

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/RA- 9 of 2019

Date of Hearing : 08.05.2019

Date of Order : 08.05.2019

In the Matter of

Petition under Regulation 78 of the HERC (Conduct of Business) Regulations, 2004 (read with subsequent amendments) seeking review of the order passed by Hon'ble Commission in petition nos. HERC/PRO-51 of 2018 and HERC/PRO-18 of 2019 conveyed vide no. 5312-14/HERC/tariff dated 09.04.2019.

Review Petitioner

M/s. Jhajjar KT Transco Private Limited (JKTPL)

Respondent

Haryana Vidyut Prasaran Nigam Limited (HVPNL)

Present On behalf of the Petitioner

1. Sh. R. K. Jain, Counsel for M/s. Jhajjar KT Transco Private Limited

Present On behalf of the Respondent

1. Shri Raheel Kohli, Advocate.
2. Shri Rupesh Khara, Xen, HVPNL.
3. Shri Jaspreet Singh, AEE, HVPNL.

Quorum

Shri Jagjeet Singh, Chairman
Shri Pravindra Singh Chauhan, Member

INTERIM ORDER

1. The matter was heard on 8th May, 2019 as scheduled.
2. Shri R.K. Jain, Ld. Advisor appearing for M/s. Jhajjar KT Transco Private Limited argued that the present review petition has been filed against the Commission's Order dated 04.04.2019 on three grounds namely;
 - a) The Commission has incorrectly held that HVPNL is required to calculate Reliability Measurement Unit (RMU) for each element of the system

capacity since the clarification dated 11.12.2009 issued by HVPNL has been withdrawn by it on 24.12.2009.

- b) Disposal of Petition No. HERC/PRO-18 of 2019 along with Petition No. HERC/PRO-51 of 2018, without directing HVPNL that whenever RMU exceeds the specified limit, penalty shall be levied @ 1% of the unitary charges paid on monthly basis and not on unitary charges payable for the entire year.
 - c) Direct HVPNL to refund the amount of RMU penalty wrongly deducted from the invoice of March, 2019 without following dispute resolution mechanism.
3. Per-contra, Ld. Advocate for the Respondent Nigam replied the issues raised by the Petitioner as under:-
- a) The issue raised by the Petitioner has been settled in the impugned order of the Commission dated 04.04.2019 and no apparent error or important fact has been pointed out by the Petitioner in the impugned Order of the Commission, warranting the Commission to exercise its review jurisdiction.
 - b) HVPNL is correct in levying penalty @ 1% of the unitary charges payable for the accounting year since the base of determination of RMU is the accounting year.
 - c) HVPNL has deducted the RMU penalty from the invoice of March, 2019 after the impugned order of the Commission dated 04.04.2019, which supersedes all dispute resolution mechanism, provided in the Transmission Agreement (TA).
4. On hearing the matter, the Commission directed HVPNL to submit written submission of their arguments including detailed calculation of RMU Penalty levied by them in accordance with the Transmission Agreement, within 3 days of the date of issue of this Order.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 08.05.2019.

Date: 08.05.2019
Place: Panchkula

(Pravindra Singh Chauhan)
Member

(Jagjeet Singh)
Chairman