-0.8
Assam	1,329	1,220	-109	-8.2
Manipur	134	133	-1	-0.7
Meghalaya	343	330	-13	-3.8
Mizoram	84	82	-2	-2.4
Nagaland	109	106	-3	-2.8
Tripura	254	250	-4	-1.6
<b>North-Eastern Region</b>	<b>2,164</b>	<b>2,048</b>	<b>-116</b>	<b>-5.4</b>
<b>All India</b>	<b>135,918</b>	<b>129,815</b>	<b>-6,103</b>	<b>-4.5</b>





# भारत उत्पादन संतुलन रिपोर्ट 2015-16

## LOAD GENERATION BALANCE REPORT 2015-16

भारत सरकार  
Government of India  
विद्युत मंत्रालय  
Ministry of Power  
केन्द्रीय विद्युत प्राधिकरण

Central Electricity Authority

(विद्युत अधिनियम, 2003 की धारा 73(ए) के तहत के.वि.प्रा. के सांविधिक दायित्व का निर्वहन करते हुए)  
(In fulfillment of CEA's obligation under section 73(a) of Electricity Act, 2003)



## Annex-III

Actual power supply position in terms of Peak Demand vis-à-vis Peak Met of various States/  
Systems during the year 2014-15

Region / State / System	Peak Demand (MW)	Peak Met (MW)	Surplus(+) / Deficit(-) (MW) (%)	
Chandigarh	367	367	0	0.0
Delhi	6,006	5,925	-81	-1.3
Haryana	9,152	9,152	0	0.0
Himachal Pradesh	1,422	1,422	0	0.0
Jammu & Kashmir	2,554	2,043	-511	-20.0
Punjab	11,534	10,023	-1,511	-13.1
Rajasthan	10,642	10,642	0	0.0
Uttar Pradesh	15,670	13,003	-2,667	-17.0
Uttarakhand	1,930	1,930	0	0.0
<b>Northern Region</b>	<b>51,977</b>	<b>47,642</b>	<b>-4,335</b>	<b>-8.3</b>
Chhattisgarh	3,817	3,638	-179	-4.7
Gujarat	13,603	13,499	-104	-0.8
Madhya Pradesh	9,755	9,717	-38	-0.4
Maharashtra	20,147	19,804	-343	-1.7
Daman & Diu	301	301	0	0.0
Dadra & Nagar Haveli	714	714	0	0.0
Goa	501	489	-12	-2.4
<b>Western Region</b>	<b>44,166</b>	<b>43,145</b>	<b>-1,021</b>	<b>-2.3</b>
Andhra Pradesh	7,144	6,784	-360	-5.0
Karnataka	10,001	9,549	-452	-4.5
Kerala	3,760	3,594	-166	-4.4
Tamil Nadu	13,707	13,498	-209	-1.5
Telangana	7,884	6,755	-1,129	-14.3
Puducherry	389	348	-41	-10.5
Lakshadweep	8	8	0	0.0
<b>Southern Region</b>	<b>39,094</b>	<b>37,047</b>	<b>-2,047</b>	<b>-5.2</b>
Bihar	2,994	2,874	-120	-4.0
Damodar Valley Corporation	2,653	2,590	-63	-2.4
Jharkhand	1,075	1,055	-20	-1.9
Odisha	3,920	3,892	-28	-0.7
West Bengal	7,544	7,524	-20	-0.3
Sikkim	83	83	0	0.0
Andaman & Nicobar	40	32	-8	-20.0
<b>Eastern Region</b>	<b>17,040</b>	<b>16,932</b>	<b>-108</b>	<b>-0.6</b>
Arunachal Pradesh	139	126	-13	-9.4
Assam	1,450	1,257	-193	-13.3
Manipur	150	146	-4	-2.7
Meghalaya	370	367	-3	-0.8
Mizoram	90	88	-2	-2.2
Nagaland	140	128	-12	-8.6
Tripura	310	266	-44	-14.2
<b>North-Eastern Region</b>	<b>2,528</b>	<b>2,202</b>	<b>-326</b>	<b>-12.9</b>
<b>All India</b>	<b>148,166</b>	<b>141,160</b>	<b>-7,006</b>	<b>-4.7</b>



## Annexure P 4

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Chart Showing UP Tariff in comparison to other states

State	Tariff Rate	Uttar Pradesh	
Jammu and Kashmir-N1	2.68 to 3.62	Connectivity Level	Tariff Rate(Rs/KVH)
Himachal Pradesh-N1	4.10 to 4.50		
Chandigarh-N1	4.70		
Haryana-N1	5.75 to 6.15	11kv	6.65
Uttarakhand-N2	3.40 to 3.75	33kv	6.35
Rajasthan-N2 (FY 14-15)	6.50	66kv	6.35
Delhi-N2	7.40	132kv	6.15
Punjab-N3	6.14	220kv	5.95

Source- State Electricity Regulatory Commission Order for determination of ARR and Retail Supply Tariff for the Financial Year

ANNEXURE 15

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शक्ति भवन, 14 अशोक मार्ग,

लखनऊ-226 001

दूरभाष सं० : (0522) 2287879 फैक्स : 2287880

ई-मेल : [system.uppcl@yahoo.com](mailto:system.uppcl@yahoo.com)  
[system.uppcl@gmail.com](mailto:system.uppcl@gmail.com)



Shakti Bhawan, 14, Ashok Marg  
Lucknow-226 001

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E-mail : [system.uppcl@yahoo.com](mailto:system.uppcl@yahoo.com)  
[system.uppcl@gmail.com](mailto:system.uppcl@gmail.com)

No.: 3639/CE(SLDC)/Kanpur Edible/REG/EE-II

Date: 19/09/14

Regd.  
Post

M/s KANPUR EDIBLE (PVT.) LTD.,  
51/58-A, Shakkar Patti,  
Kanpur-2080(U.P.)

**Subject:-Submission (SI-II) of the application for registration for open access(Inter State)**

Dear Sir,

In reference to your letter No-KEPL/OA/reg/01 dated 02 Sept, 14 received on 11 Sept 2014 regarding inter-state short term open access on format ST-11, SLDC Lko has decided not to process the same due to following mentioned reasons-

**"Due to unavailability of surplus transmission capacity in state network and TTC and ATC is already uploaded at [www.upptcl.org](http://www.upptcl.org) under open access link."**

Further to inform that certified copies of the following documents should be attach along with ST-11 in future if transmission margins shown on websites for STOA

1. Power purchase agreement with seller (or/and or both as applicable) trader, (in present case PPA has been submit without seal & signature of trader auths. and witnesses)
2. Clearly mentioned concurrence for short term open access transactions from Discom HQ, (Not submitted)
3. Clearly filled and undertakings by Trans.licensee in original Encl. of ST-11 of injecting and/or drawee end as the case applicable. ( photocopy submitted)
4. Injecting and Drawee interface ABT meters details along with sealing certificate as per as per para-6, 7 and 14 of CEA (installation and operation of meters) regulation 2006 (Main & Check at one end of line and stand by at other end of line, in case of drawee entity is discom consumer).
5. Single line diagram of both injecting and/or drawee end substations.
6. Loading Pattern of transmission/distribution s/s for last one year (transformer wise on maximum, minimum and average of monthly basis in MW)
7. Others as require for STOA processing depending upon case.

(Ram Swarath)  
Chief Engineer (SLDC)

CC-1- Managing Director, DVVNL, Urja Bhavan, NH-2 (Agra - Delhi Bypass Road), Sikandra, Agra - 282002  
2- Director (Operation), UPPTCL, Shakti Bhawan Extn., Lucknow.



Voltage Level	Name of Transmission Line		Scheduled	Revised	Status of the Transmission Line	
	LILO of Muzaffarnagar - Nara II at Jansath Ckt-II	Lalitpur - Lalitpur TPS (Ckt-II)			Completed During the FY 15-16	
765 KV	Anpara D- Unnao		Jan-12	Dec-15	Forest Clearance, Power Line Crossing, Railway Crossing and Foundation	
765 KV	BARA TPS- Mainpuri			Mar-15	No Construction Progress or Current Status is given in the CEA Report	
220 KV	Aligarh- Atrauli			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is June 2015 in March Report	
400 KV	Aligarh- Sikandarabad			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report (Work in Progress)	
220 KV	Aurai- Mizapur			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
220 KV	Aurai- Phoolpur			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
220 KV	Badaun- Sambhal			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
220 KV	Baghpat- Baghpat			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
400 KV	Banda- Allahabad (Reewa Road) DCQ			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
400 KV	Banda- Orai DCQ			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
220 KV	Deoria- Rasra			Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report	
220 KV	Gajokhar- Jaunpur		Aug-09	Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report (Work in Progress)	
400 KV	LILO of Aligarh- Sikandarabad			May-15	CEA Report till June 2015- Anticipated Date May 2015, However Anticipated Date is March 2015 in Earlier Report. Also No data given in CEA Report on Transmission Lines Completion during FY 15-16.	
400 KV	LILO of Azamgarh- Sultanpur at Tanda				Work Not Started (Same Status as of CEA March Report)	

400 KV	LIL of Samnath- Azamgarh at Varanasi/Jaunpur			Work Not Started (Same Status as of CEA March Report)
220 KV	LIL of Shajahanpur- Hardoi Line at Rosa	Mar-11	Jul-15	Delayed from a long Time (Tree Cutting by the Division is Awaited)
220 KV	Morti- Pratap Vihar			Same Status as per CEA Report on Transmission Line Till March 2015 i.e. No Progress (No Progress in the Construction Work)
220 KV	Rosa- Dohna		Jul-15	CEA Report till June 2015- Anticipated Date July 2015, However Anticipated Date is March 2015 in Earlier Report
765 KV	Mainpuri- Greater Noida		Aug-15	CEA Report till June 2015- Anticipated Date August 2015, However Anticipated Date is March 2015 in Earlier Report
765 KV	Mainpuri- Hapur		Oct-15	CEA Report till June 2015- Anticipated Date October 2015, However Anticipated Date is March 2015 in Earlier Report
765 KV	Hapur- Greater Noida		Dec-15	CEA Report till June 2015- Anticipated Date Dec 2015, However Anticipated Date is March 2015 in Earlier Report

Source	<a href="http://www.cea.nic.in/reports/proj_mon/pspm/monthly_reports.pdf">http://www.cea.nic.in/reports/proj_mon/pspm/monthly_reports.pdf</a>
	<a href="http://www.cea.nic.in/reports/proj_mon/pspm/trans_line_220kv_status.pdf">http://www.cea.nic.in/reports/proj_mon/pspm/trans_line_220kv_status.pdf</a>

Executing Agency- UPPTCL and Western UPPTCL



## Salient Features of Energy Policy 2009 of Uttar Pradesh (including Amendment)

View New Energy Policy 2009

Efficient and quality power supply is key to inclusive socio-economic development. With burgeoning population and demand, it is imperative that well-defined plans and policies are laid down for proper and time-bound improvement in power scenario of the State. The Government of Uttar Pradesh has declared new Energy Policy 2009, which envisages that the per capita consumption of power would increase from the meagre 370 units at present to 1,000 units by 2017. It gives renewed thrust to power generation, transmission and distribution along with simplified procedures and incentives for active private participation.

Salient features of the Policy are:

**GENERATION**

- **Memorandum of Understanding (MOU) route permitted:** To encourage private participation, generation projects of 250 MW and above shall be allowed to be set up through **MOU route** by Independent Power Producer (IPP) besides already available routes of Case-1\* and Case-2\*\* methods.

Amendment (Dec. 24, 2009): State's share in power has been scaled down from existing 90 per cent to just 50 per cent in power generated by private player if state Government made a recommendation for fuel to Union Government.

View details of Amendments

- **Industry status:** all new projects will be treated as "Industry" in terms of industrial policy of the State and all the incentives available to new projects will be applicable as per the Industrial Policy of the State.
- **State shall facilitate** land assembly, water linkage and necessary clearances for the project as per policy of State Govt. The land cost shall be borne by the developer.
- **Sale of power to third party:** Fifty percent of additional power will be allowed for third party sale in the case of optimised capacity of existing plants or the plants under commissioning.
- **Private participation** in renovation, modernisation and Management of existing power plants through Lease, Rehabilitate, Operate and Transfer
- **Sale of existing plants** to private sector or to any joint sector ventures for new capacity installation at old site
- **Encouragement to setting up of Co-generation plants** based on bagasse / bio-mass or any other non conventional fuel. These plants will be able to use conventional fuel during off season. Of which 50 % would be allowed to be sold under open access system. While plants based on bagasse or bio-mass will be allowed to sell 10% of their total generation.

**TRANSMISSION**

- **Encouragement to private participation in Transmission** to attract the necessary investments for strengthening and expansion of the Transmission system.
- **Transmission licensees in the private sector** would be encouraged and grant right of way on conditions similar to being granted for state owned Transmission Company

**DISTRIBUTION**

- **Private sector participation** in both rural and urban area distribution business through a transparent competitive process.
- **Transition period support** to the distribution entities to ensure a successful turnaround of the State power sector.
- **Grant of open access** on the existing State owned transmission network.

**RENEWABLE / GREEN ENERGY**

- **Encouragement to renewable energy projects** based on bio-mass, solar energy, municipal sewage, solid waste and industrial waste as well as mini, micro and small hydro power projects.

View New Energy Policy 2009

\*Case 1: The private developer has to make arrangement for the land, fuel and water linkages

\*\*Case 2: The government facilitates arrangement for the land, fuel and water linkages then calls for competitive bids



UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW

Suo - Motu Case No. 02 of 2013

SUO MOTU DETERMINATION OF ANNUAL REVENUE REQUIREMENT (ARR)  
AND TARIFF FOR FY 2013 - 14  
FOR  
DAKSHINANCHAL VIDYUT VITRAN NIGAM LIMITED

ORDER UNDER SECTION 64 OF  
THE ELECTRICITY ACT, 2003

31<sup>st</sup> May, 2013



**(A) Urban Schedule:**

	For supply at 11 kV	For supply above 11 kV and up to & including 66 kV	For supply above 66 kV and up to & including 132 kV	For supply above 132 kV
<b>BASE RATE</b>				
Demand Charges	Rs. 250 / kVA / month	Rs. 240 / kVA / month	Rs. 220 / kVA / month	Rs. 220 / kVA / month
Energy Charges	Rs. 5.90 / kVAh	Rs. 5.60 / kVAh	Rs. 5.40 / kVAh	Rs. 5.20 / kVAh
<b>TOD RATE</b>				
22:00 hrs – 06:00 hrs	(-) 7.5%	(-) 7.5%	(-) 7.5%	(-) 7.5%
06:00 hrs – 17:00 hrs	0%	0%	0%	0%
17:00 hrs – 22:00 hrs	(+) 15%	(+) 15%	(+) 15%	(+) 15%

**(B) Rural Schedule:**

This schedule shall be applicable only to consumers getting supply up to 11 kV as per 'Rural Schedule'. The consumer under this category shall be entitled to a rebate of 15% on demand & energy charges as given for 11 kV consumers under urban schedule without TOD rates.

**(C) Consumers already existing under HV-2 category with metering arrangement at low voltage:**

Existing consumer under HV-2 with metering at 0.4 kV shall be required to pay as per schedule applicable to 11 kV consumers under HV-2 category.



UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition Nos. 887/2013 & 918/2013

DETERMINATION OF AGGREGATE REVENUE REQUIREMENT (ARR) AND TARIFF FOR FY 2014-15

AND

PETITION FOR TRUE-UP OF ARR AND REVENUE FOR THE FINANCIAL YEARS 2008-09 TO 2011-12

FOR

DAKSHINANCHAL VIDYUT VITRAN NIGAM LIMITED

ORDER UNDER SECTION 62 & 64 OF

THE ELECTRICITY ACT, 2003

1<sup>st</sup> October, 2014





*Determination of ARR and Tariff of DVVNL for FY 2014-15 and True-up of FY 2008-09 to FY 2011-12*

**(A) Urban Schedule:**

	For supply at 11 kV	For supply above 11 kV and up to & including 66 kV	For supply above 66 kV and up to & including 132 kV	For supply above 132 kV
<b>BASE RATE</b>				
Demand Charges	Rs. 250.00 / kVA / month	Rs. 240.00 / kVA / month	Rs. 220.00 / kVA / month	Rs. 220.00 / kVA / month
Energy Charges	Rs. 6.30 / kVAh	Rs. 6.00 / kVAh	Rs. 5.80 / kVAh	Rs. 5.60 / kVAh
<b>TOD RATE</b>				
22:00 hrs – 06:00 hrs	(-) 7.5%	(-) 7.5%	(-) 7.5%	(-) 7.5%
06:00 hrs – 17:00 hrs	0%	0%	0%	0%
17:00 hrs – 22:00 hrs	(+) 15%	(+) 15%	(+) 15%	(+) 15%



UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW

Petition No. 991/2014

DETERMINATION OF AGGREGATE REVENUE REQUIREMENT (ARR) AND TARIFF FOR FY 2015-16  
AND  
TRUE-UP OF ARR AND REVENUE FOR THE FINANCIAL YEAR FY 2012-13  
FOR  
DAKSHINANCHAL VIDYUT VITRAN NIGAM LIMITED

ORDER UNDER SECTION 62 & 64 OF  
THE ELECTRICITY ACT, 2003

June 18, 2015



## ANNEXURE – P8

List of industries that have either shut down operations or shifted operations to another state as per the petitioner's information:

- a. RA Castings
- b. Hindon Fordge
- c. Rosy Engineering Pvt. Ltd
- d. TS Engineering
- e. Samtel Colour Ltd.
- f. Bharat Udyog
- g. Rana Steel
- h. Krishna Murti Ispat
- i. Raghu Prime Metal.
- j. Aswad steels
- k. MQ steels
- l. HARI OM ISPAT & ALLOYS PVT.LTD
- m. SONATA STEEL PVT. LTD

## Annexure P 9

Summer - Time of Day		
From	To	Other
4:00 AM	10:00 AM	7.50%
10:00 AM	7:00 PM	0
7:00 PM	4:00 AM	15%

Winter - Time of Day		
From	To	Other
9:00 AM	1:00 PM	15.00%
1:00 PM	8:00 PM	7.50%
8:00 PM	1:00 AM	15.00%
1:00 AM	9:00 AM	0.00%

Parameter	Unit	11KV	33/66KV	132 KV	220 KV
Energy Charge	Rs/Kvah	6.65	6.35	6.15	5.95
Energy Charge with TOD	Rs/Kvah	6.90	6.59	6.38	6.17
Demand Charge	Rs/Kvah	0.35	0.33	0.31	0.31
Regulatory Surcharge	Rs/Kvah	0.36	0.34	0.33	0.32
Electricity Duty	Rs/Kvah	0.54	0.52	0.5	0.49
Landed DISCOM Tariff	Rs/Kvah	7.8	7.45	7.21	6.98

Regulatory Surcharge	5.22%	Applicable on Energy Charge with TOD			
Electricity Duty	7.50%	On Energy Charge with TOD and Demand Charge			
Demand Charges	Rs/KVA/M	250	240	220	220

Industrial Consumer FY 15-16



### Annexure P 9

Parameter	Unit	Figure
Buying Volume	MW	2
Duration	Hours in a Day	24
Period in Day	Days in a Month	30
IEX Bidding Price	Rs per MWh	3192
POC Loss	%	2.21
STU Loss	%	3.59
Wheeling Loss	%	4
CTU Tx. Charges	Rs per MWh	154.4
STU Tx. Charges	Rs per MWh	172.23
Wheeling/DISCOM Charges	Rs per MWh	288
NLDC Application Fees	Rs per Day	5000
NLDC Scheduling/Operating	Rs per Day	2000
SLDC Scheduling/Operating	Rs per Day	1000
Total Successful Entities	Number	850
Regional Entity Buyer	Number	30
Regional Entity Seller	Number	8
IEX Transaction Fees	Rs per Mwh	20
Buying Bid Volume	MWh	1440
Drawl Schedule After Loss Adjustments	MWh	1303.32
Cost as per Bid Volume	Rs	4596998.4
CTU Transmission Charges	Rs	222336
STU Transmission Charges	Rs	248011
Wheeling Charges	Rs	414720
NLDC Application Charges	Rs	176.5
NLDC Scheduling/Operating	Rs	2682
SLDC Scheduling/Operating	Rs	30000
IEX Transaction Fees	Rs	28800
<b>Total</b>	<b>Rs</b>	<b>5543723.9</b>
Member Professional Charge	Rs	28800
<b>Total Cost Payable</b>	<b>Rs</b>	<b>5572524</b>
Cost per unit as per schedule	Rs per Kwh	4.28
Cross Subsidy	Rs per Kwh	0.23
Electricity Duty	Rs per Kwh	0.52
RPO	Rs per Kwh	0.11
<b>Energy Cost to UP Consumer</b>	<b>Rs per KWH</b>	<b>5.14</b>

<b>Savings</b>	<b>2.31</b>
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Consumer has to quote a Minimum Bid Price of 3193 to get his Bid Cleared, even at that price he is able to do savings of Rs 2.21 per Kwh



**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

Petition No. 991/2014

**DETERMINATION OF AGGREGATE REVENUE REQUIREMENT (ARR) AND TARIFF FOR FY 2015-16**

**AND**

**TRUE-UP OF ARR AND REVENUE FOR THE FINANCIAL YEAR FY 2012-13**

**FOR**

**DAKSHINANCHAL VIDYUT VITRAN NIGAM LIMITED**

**ORDER UNDER SECTION 62 & 64 OF**  
**THE ELECTRICITY ACT, 2003**

**June 18, 2015**





Determination of ARR and Tariff of DVVNL for FY  
2015-16 and True-up of FY 2012-13

S. No.	Particulars	Assumption
2	Tariff (Single part & Two part) for IPPs / JVs	1. Fixed and variable charges are considered as provided in ARR / Tariff Petition submitted by the Licensees for FY 2015-16.

Table -: APPROVED COST OF POWER PURCHASE FROM IPPS / JVs FOR FY 2015-16

Source of Power	MW Available	MU	Fixed Cost		Variable Cost		Total Cost		Average Cost
			(Rs. / kWh)	(Rs. Cr.)	(Rs. / kWh)	(Rs. Cr.)	(Rs. / kWh)	(Rs. Cr.)	
NATHPA JHAKRI HPS	287.85	1,386.86	1.60	221.64	1.46	203.00	3.06	424.65	3.06
TALA POWER	44.98	181.26	-	-	2.47	44.81	2.47	44.81	2.47
Koteshwar	172.84	569.60	2.02	115.00	2.20	125.12	4.22	240.12	4.22
Srinagar	290.00	518.63	3.02	156.57	-	-	3.02	156.57	3.02
Sasan	495.00	2,081.38	0.18	36.96	1.29	268.84	1.47	305.80	1.47
Teesta St-III	-	-	-	-	-	-	-	-	-
Karcham-Wangtoo	200.00	157.68	-	-	4.00	63.01	4.00	63.01	4.00
VISHNUPRAYAG	352.00	1,622.83	1.01	164.24	1.40	227.18	2.41	391.42	2.41
TEHRI STAGE-I	418.50	1,811.03	1.88	340.47	2.58	467.21	4.46	807.68	4.46
Rosa Power Project	600.00	4,065.52	1.70	689.88	4.33	1,758.69	6.02	2,448.57	6.02
Rosa Power Project	600.00	4,065.52	1.70	689.88	4.33	1,758.69	6.02	2,448.57	6.02
Bara	1,188.00	1,115.24	-	-	3.20	357.01	3.20	357.01	3.20
Anpara 'C'	1,100.00	7,015.01	1.19	833.81	2.71	1,899.58	3.90	2,733.39	3.90
IGSTPP, Jhajhhar	51.15	358.46	1.61	57.68	4.39	157.44	6.00	215.12	6.00
Bajaj Hindusthan	450.00	2,982.12	2.25	671.00	4.71	1,403.51	6.96	2,074.51	6.96
Lalitpur	1,782.00	8,021.97	1.40	1,123.08	1.98	1,588.35	3.38	2,711.43	3.38
Total	8,032.32	35,953.10	1.42	5,100.22	2.87	10,322.43	4.29	15,422.65	4.29

## 5.8 POWER PROCUREMENT FROM OTHER SOURCES

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW

Receipt Register No.: \_\_\_\_\_  
Petition No.: \_\_\_\_\_

In the Matter of:

Open Access Users Association

Petitioner

VERSUS

Uttar Pradesh Power Transmission Corporation Limited ..... Respondent

VARALATNAMA

We, Open Access Users Association, Petitioner in the above petition do hereby appoint and retain Ms. Mandakini Ghosh and Mr. Parinay Deep Shah, Advocate/s to appear, plead and act for me/us in the above petition and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding and also to appear in all applications for review and for leave to the Supreme Court of India in all applications for review of judgment.

Place :

Date :

Executed in my presence.

*Parinay D. Shah*  
06.08.15

*Mandakini Ghosh*  
06/08/15

\*Signature with date

*Parinay D. Shah, Adv*

*Mandakini Ghosh, Adv*  
(Name and Designation)

(Address for service on the Counsel for  
Petitioner). Furnish  
G-64, Lajpat Nagar I  
New Delhi - 110024  
Phone No. 9958000692, 9811197518

*Mandakini Ghosh*  
Signature of the Party

"Accepted"

*Mandakini Ghosh* 08/08/2015  
*Anirban Mandal*  
Law Officer  
Signature with date  
(Name and Designation)



OPEN ACCESS USERS ASSOCIATION



To,

The Registrar,  
2<sup>nd</sup> Floor, Kisan Mandi bhawan,  
Gomti Nagar, Vibhuti Khand,  
Lucknow - 226 010

Subject: Filing of petition u/s 142 of Electricity Act, 2003 in the matter of OAU vs UPPTCL & Others.

Respected Sir/Madam,

This is to inform you that with regard to the filing of petition in the matter of Open Access Users Association (OAU) vs Uttar Pradesh Power Transmission Corporation Limited (UPPTCL), we do hereby appoint Mr. Abhinandan Das (Employee Code: 1253) as the authorized representative of the Open Access Users Association for the aforementioned subject.

Regards,



Amit Ailawadi

Secretary