

Rajasthan Electricity Regulatory Commission

Petition No. RERC 1873/2021

In the matter of petition filed for review of Commission's order dated 02.12.2020.

Coram:

Dr. B.N. Sharma,	Chairman
Sh. S. C. Dinkar,	Member
Sh. Prithvi Raj,	Member

Petitioners : M/s Shri Prithvi Alloys Pvt. Ltd.

Respondents : 1. Jaipur Vidyut Vitran Nigam Ltd.
2. State Load Despatch Center

Date of hearing : 02.07.2021

Present : 1. Sh. S.C. Sharma, Authorised rep. for Petitioner
2. Sh. Bipin Gupta, Advocate for JVVNL
3. Sh. Ribhu Dutt, Advocate for SLDC

Order Date: **07.07.2021**

ORDER

1. M/s Shri Prithvi Alloys Pvt. Ltd. has filed this petition on 05.01.2021 for review of Commission's order dated 02.12.2020 passed in petition no. 1567/2019.
2. Notices were issued to Respondents on 06.01.2021 to file reply to the petition. Accordingly, Respondent State Load Despatch Center (SLDC) and Jaipur Vidyut Vitran Nigam Ltd. (JVVNL) filed its reply on 01.04.2021 and 11.06.2021 respectively. Petitioner also filed rejoinders to the reply filed by both the Respondents.

3. The matter was heard on 02.07.2021. Sh. S.C. Sharma Authorised representative appeared for Petitioner. Sh. Bipin Gupta, Advocate appeared for JVVNL and Sh. Ribhu Dutt, Advocate appeared for SLDC.
4. Petitioner in its petition, rejoinders and during the hearing made following submissions:-
 - (i) M/s Shri Prithvi Alloys Pvt. Ltd. is a HT consumer of JVVNL and also drawing power under Open Access through Energy Exchange (IEX).
 - (ii) In the billing month of April & May 2016, JVVNL levied charges for over capacity utilisation on 18.03.2016 & 28.04.2016.
 - (iii) Petitioner, against these charges under Regulation 30(1) of RERC Open Access Regulations, 2016, approached SLDC on the ground that no formal curtailment message to regulate its load was received from SLDC for delivery date 18.3.2016 & 28.04.2016 and RTC of main, check & standby meter was having time drift as per JIR report dated 11.05.2016.
 - (iv) SLDC vide its orders dated 24.04.2018 & 28.05.2018 decided the case in favour of the Petitioner stating that real time transmission curtailment occurred on 18.03.2016 and 28.04.2016 was not communicated to the Petitioner. Therefore, total admissible drawal shall remain unchanged and no penalty should be levied on the consumer.
 - (v) Respondent Discom did not comply with the decision of the SLDC, therefore, Petitioner filed a petition no. 1567/2019 before the Commission for non-compliance of SLDC order. In the petition, it was also submitted that RTC of main, check & standby meter was having time drift as per JIR report dated 11.05.2016.
 - (vi) Commission vide its order dated 02.12.2020 while disposing of the petition held that as transmission curtailment was intimated to Petitioner therefore, M/s Shri Prithvi Alloys Pvt. Ltd. is liable to pay charges for excess capacity utilization for over drawal on 18.03.2016 as billed by JVVNL.

Further, Commission upheld the decision of the SLDC for the date 28.04.2016 and directed JVVNL to comply with the order passed by SLDC within one month.

- (vii) Petitioner has filed the present petition for review of Commission's order dated 02.12.2020 stating that Commission while issuing order for 18.3.2016, has not considered the aspect of "time drift" of meter. The aspect of time drift of meter has significant impact on the over capacity utilization for 18.03.2016.
- (viii) While submitting its representation before SLDC Petitioner has submitted the aspect of time drift of +50 minutes in real time clock (RTC) of the meter but SLDC has not passed order on this aspect. While filing the petition no. 1567/2019 before the Commission, it has also brought this issue in the petition. Respondents in their replies have not responded on this issue.
- (ix) Issue of "meter drift" has not been decided at any level. No order on it will be a miscarriage of justice.
- (x) Earlier State Power Committee had granted relief through a general decision to all such consumers who were raised the issue of time drift and benefit was given to them by shifting the time blocks in the MRI load survey by time block equal to integral value of (time drift/15) and next one, whichever is advantageous to consumer.
- (xi) With shifting of load survey by three time blocks, the penalty would get waived off.
- (xii) Petitioner prayed to review its order and requested either to decide the aspect of "time drift" of meter in respect of billing for over capacity utilisation or modify its order directing SLDC to consider this aspect.

5. Respondent JVVNL in its reply and during the hearing submitted as under:

- (i) None of the grounds of Order 47 Rule 1 of CPC have been stated by the Petitioner therefore, in absence of grounds of Order 47 Rule 1 of CPC, the present petition is not maintainable
 - (ii) Penalty on 18.3.2016 was levied on Petitioner as communication regarding real time curtailment was sent well in advance at 17:39 hours whereas the consumers had scheduled power 4186 kW for the period 22:15 hours to 22:30 hours. After real time curtailment, the approved schedule was 810 kW instead of 4186 kW. Thus as per provisions of Open Access Regulations, consumer had total admissible drawl 2504 kW. However, the consumer did not adhere to the limits of drawl inspite of communication at 17:39 hours for the period 22:15 to 22:30 hours and therefore, his excess capacity utilization was 52.37%.
 - (iii) Further, on 18.03.2016, even if the time drift is taken into consideration the block of excess drawal will not fall in the permissible four block band as per Open Access Regulations, therefore petition is not maintainable. Further, Petitioner, during course of argument had not argued on the question of drift in the meters therefore, cannot be allowed to reargue the case.
6. Respondent SLDC in its reply and during hearing submitted that the Petitioner approached SLDC aggrieved with the charges levied by the Jaipur Discom in the matter of excess drawl over admissible drawl for delivery date 18.03.2016 and 28.04.2016. After giving opportunity of hearing to both the parties, based on the material available on record at that time, SLDC decided the matter in favour of the Petitioner. As the Petitioner was already accorded relief by SLDC on the issue of non-communication of information by SLDC, therefore, the issue of "time drift" was not relevant at that time.

Commission's view

7. Commission has considered the submissions, reply, rejoinder and oral

arguments made on behalf of the Petitioner and Respondents.

8. Petitioner submitted that the Commission vide its order dated 02.12.2020 has held that as transmission curtailment was intimated to Petitioner therefore, M/s Shri Prithvi Alloys Pvt. Ltd. is liable to pay charges for excess capacity utilization for over drawal on 18.03.2016. However, Commission while issuing order dated 02.12.2020 has not considered the aspect of "time drift" of meter. The aspect of time drift of meter has significant impact on the over capacity utilization charges.
9. According to the Petitioner issue of "meter drift" was neither considered at SLDC level nor at Commission level. Therefore, Petitioner prayed to review order dated 02.12.2020 only on the issue of "time drift" of meter.
10. Respondent JVVNL submitted that on 18.03.2016, even if the time drift is taken into consideration the block of excess drawal will not fall in the permissible four block band as per Open Access Regulations, therefore petition is not maintainable.
11. Respondent SLDC submitted that the Petitioner was accorded relief by SLDC on the issue of non-communication of information by SLDC, therefore, the issue of "time drift" was not considered at that time.
12. Commission observes that the issue of 'time drift' of meter was neither dealt with by SLDC nor by the Commission while issuing the order dated 02.12. 2020. If there was time drift in the meter, it may have impact on the over capacity utilization charges. Non consideration of 'time drift' while calculating the over capacity utilization is not in the interest of justice.
13. In the light of the above observation, Commission deems it appropriate to remand the matter to SLDC for detailed consideration only on issue of 'time drift' of meter and directs SLDC to consider the grievances of the Petitioner within thirty days after providing an opportunity of hearing to the Petitioner and Respondent and pass a reasoned order.

14. Petitioner and Respondent Discoms are directed to appear before the SLDC personally or through their counsel for redressal of its grievances.
15. This petition stands disposed of in above terms.

(Prithvi Raj)
Member

(S.C. Dinkar)
Member

(Dr. B.N. Sharma)
Chairman