

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

**Quorum**

Shri Desh Deepak Verma, Chairman  
Shri I. B. Pandey, Member  
Shri S. K. Agarwal, Member

**In the matter of:**

**Petitioner**

Open Access Users Association, 2<sup>nd</sup> Floor, D 21, Corporate Park, Sector 21,  
Dwarka, New Delhi - 1100

Versus

**Respondents**

1. Uttar Pradesh Power Transmission Company Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)
2. Uttar Pradesh State Load Dispatch Centre, Uttar Pradesh Power Transmission Company Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)

**Present in the Hearing:**

1. Shri Ajay Chauhan, Chief Engineer, SLDC, Lucknow
2. Shri Pankaj Saxena, Executive Engineer, STU
3. Shri Imtiaz Ahmed, Superintending Engineer, SLDC
4. Shri Zahir Ahmed, Executive Engineer, SLDC
5. Shri S. P. Gupta, Executive Engineer, SLDC
6. Shri Rahul Srivastava, Advocate, SLDC
7. Shri Abhimada Das, Advocate, Open Access Users Association

**ORDER**

(Hearing on 29.01.2016)

Whereas the petitioner Open Access Users Association, 2<sup>nd</sup> Floor, D 21, Corporate Park, Sector 21, Dwarka, New Delhi – 1100 has filed **petition no. 1034/2015**, in the matter of petition U/s 142 of the Electricity Act 2003 against UPPTCL for violation of section 39 & 40 of the Electricity Act 2003 and Commission's order dated 31.5.2013, 1.10.2014 & 18.6.2014.

The present petition has been filed against UP Power Transmission Corporation Ltd. (UPPTCL) for consistent non compliance and failure to provide non discriminative open access to consumers. According to the petitioner UPPTCL has failed to comply with the provisions of the Electricity Act 2003, regulations and various tariff orders of the Commission and that UPPTCL has failed to ensure development of an efficient and coordinated transmission for smooth flow of electricity and that UPPTCL has failed to adequately augment its transmission network resulting in denial of Intra State Open Access to the Open Access Users in the State due to lack of transmission capacity.

During the hearing on 21.12.2015 Shri Rahul Srivastava, Advocate appearing on behalf of SLDC submitted that they have filled the reply on 30.11.2015. Shri Puneet Chandra, Advocate appearing on behalf of UPPTCL requested fifteen days time to file the reply. The petitioner vehemently opposed it and submitted that nearly five weeks time has elapsed and the respondents are unable to file the reply. She further requested that UPPTCL may be directed to file the cogent reply before the next date.

The Commission granted fifteen days time to UPPTCL to file the reply and one week to the petitioner to file the rejoinder.

The Commission further directed that it shall be last opportunity and if UPPTCL does not file reply then it shall be presumed that they have nothing to say and Commission will take decision on merit.

During the hearing on 21.1.2016 Shri Abhinandan Das, Advocate of the petitioner submitted that they have received the reply from UPPTCL only few days back, but the Annexures have not been received. The Commission enquired UPPTCL as to why the complete reply was not sent to the petitioner. Shri Pankaj Saxena, Executive Engineer submitted that a complete reply was sent through courier and on request of the petitioner the reply was also sent by E-mail but Annexures could not be sent.

The Commission directed to UPPTCL to provide the complete reply to the petitioner within three days.

The petitioner requested to grant some time to go through reply and filed the rejoinder affidavit if any.

The Commission granted ten days time to the petitioner to file the rejoinder and next seven days to the respondents to file the counter if any.

Commission also directed SLDC to submit the list of consumers who have requested for Inter/Intra State Open Access, total transmission capacity and total transmission capability for Inter State and its projection for next ten years within one week of issue of this order.

List on 29.2.2016 at 15:00 hrs.

(S. K. Agarwal)  
Member

(I. B. Pandey)  
Member

(Desh Deepak Verma)  
Chairman

Dated: 11.02.2016