

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
Petition No. 07 of 2024

In the Matter of:

Application seeking removal of difficulty/clarification in the UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020

And

In the Matter of:

Uttarakhand Power Corporation Ltd.,
Victoria Cross Vijeta Gabar Singh Urja Bhawan,
Kanwali Road, Dehradun

...Petitioner

And

(1) M/s Radiant Bar Pvt. Ltd.
Plot No. A-1/2, UPSIDC Industrial Area,
Village-Landhaura, Roorkee, Distt.-Haridwar
 &

(2) Power Transmission Corporation of Uttarakhand Ltd. (PTCUL),
‘Vidyut Bhawan’, Near ISBT,
Majra, Dehradun

...Respondents

Coram

Shri Anurag Sharma

Member (Law)

Date of Order: September 23, 2024

ORDER

This Order relates to the Petition filed by Uttarakhand Power Corporation Limited (UPCL) (hereinafter referred to as “UPCL” or “the Petitioner” or “the licensee”) seeking removal of difficulty/clarification in the UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020.

2. The Petitioner vide its letter No. 5856/UPCL/Comm dated 15.12.2023 submitted its Petition for seeking removal of difficulty/clarification under the provisions of the Clause 2.1(4) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 in the matter of enhancement of additional

3500 KVA load over the existing 9900 KVA contracted load of M/s Radiant Bar Pvt. Ltd., Plot No. A-1/2, UPSIDC Industrial Area, Village- Landhaura, Roorkee, Distt.- Haridwar.

3. The Petitioner under 'Facts of the case' has submitted that:

“

- (i) That as per clause 2.1(4) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 the contracted load above 10000 KVA and Upto 50000 KVA shall be released at a Voltage Level of 132 KV.
- (ii) That M/s Radiant Bar Pvt. Ltd. vide letter dated 01-02-2022 (**Annexure-1**) has requested UPCL to release an additional load of 11000 KVA above existing contracted load of 9900 KVA thereby a total contracted load of 20900 KVA load. Further, as per the Regulations the said load is to be released at a voltage level of 132 KV.
- (iii) That M/s Radiant Bar Pvt. Ltd. has submitted the feasibility report as provided by PTCUL states that the connectivity may be provided from proposed 220/132 Manglore Substation of PTCUL. However, the date of energization of the proposed substation has not been informed.
- (iv) That PTCUL vide letter no. 2093 dated 27-04-2023 (**Annexure-2**) has also informed that the works related to upgradation of Manglore Substation will be carried out in Deposit Head to be deposited by the consumer and after that 02 years will be required. Further, there may be chances of RoW issues which may further increase the timeline.
- (v) That in light of the such situation of network constraints, M/s Radiant Bar Pvt. Ltd. vide letter dated 15-03-2023 (**Annexure-3**) has requested UPCL that atleast 3500 KVA out of requested 11000 KVA load should be released on 33 KV Voltage Level.
- (vi) That in the context, it is also to apprise Hon'ble Commission that the existing 132 KV Manglore Substation (2X40 MVA) of PTCUL is also under capacity enhancement work (1x40 + 1X80 MVA) which will be completed by March 2025 as informed by PTCUL. However, there is enough capacity on the 33 KV Line to provide additional load of 3500 KVA to the consumer and the same may be allowed only after enhancement of transformation capacity at 132 KV Manglore Substation.

- (vii) *That in view of the above facts, it is humbly requested to kindly allow enhancement of additional 3500 KVA load over the existing 9900 KVA contracted load of the consumer to be released on temporary basis on existing 33 KV line."*
4. The Petitioner under the Cause of Action in its application has submitted *"That UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 governing the requirement of release of new connection does not explicitly provide for such a situation where the connection is to be released at 132 KV level however due to issues like RoW, feasibility and delay in execution of required transmission network at the end of Transmission Utility, how the enhancement of load or connection will be released and therefore Hon'ble Commission is requested to kindly provide necessary directions that in such situation, UPCL may release the connection/enhancement of load on 33 KV level or not."*
5. Further, under Relief Sought, Petitioner has requested the Commission to issue necessary clarification on release of new connection on 33 KV Voltage Level where there is any delay in construction of required 132 KV or above Voltage Level infrastructure that is required to release such connection.
6. On preliminary examination and observation of the Commission, it was deemed fit to make M/s Radiant Bar Pvt. Ltd. and PTCUL as the respondent No. 1 and respondent No. 2 respectively, therefore a Notice of hearing was issued, fixing the matter on 12.07.2024. On the date fixed, the parties appeared, however, none of the Respondents submitted any written reply/submission, therefore, Respondent No. 2 namely PTCUL was directed to file their written submission in the matter, Petitioner and Respondent No. 1 were provided an opportunity for submitting a rejoinder against the reply/submissions of Respondent No. 2.
7. In compliance of the Order dated 12.07.2024 Respondent No. 2 namely PTCUL vide its letter dated 23.07.2024 submitted its reply duly supported by an affidavit of Chief Engineer (Operations & Maintenance) Garhwal Zone, wherein PTCUL stated that they have no objection if the additional load to M/s Radiant Bar Pvt. Ltd. is released by UPCL on 33 kV voltage level. Similar reply supported by affidavit of Superintending Engineer (Operations & Maintenance), Electricity Transmission Circle, Roorkee, PTCUL and Executive Engineer, 220 kV (Operations &

Maintenance), Electricity Transmission Division Roorkee, PTCUL were also submitted.

8. Thereafter, the matter was fixed for hearing on 28.08.2024, wherein the parties were present and made their submissions before the Commission. The Petitioner submitted that they have filed the instant Petition basically for seeking permission from the Commission, and requested that the relief as mentioned at Para 9 (iii) of its Petition may kindly be considered accordingly and since Respondent no. 2 in its reply dated 23.07.2024 has given no objection for release of additional 3.5 MVA load at 33 kV, the Petitioner therefore, may kindly be allowed.

Representative of Respondent No. 2 submitted that presently in current months due to load being less on 132 kV Substation Mangalore and also considering that by March, 2025, 132 kV Substation Mangalore would be upgraded from 2x40 MVA to 1x40+1x80 MVA, therefore, it is possible to release the additional load as sought in the Petition and PTCUL has no objection in this regard.

The representative of M/s Radiant Bar orally submitted that the difficulty is being faced by them due to delay in load enhancement and also considering the possibility of requisite load enhancement in near future, requested to permit them additional load of 3.5 MVA over existing 33 kV line. He further submitted documents in support of deposition of system study fees to PTCUL which were taken on record.

9. On examination of the Petition made by the Petitioner, subsequent submission and submission made during hearing, observations and views of the Commission are as follows:

- (1) The present Petition has been filed by UPCL seeking removal of difficulty/clarification in UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020. Petitioner has stated that as per clause 2.1(4) of the UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, the contracted load above 10000 KVA and upto 50000 KVA shall be released at a voltage level of 132 KVA.

- (2) The Petitioner has stated that M/s Radiant Bar Pvt. Ltd. filed a letter dated 01.02.2022 and had requested UPCL to release an additional load of 11000 KVA above existing contracted load on 9900 KVA, meaning thereby the total contracted load of 20900 KVA and the said load to be released at a voltage level of 132 KVA as per the provisions of the Regulation. UPCL has further stated that M/s Radiant Bar Pvt. Ltd. submitted to UPCL a feasibility report dated 27.04.2023 provided to it by Power Transmission Corporation (PTCUL), which states that the connectivity may be provided from proposed 220/132 kV Mangalore Substation of PTCUL, however, the date of energization of the proposed Substation has not been informed, although it has been stated by PTCUL in the said letter that work related to upgradation of the Substation will be carried out under deposit head which would require two years subject to the chances of RoW issues and in such case it may further increase the timelines.
- (3) UPCL has stated that due to the situation of such network constraints M/s Radiant Bar Pvt. Ltd. vide their letter dated 15.03.2023 has requested UPCL to release at least 3500 KVA out of the requested 11000 KVA load on 33 kV voltage level. Consequently the present Petition has been filed wherein UPCL has requested for allowance of additional 3500 KVA load over the existing 9900 KVA contracted load of the consumer to be released on interim basis on existing 33 kV line, which as per UPCL has enough capacity for providing additional load of 3500 KVA to the consumer.
- (4) As can be seen from above, the Petitioner has basically sought relaxation of provisions of the Regulations 2.1(4) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, which provides that all installations having contracted load above 10000 KVA and upto 50000 KVA have to be released at 132 kV voltage level. The consumer has requested UPCL to release an additional load 11000 KVA above the existing contracted load of 9900 KVA.
- (5) In the present matter, it is relevant to refer to Regulation 3.4.3(5) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, which provides as under:

“3.4.3 Processing of Application and execution of work by Distribution Licensee

(1) ...

(5) *Distribution Licensee shall, within one month from date of receipt of application, study the feasibility of providing such connection including route survey for line and associated works and sanction the load. In case, works related to transmission Licensee at 132 kV or 220 kV are required to be executed, the distribution Licensee shall immediately intimate the transmission Licensee for carrying out such study and take the estimate of works charges from it. The distribution Licensee shall ensure that it informs the applicant, the estimated amount that is required to be deposited, in accordance with Table 3.10, and the date by which the said amount is to be deposited within the said period of one month. The distribution Licensee shall also indicate in the above communication, the approximate time frame for providing such connection, which shall not be more than that specified in these Clause (10) and Clause (11) below or tentative date indicated by consumer in his application, whichever is later.”*

(6) It is further relevant to refer to Table 3.11 of the said Regulations, as the time frame for release of new HT/EHT connection has been provided in Table 3.11 of the Regulations, same is as under:

“

Table 3.11: Time-frame for release of New HT/EHT connection

<i>Sl. No.</i>	<i>Description</i>	<i>No. of days</i>
<i>(i)</i>	<i>11 kV works including line</i>	
<i>(a)</i>	<i>not involving independent feeder</i>	<i>60 days</i>
<i>(b)</i>	<i>involving independent feeder</i>	<i>90 days</i>
<i>(ii)</i>	<i>33 kV works including line</i>	<i>180 days</i>
<i>(iii)</i>	<i>132 kV and above works including line</i>	<i>300 days</i>

”

From the perusal of above provisions of law, it is amply clear that within one month of the date of receipt of application, the Distribution Licensee is mandated to conduct study regarding feasibility of providing such connections including route survey, however, when the works related to transmission licensee at 132 kV or 220 kV are required to be executed, the distribution licensee is mandated to immediately intimate the transmission

licensee for carrying out such study and take the estimate charges of work from it. Further, within the said period of 1 month the distribution licensee is also required by the Regulations to ensure that it informs the applicant the estimated amount that is required to be deposited together with the date by which the said amount is to be deposited. Moreover, in the said communication, the distribution licensee is required to indicate the approximate time for providing such connections, which shall not be more than that as specified in clause 10 & clause 11 of the Regulation 3.4.3 of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, as the case may be.

- (7) Therefore, as per the Regulations, the work of 132 kV required for releasing the additional load was to be completed within 300 days, from the date of deposition of the estimated amount and the estimated amount was to be intimated within 1 month of the date of receipt of the Application. The application was submitted by the consumer on 01.02.2022 and the processing fee was deposited on 10.02.2022, therefore, the estimated amount was required to be intimated and deposit upto 10.03.2022, and accordingly, the works of 132 kV should have been completed within 300 days, thereafter. However, as can be seen from the record that neither any system study has been conducted as yet nor any estimate of the amount required to be deposited by the consumer has been provided to it. In fact, PTCUL in their letter dated 27.04.2023 has stated as under:

“... साथ ही अवगत कराना है कि उपरोक्त कार्य Deposit Head में कराया जायेगा जिसमें उपभोक्ता द्वारा धनराशि जमा करने के पश्चात् बे व लाईन के निर्माण में लगभग 02 वर्ष का समय लगने का अनुमान है तथा यदि लाईन निर्माण में RoW की समस्या आती है तो उसका निराकरण उपभोक्ता द्वारा ही किया जायेगा। साथ ही यह भी अवगत कराना है कि निर्माण का उपरोक्त समय अनुमानित है तथा RoW एवं अन्य परिस्थिति/समस्याओं के कारण समय बढ़ भी सकता है। उपरोक्त सम्भावनाओं के साथ-साथ विद्युत संयोजन हेतु अन्य सम्भावनाओं पर UERC Regulations-2015, Chapter-2 के Clause No. 05 के बिन्दु सं० 02 के अनुसार System study हेतु रु० 05 लाख का शुल्क प्रबन्ध निदेशक, पावर ट्रांसमिशन कारपोरेशन ऑफ़ उत्तराखण्ड लि०, देहरादून के Account में जमा कराने के साथ उपभोक्ता का सम्पूर्ण विवरण संलग्न प्रारूप में भरकर इस कार्यालय को उपलब्ध कराने का कष्ट करें।”

The aforesaid letter depicts not only the high-handedness of the transmission licensee but also complete disregard to the provisions of the Regulation, which the licensee is bound to comply with. The transmission licensee has not only against the provisions of the Regulations, sought from the consumer deposition of Rs. 05.00 Lac as fee for conducting system study but have on their own prescribed an estimated time frame of 02 years for construction of required Bay and Line, that too subject to the RoW issues and the responsibility of resolving the same is also fixed upon the consumer.

- (8) It appears that in such helpless situation, the consumer M/s Radiant Bar Pvt. Ltd. vide its letter dated 15.03.2023 written to MD, UPCL expressing its difficulties faced by non-release of additional load of 11000 KVA even after depositing the processing fee of Rs. 40000/- on 10.02.2022 and considering that as per letter dated 04.07.2022 of PTCUL, there was no possibility for release of the additional load by December, 2023, has requested for release of 3500 KVA load out of 11000 KVA on 33 kV line to meet its present requirement.
- (9) It has been more than 2½ years since the deposition of the processing fee by the consumer and nothing has been done by either of the licensee on the application of the consumer. In fact, not even basic survey has been substantiated/conducted by the respondent No. 2. In total disregard of the provisions of the Regulations, it is understandable that the consumer, who is seeking additional load of 11000 KVA must be facing difficulties including the financial implications for no fault of his own. Whatever is required to be done at the end of consumer seems to have been complied with by him, which gets substantiated from the fact that no objection has been filed either by the licensee in this regard. Moreover the distribution licensee itself having filed the Petition in the matter only demonstrates its failure in complying with the provisions of the Regulations for releasing the additional load in time, similarly during the hearing, PTCUL has not only expressed its “no objection” for releasing 3500 KVA load on 33 kV line but has also tried to justify the same by submitting before the Commission that in the current months, the load of 132 kV S/s Mangalore is less and considering that it

would be able to do the system strengthening work of the said Substations by March, 2025 and has also consented in release of the additional load sought by the consumer.

- (10) The Commission is not oblivious of the fact that such relaxations are not conducive for healthy electrical system and such practice needs to be curbed, however, considering the peculiar fact of the case and it has been more than 2½ year since the deposition of processing fee by the consumer and that there is no fault on the part of the consumer, who is rather suffering from the inactions of the licensees and also keeping insight the fact that this may take further atleast 300 days for construction of the Bay and the line required for releasing the additional load of 11000 KVA and coupled with the fact that neither the distribution licensee nor transmission licensee have raised any concern in releasing the said load of 3500 KVA on existing 33 kV line.
- (11) The Commission therefore, deems it fit in the present situation to relax the provisions of Regulations 2.1(4) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 and to permit the Petitioner to release additional load of 3500 KVA on interim basis over the existing 33 kV line to the consumer for such period of 300 days initially, as during which the Commission expects the licensee to carry out the requisite work and release the required additional load, however, for any reason if there is further delay in release of additional load beyond 300 days from the date of Order, it seems justified that the consumer be granted liberty, to move by way of proper Petition for seeking extension of the present interim Order, as may be required.
- (12) Based on the above, the Commission by exercising its power to relax, allows release of additional load of 3500 KVA from the existing 33 kV line supplying energy to the consumer for 300 days from the date of the Order and grants liberty to the Petitioner/consumer to move by way of proper Petition for seeking extension of the present Order in case of delay in release of required load (i.e. 11000 KVA) enhancement occurs. UPCL to release the additional load of 3500 KVA to M/s Radiant Bar Pvt. Ltd., Plot No. A-1/2, UPSIDC Industrial Area, Village- Landhaura, Roorkee, Distt.- Haridwar at the earliest

subject to the above, the licensee to comply with the prevailing Rules and Regulations, in this regard.

Further, both the licensees namely UPCL and PTCUL are directed to comply with the provisions of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020 and submit quarterly report of progress in the matter within 15 days of the end of the quarter before the Commission.

- (13) Since the nature of load at M/s Radiant Bar Pvt. Ltd. is of non-linear nature, such incremental load on existing 33 kV line may have detrimental effects on the power system leading to problems of Harmonics, flickers, voltage swells etc., which in turn would significantly affect the power quality. Therefore, UPCL should analyse the requirement for installation of Power Quality Monitoring System (PQMS) at the said 33 kV feeder, so that, if required, it can be ensured that the total Harmonic distortion Current and Voltage levels are within the allowable limits, and a report in this regard be submitted to the Commission. Further, the licensee shall ensure compliance of the Commission's and CEA Safety Regulations.

Ordered accordingly.

(Anurag Sharma)
Member (Law)