

**JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
GURGAON**

Quorum
Shri S.K.Chaturvedi, Chairperson
Smt. Neerja Mathur, Member
Petition No. 188/2015
Date of Order: 09.12.2015

In the matter of

Application for Condonation of delay in respect of Review Petition under Regulation 74 of Joint Electricity Regulatory Commission for the State of Goa & Union Territories (Conduct of Business) Regulations, 2009 seeking review of the Tariff Order dated 30.03.2015 on Transmission Tariff of ED, DNH for FY 2015-16.

And in the matter of

Association of Polyester Continuous Polymerisation Industry of DNH, Silvassa**Petitioner**

For Petitioner

Shri Gaurav Nand, Consultant, Association of Polyester Continuous Polymerisation Industry of DNH, Silvassa.

ORDER

The Petitioner, Association of Polyester Continuous Polymerization Industry of DNH, Silvassa has filed the present Application for Condonation of delay in respect of Petition under Regulation 74 of Joint Electricity Regulatory Commission for the State of Goa & Union Territories (Conduct of Business) Regulations, 2009 seeking review of the Tariff Order dated 30.03.2015 on Transmission Tariff of ED, DNH for FY 2015-16 passed by the Commission.

The Review Petition was received in the Commission on 28.10.2015 alongwith the application for condonation of delay. Subsequently, the Petitioner has paid the fee for application of condonation of delay on 17.11.2015. The Commission found the Application on condonation of delay generally in line with the Electricity Act and the JERC (Conduct of Business) Regulations, 2009. The Commission thought it appropriate to entertain the Application for condonation of delay separately before initiating the proceedings for the Review Petition. Accordingly, the Commission admitted the Application on 23.11.2015 and numbered it as Petition No. 188/2015. The Commission sent 'Notice for Hearing' to the Petitioner on 23.11.2015 fixing the hearing on 09.12.2015 at 1100 hours at Commission's Court Room.

We have heard Shri Gaurav Nand, the learned counsel of the Review Petitioner on 09.12.2015. The crux of the explanation as narrated in the application for condonation of delay is as follows-

Quote

“.....

5. *Petitioner which is an Association of aggrieved industrial consumers has filed the present Petition after losing the huge money on account of excess transmission tariff charged by the authorities during Open Access transactions. Consumers enquired about this excess charging of transmission tariff, they were intimated that it all happened because of one arbitrary/ invalid sentence mentioned in the said tariff order of JERC which is restricting the implementation of transmission charges billing in terms of Rs./kWh. Hence, there is no question of delay in filing present review petition.....*
8. *In the respectful submission of the Petitioner, filing of the main Petition is bonafide and any delay is neither deliberate not wonton.....*
9. *It is most humbly submitted that if delay is not condoned grave prejudice and irreparable loss will be caused to the Petitioner/ Industrial consumers of Dadra & Nagar Haveli.”*

Unquote

Further, during the course of the hearing, the learned counsel has also submitted that the members of the Association were not aware earlier about the interpretation of this particular Clause in the Tariff Order; and faced difficulty from the month of July 2015 onwards. Hence, they decided to file the Review Petition in the matter. However, no sufficient reasons or explanations were submitted in support of condonation of delay.

The Commission also observes that eight months of the Financial Year 2015-16 have already elapsed and the tariff determination exercise for the next FY 2016-17 has already been initiated. The Petitioner may submit its representation in connection with the Transmission Charges on the basis of Rs. /kWh at that time.

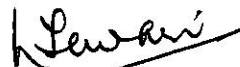
Moreover, existing JERC Open Access in Transmission and Distribution Regulations, 2009 provides for calculation of Short-Term Transmission Charges on Rs/MW/Day basis. In order to determine the Short-Term Transmission Charges on energy basis, it is also required to amend the existing JERC Open Access in Transmission and Distribution Regulations, 2009 in this regard and action will be initiated for amendment of JERC Regulations in line with the CERC Regulations in this regard.

In view of the above, the Application to condone the delay in filing the Review Petition is not maintainable, and is accordingly dismissed. Consequently, the Review Petition is also rejected

Sd/-
(NEERJA MATHUR)
MEMBER

Sd/-
(S.K.CHATURVEDI)
CHAIRPERSON

(CERTIFIED COPY)



(KEERTI TEWARI)

Keerti Tewari
Secretary
Joint Secretariat
Transmission