

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

Quorum *
Shri S.K.Chaturvedi, Chairperson
Petition No. 142/2014
Date of Order 15.09.2014

In the matter of

Petition under Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Open Access in Transmission and Distribution) Regulations, 2009 for determination of Additional Surcharge payable by Open Access consumers availing power under Open Access.

And in the matter of

Electricity Department- Daman & Diu.

.....Petitioner

Present for petitioner

1. Sh. Dilesh Solanki, JE, ED-Daman & Diu.
2. Sh. Chandresh V. Dobariya, Consultant,

Order

The petitioner – ED- Daman & Diu has filed the present petition under JERC (Open Access in Transmission and Distribution) Regulations, 2009 for determination of Additional Surcharge payable by Open Access consumers availing power under Open Access.

The Commission received the petition on 19.08.2014. The Commission examined the petition and found in line with the JERC (Conduct of Business) Regulations, 2009 and Electricity Act, 2003. The Commission admitted the petition on 20.08.2014 and numbered as petition no. 142/2014.

The Commission sent hearing notice to the petitioner for today dated 15.09.2014. The Commission heard the representatives of the petitioner. The Commission pointed out Regulation 16 (iii) (d) of JERC (Open Access in Transmission and Distribution) Regulations, 2009, which runs as under:-

Quote

“The Commission shall scrutinize the statement of accounts submitted by the licensee and obtain objections, if any, of the consumer and determine the amount of additional surcharge, if any, payable by the consumer.”

Unquote

The Commission observes that the petitioner did not disclose names and addresses of the Open Access consumers and also did not implead them as respondents in the petition. Whereas according to Regulation 16 (iii) (d) of JERC (Open Access in Transmission and Distribution) Regulations, 2009 the Commission is required to invite objections from the Open Access consumers before determination of amount of additional surcharge. The Commission further observes that without impleading them as respondent and disclosing their names and addresses the Open Access consumers can't be served and afforded opportunity to file objections against the petition and hearing. Therefore, the Commission directs the petitioner to implead all the Open Access consumers as respondents in the petition.

The representatives for the petitioner prayed for 15 days time for impleading all the Open Access consumers as respondents and disclosing their names and addresses. The Commission considered the prayer of the petitioner, acceded to the same and directs the petitioner to file amended petition within 15 days after impleading all the Open Access consumers as respondents.

The Commission further directs that on receipt of the amended petition, notice be sent to all the respondents for 13.11.2014 for filing objections, if any.

Scheduled for hearing on 13.11.2014 at 11:00 AM.

Sd/-

(S.K.Chaturvedi)

Chairman

Member (Vacant)

- * As per Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 "Quorum is two". Whereas as per proviso of Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 if Chairperson or the Member is prevented from attending hearing of which he has been given notice the Member or the Chairman as the case may be attending the meeting shall validly constitute the Quorum. Post of the Member is vacant. 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 Chairperson only constitute a valid Quorum.

Certified Copy

(Keerti Tewari)

Secretary