

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

Quorum
Shri S.K.Chaturvedi, Chairperson
Petition No. 149/2014
Date of Order 15/12/2014

In the matter of

Petition for Extension of time under Clause 82 of JERC (Conduct of Business) Regulations, 2009 for compliance of the Joint Electricity Regulatory Commission (for the State of Goa and UTs) Directive Nos. 1 and 2 given in Tariff Orders of ED-Chandigarh for FY 2011-12 to FY 2014-15 regarding preparation of annual statement of accounts and Assets & Depreciation Register.

And in the matter of

Electricity Department- Chandigarh

.....Petitioner

Argued by for petitioner

1. Shri M.P. Singh, SE, ED- Chandigarh.
2. Shri Balwinder Singh, Circle Superintendent, ED- Chandigarh.
3. Shri Pawan Kumar Sharma, AEE, ED- Chandigarh.

Order

The Electricity Department Chandigarh - Petitioner has filed the present petition for Extension of time under Clause 82 of the JERC (Conduct of Business) Regulations, 2009 herein- after referred to as "the JERC Regulations" for compliance of the Joint Electricity Regulatory Commission (for the State of Goa and UTs) Directive Nos. 1 and 2 given in Tariff Orders of ED-Chandigarh for FY 2011-12 to FY 2014-15 regarding preparation of Annual Statement of Accounts and Assets & Depreciation Register.

The brief facts giving rise to the present petition are that the Commission in directive nos. 1 & 2 of the Tariff Orders dated 16.09.2011 in petition no. 20/2010 for approval of ARR & Determination of Retail Tariff for FY 2011-12, dated 07.05.2012 in petition no. 64/2012 for approval of ARR & Determination of Retail Tariff for FY 2012-13 and Review for FY 2011-12 and dated 15.04.2013 in petition no. 100/2013 for approval of ARR & Determination of Retail Tariff for FY 2013-14, Review for FY 2012-13 and provisional Truing up for FY 2011-12 of ED- Chandigarh gave directions to the petitioner for preparation of Annual Statement of Accounts and Assets & Depreciation Register under the JERC Regulations.

The Commission in the latest Tariff Order dated 11.04.2014 in petition no. 126/2014 for approval of ARR & Determination of Retail Tariff for FY 2014-15, Review for FY 2013-14 and Provisional Truing up for FY 2011-12 & FY 2012-13 of ED- Chandigarh again gave directions to the petitioner to comply directive nos. 1 & 2 of the Commission and file the true-up petition for FY 2011-12 and FY 2012-13 accordingly by October, 2014 failing which the Commission would be constrained to take action according to JERC Regulations and The Electricity Act, 2003, which may also include non-consideration of True up of FY 2011-12 and FY 2012-13 of ED- Chandigarh in all future orders.

The case of the petitioner is that tender OP-4/19/2013-14 was floated on 23.08.2013 with opening date of 17.09.2013 for appointment of consultant for (i) preparation of Annual Statement of Accounts on commercial accounting principles and (ii) Assets & Depreciation Register. But due to some objections raised by 3-4 firms, the date of opening of tender was extended upto 11.10.2013. Later, due to system constraint, the tender was cancelled.

The Detailed Notice Inviting Tender (DNIT) was amended by including comments/ suggestions given by various firms. The amended DNIT was deliberated by the Standing Committee constituted by the competent authority of Chandigarh Administration on 14.10.2013 & 31.10.2013 and later on approved by the Chief Engineer, UT – Chandigarh vide his office memo no. 11891 dated 31.12.2013. The said DNIT was again refloated on 17.01.2014 at e-tender portal of Chandigarh Administration. Therefore, the petitioner could not comply with the directives given by the Commission in the scheduled time. Hence, the petition has been filed under the JERC Regulations for extension of time upto 31.10.2015 for compliance of the directives of the Commission.

The Commission received the petition on 10.11.2014. The Commission examined the petition and technically found it in line with the JERC (Conduct of Business) Regulations, 2009 and Electricity Act, 2003. The Commission sent a hearing notice to the petitioner for 08.12.2014.

The Commission held a hearing in the Headquarters of the Commission on 08.12.2014. The Commission heard the representatives of the petitioner on 08.12.2014 at length and has gone through the petition carefully and thoroughly. The Commission admitted the petition and numbered it as 149/2014.

The Commission observed that the directive nos. 1 & 2 were repeatedly given by the Commission in Tariff Orders dated 16.09.2011, 07.05.2012, 15.04.2013 and 11.04.2014 for preparation of Annual Statement of Accounts and Assets & Depreciation Register under the JERC Regulations and the petitioner has failed to comply the directives issued by the Commission and on request of the petitioner the Commission time and again extended the period for complying with the directives issued by the Commission.

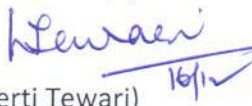
The Commission also observed that in the last Tariff Order dated 11.04.2014 the Commission had again directed the petitioner to comply with directive nos. 1 & 2 of the Commission and file the True-up petition for FY 2011-12 and FY 2012-13 by October, 2014 failing which the Commission would be constrained to take action according to JERC Regulations and The Electricity Act, 2003, which may also include non-consideration of True up of FY 2011-12 and FY 2012-13 of ED- Chandigarh in all future orders.

The Commission further observed that the petitioner is making efforts to engage a consultant for preparation of Annual Statement of Accounts on commercial accounting principles and Assets & Depreciation Register as per the directives given by the Commission and also floated tenders to appoint the consultant. However, the tenders were cancelled due to the reasons beyond control of the petitioner.

In the light of above discussion and observations specially keeping in view the few efforts taken by the petitioner, financial implications involved in compliance of the directives of the Commission and difficulties faced by the petitioner, the Commission extends the time for compliance with the directives of the Commission upto 30.09.2015 failing which the Commission shall be constrained to take action according to JERC Regulations and The Electricity Act, 2003, which may also include non-consideration of True up of FY 2011-12, FY 2012-13 and FY 2013-14 of ED- Chandigarh in all future orders and proceedings under Section 142 of the EA. The petition stands disposed off accordingly.

Sd/-
(S.K.Chaturvedi)
Chairperson

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(Keerti Tewari)
Secretary