

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

Coram*
Sh. S.K.Chaturvedi, Member
Petition No. 37/2011

In the matter of

Intimation regarding release of power more than 25000 KVA on 66 KV system to M/s. Alok Industries, Sayali.

And in the matter of

Electricity Department, UT Dadra and Nagar Haveli.

Present:

1. Shri Sakesh Kumar, Advocate, ED-Dadra and Nagar Haveli.

ORDER

22.07.2013

ED- Dadra and Nagar Haveli- Petitioner has filed the present petition for intimation to the Commission regarding release of power more than 25000 KVA on 66 KV system to M/s. Alok Industries, Sayali till installation work of 220 KV switching station is completed with prayer to accept the intimation.

The petition runs as under:-

Quote

1. *The Petitioner, The Electricity Department of UT Administration of Dadra and Nagar Haveli (DNH) was filed the ARR petition and tariff proposal for the financial year 2010-11 before the Hon'ble Commission. The commission has approved the ARR petition and Tariff proposal and passed the tariff order dated 01.11.2010.*
2. *As per the General Condition No.4 of the Tariff Order of JERC in Case No. 14/2010, the system voltage at which the power supply to be released is being specified as below.*

"Supply to consumer having contracted load between 100 KVA to 1500 KVA will be generally at 11 KV and for more than 1500 KVA at 66 KV. The consumers who requires load more than 25000 KVA, the voltage of supply shall be at 220 KV level".

3. *M/s. Alok Industries Ltd., Survey NO.17/5/1, 521/1, Rakholi are the existing 66KV consumer of the territory having two numbers of 66KV connections as detailed below:-*

S. No.	Name of Consumer	Cons. No.	Existing load (Contracted Demand)
	MIS Alok Industries, Srv. No, 17/5/1	EH/RAC/109	29025 KVA
	MIS Alok Industries, Srv. No, 412	EH/RAC/002	31800 KVA

4. The consumer has applied for additional power and as per the latest. policy guidelines and memorandum issued dtd.26/04/2011 the consumer is eligible for release of following power to their unit.

(I) Consumer No.:- EH/RAC/109

Date	Applied load	Released	Balance to released	To be released as per policy
18/07/2008	3000 KVA	1050	1950	585 KVA (30%)
19/09/2009	15000 KVA	0	15000	3000 KVA (20%)
06/01/2011	55000	0	55000	11000 KVA (20%)
	KVA		Total	14585 KVA

(II) Consumer No.:- EH/RAC/102

Date	Applied load	Released	Balance to realised	To be released as per policy
16/08/2007	18000 KVA	7925	10075	3022 KVA (30%)
18/09/2009	12000 KVA	0	12000	2400 KVA (20%)
	KVA		Total	5422 KVA

5. However as per the order of JERC for ARR Petition and Tariff proposal 2010-11 issued on 1st November, 2010 the power supply on 66KV system is restricted for release upto 25000 KVA only. Therefore if the consumer wants to take power more than 25000 KVA shall have to establish 220 KV Sub - Station and avail the power on 220 KV voltage level.
6. As regard M/s Alok Industries Ltd., Survey No. 17/5/1, 521/1, Rakholi and M/s Alok Industries Ltd., Survey No.412, Sayli has already applied for establishment of 220/66 KV Sub Station on 2nd Feb., 2010 and desired to take the power supply on 220 KV level for both their units. The process for establishment of 220 KV Switching Station at village Sayli is already under process.
7. The Department had given, in- principal clearance for 220 KV LILO of one circuit of 220 KV Vapi- Khadoli line on dated 7.06.2010. The proposal has been submitted by the Department to the Central Electricity Authority for Techno Economical Sanction on dated 26.06.2010. The Director (UT), Central Electricity Authority has informed department that 220 KV Switching Stations should be constructed outside the premises of consumer and should be under control of Electricity Department vide letter dated 1.09.2010 and also advised to take LILO proposal from WREB, as 220 KV Vapi- Khadoli line constructed under Regional Plan of WREB.
8. Accordingly 220 KV switching station has been proposed in Government land of Survey No. 265/P at Sayali Village and requested CEA, SP& PA division to take the matter in Standing Committee Meeting of WREB/ WRPC.

9. 30th meeting of Standing Committee has approved the department proposal for making LILO of one circuit of 220 KV Vapi- Khadoli line.
10. Central Electricity Authority, SP& PA division has advised that proposed 220KV Sub Station should be constructed nearer to M/s. Alok Industries Ltd. which could meet the requirement of Alok Industries and future requirement of the territory also.
11. Accordingly, Mis. Alok Industries Ltd. has given undertaking to handover 12000 sq.mtr. of their land of survey No.420/4 of Electricity Department and also given undertaking to hand over required land to department for future expansion.
12. Department is submitting the proposal to Central Electricity Authority for according necessary techno-economical sanction as per new location.
13. As informed by M/s. Alok Industries Ltd. that they are in advanced stage of establishment of their 220 KV Sub Station and they have awarded the work of supply of 2x100 MVA power transformer to M/s. ABB Limited and power transformers are ready for supply and commissioning.
14. In view of the above, the consumer M/s. Alok Industries Ltd., Survey No.17/5/1, 521/1, Rakholi and Survey No.412, Sayli has requested by giving an undertaking that the power to their units of 14585 and 5422 KVA respectively as eligible as per the memorandum issued by the Administration dtd.26/04/2011 may be released by the department on 66KV voltage level presently and same will be shifted on 220 KV level as the work of establishment of 220 KV Switching Station which is already under process and will be completed shortly.
15. The UT Dadra and Nagar Haveli have accepted the request made by M/S Alok Industries, Sayali as the release of aforesaid load to this consumer on 66 KV system is technically feasible.

Cons. No.	Consumer No.	Consumer No.
Type of Conductor	ACSR Panther	ACSR Panther
Capacity	525 Amps.	525 Amps.
Existing Load (Amps)	296 Amps	296 Amps
Power Proposed to be released.	14585 KVA	5422 KVA
Forthcoming Load	145 Amps	54 Amps
Total Loading after release of power	441 Amps	350 Amps

16. The Para 2.2 of the Joint Electricity Regulatory Commission (Electricity Supply Code) Regulation 2010, which pertain to voltage of supply to consumers is reproduced as below. **"The supply voltage for different contract demand or contract load shall be as specified in the Tariff order. Provided that , depending on the system availability or condition, the licensee, at its discretion, may supply a consumer at a voltage other than one specified above recording justification for such deviation with prior intimation to the consumer and to the Commission."**

In view of the above para 2.2 of the Joint Electricity Regulatory Commission (Electricity Supply Code) Regulation 2010 , the technical feasibility mentioned in para 15 above and the justification given in preceding para's of this petition, the UT Administration has agreed to supply the aforesaid unit, above the limit prescribed in the Tariff Order.

17. The UT DNH files this petition for intimation to the Hon'ble Commission for release of 14585 KV A and 5422 KV A load on 66 KV system to MIS Alok industries Ltd, Sayali (two units as mentioned above) and the said load will be shifted to 220 KV system as soon as the work of installation of 220 KV switching station is completed by the consumer.

Unquote

The petition was received on 22.06.2011 in the Commission. The petition was found as per the provisions of the EA, 2003 and Regulations framed thereunder.

The Commission held hearings at Commission's headquarter Gurgaon on 14.07.2011, 19.09.2011, 12.12.2011, 19.12.2011, 17.01.2012, 7.02.2012, 16.02.2012, 24.4.2012, 3.07.2012, 3.08.2012, 3.11.2012, 14.12.2012, 23.01.2013, 6.03.2013 and 3.07.2013.

The Commission after hearing counsel for the petitioner on 19.10.2011 passed following order:-

Quote

At the outsell the learned counsel for the petitioner sought time for filing circuit/line diagram as the petitioner have engaged a consultant to prepare the same and not ready. Learned Law Officer of the Commission pointed out that in para 6 of the additional reply, it is stated by the petitioner that the additional load was granted to M/s Alok Industries Ltd. on 30.10.2010, 23.11.2010 and 30.06.2011, in spite of the issue of tariff order dated 1.11.2010. The contention that they did not read the order is not acceptable. He further submitted that the directions of the Commission contained in the tariff order dated 1.11.2010 can not be by-passed under proviso to section 2.2 of the supply code unless there is enough technical justification including safety and not merely at the licensee's convenience.

The Commission observes that the additional loads sanctioned on 30.10.2010, 23.11.2010 and 30.06.2011 as mentioned in Annexure IV to the reply are substantial and besides having safety concern, it may cause increase line losses, effect adversely voltage regulation, electrical stability of the line and average cost of supply to other consumers, which need to be explained by the petitioner.

The petitioner is directed to file affidavit supported by relevant documents to the following effect:-

1. *Procedure contained in Regulation 6.4 and 2.2 of the Supply Code were followed while granting additional load.*
2. *Why additional loads released/ sanctioned after the tariff order dated 1.11.2010 were not informed to the Commission.*
3. *Why the additional load beyond the limits specified in the tariff order be not restricted.*

Affidavit shall be filed by 5.12.2011. The matter shall be heard on 12.12.2011.

Unquote

The Commission has heard counsel for the petitioner at length on 22.07.2013 and has gone through the file carefully and thoroughly. Learned counsel for the petitioner stated at bar that work of 220 KV switching station is almost complete. The petitioner in the petition/information dated 16.01.2012 has submitted as under:-

Quote

"Since the load was already sanctioned before the order passed by the Hon'ble Court on 12.12.2011 when the status of the power supply to the industry was already commissioned

30.06.2011. In any case the sanctioning of additional load has violated the spirit of the tariff order, for which the department tender unconditional apology and undertake to abide by the orders passed by this Commission, as duty bound".

Unquote

The Commission in petition no. 14/2010 for approval of ARR and determination of tariff for FY 2010-11 of ED- DNH vide order dated 1.11.2010 gave following directions:-

Quote

"Supply to consumer having contracted load between 100 KVA to 1500 KVA will be generally at 11 KV and for more than 1500 KVA at 66 KV. The consumers who requires load more than 25000 KVA, the voltage of supply shall be at 220 KV level".

Unquote

The petitioner by way of the present petition intimated the Commission that the petitioner in violation of order dated 1.11.2010 in petition no. 14/2010 for approval of ARR and determination of tariff for FY 2010-11 of ED- DNH released power more than 25000 KVA on 66 KV system to M/s. Alok Industries, Sayali till installation work of 220 KV switching station is completed with prayer to accept the intimation. Learned counsel for the petitioner during course of hearing stated at bar that installation work of 220 KV switching station is almost complete. The petitioner shall immediately switchover supply to M/s Alok Industries Sayali as soon as installation of 220 KV switching station is completed.

The petitioner in petition/ information dated 16.01.2012 has also tendered unconditional apology and undertaking to abide by the orders and directions issued by the Commission as duty bound.

The Commission considered unconditional apology tendered by the petitioner and the undertaking given by learned counsel for the petitioner as well as factum of release of power more than 25000 KVA on 66 KV system to M/s. Alok Industries, Sayali is till installation work of 220 KV switching station is completed and Learned counsel for the petitioner at Bar has submitted that installation work of 220 KV switching station is almost complete and the petitioner shall immediately switchover supply to M/s Alok Industries, Sayali accept the intimation given by the petitioner with a direction to the petitioner to be careful in future and abide by all orders, directions, Regulations of JERC and provisions of EA, 2003 in future.

Sd/-

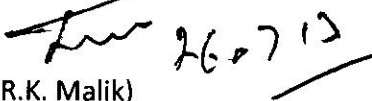
(S.K.Chaturvedi)

Member

Chairperson (Vacant)

- * Post of the Chairperson is vacant. As per proviso of Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 for review of its own orders "Coram is all Members". Whereas according to provisions of Section 93 of the Electricity Act, 2003 no act or proceedings of the appropriate Commission shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the Constitution of the appropriate Commission. So the Member only constitute a valid quorum.

Certified Copy


(R.K. Malik)
Secretary