

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

COURT-II

**APPEAL NO. 167 OF 2021 &
IA NOS. 453 & 452 OF 2022**

Dated: **07.07.2022**

Present: **Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

BLS ECOTECH LTD

SP-179, Riico Industrial Area,
Kaharani,
Bhiwadi-301019
Rajasthan

..... Appellant(s)

Versus

1. JAIPUR VIDYUT VITRAN NIGAM LIMITED (JVVNL)

Through its Managing Director
Vidyut Bhawan, Janpath,
Jaipur-302005
Rajasthan

2. RAJASTHAN ELECTRICITY REGULATORY COMMISSION

Through Its Secretary
Vidyut Vinyamak Bhawan
Near State Motor Garage
Sahakar Marg, Jaipur – 302 005
Rajasthan

.... Respondents

Counsel for the Appellant (s) : Mr. P.N. Bhandari
Mr. Paramhans Sahani

Counsel for the Respondent (s) : Mr. Sandeep Pathak
Ms. Archana Pathak
Mr. Kumar Prashant
Mr. Avnish Dave for R-1

J U D G M E N T (Oral)

PER HON'BLE MR. R.K. GAUBA, OFFICIATING CHAIRPERSON

1. The appellant is an open access consumer as also a consumer drawing electricity from the distribution licensee i.e. first respondent/Jaipur

Vidyut Vitran Nigam Limited for purposes of its industrial unit located in Bhiwadi, District Alwar, Rajasthan. The dispute essentially pertains to the drawal of electricity on 18.03.2016 and 02.04.2016 it statedly being in excess and thus having resulted in levy, *inter alia*, of certain penalties. It had earlier been brought before the second respondent/State Load Despatch Centre (SLDC), the decision taken were upon being brought to challenge before the State Commission by petition registered as RERC/1792/2020. The said petition resulted in Order dated 07.12.2020 whereby the Commission declined to interfere with the determination of SLDC by its Order dated 15.07.2020. Feeling aggrieved, the appellant has approached this Tribunal by this appeal.

2. In the fact finding inquiry made by SLDC, as has been endorsed by the State Commission by the impugned order, it has been concluded that the appellant had drawn electricity to the extent of 1685 KW in excess as against admissible drawal of 1185 KW. Similarly, on 02.04.2016, the appellant had indulged in drawal of 1603 KW of electricity in excess against the admissible drawal of 859 KW.

3. The appellant challenges the impugned decision of SLDC, as upheld by the State Commission by the impugned order, primarily submitting that there is no question of over drawal so long as the consumer remains within the limits of its total sanctioned contract demand. Reliance is placed on

Regulation 26(3) of Rajasthan Electricity Regulatory Commission (Terms & Conditions for Open Access) Regulations, 2016 which reads thus:

“26. Compliance and Grid Discipline:

...

(3) The open access consumer shall restrict the sum of his total drawal from all sources including open access and Distribution Licensee up to the total sanctioned contract demand with the Distribution Licensee.

Provided that open access may be allowed over and above the contract demand to a consumer who sources power both by captive generation and Discom to the extent of captive power supply subject to availability of transmission and/or distribution system as the case may be.

Provided further that long term open access may be allowed over and above the contract demand to the extent of sanctioned open access capacity.”

4. The findings returned by the two lower forums on the issue of drawal of power in excess of admissible limits are based, *inter alia*, on communication given by SLDC by email at 17:40 hrs on 18.03.2016 revising the schedule. The appellant has pleaded ignorance in such regard which submission we are unable to accept. The finding of facts having been subjected to another scrutiny by the State Commission, we find no good reason to interfere with the same, there being no good reason shown in support. The Regulation 26(3) referred to above is the general rule but subject to grid discipline enforced by SLDC which has the power to revise the schedule and put restrictions on drawal.

5. In the facts and circumstances, we find no merit or substance in the appeal. The appeal along with pending applications is dismissed accordingly.

(Sandesh Kumar Sharma)
Technical Member

vt/mkj

(Justice R.K. Gauba)
Officiating Chairperson