



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2125/2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition on behalf of UPSLDC under Section 86(1)(c) and 86(1)(k) of the Act, read with Regulation 56 of UPERC (Multi Year Tariff for Distribution and Transmission) Regulations, 2019 seeking an order for removal of difficulties being faced with respect to the issue of deemed availability during the outage period caused because of the infrastructure Projects of national importance of NHAI, Railways, and Border Road Organization.

AND

IN THE MATTER OF

Uttar Pradesh State Load Despatch Centre

through Director, Vibhuti Khand, Gomti Nagar, Lucknow-226010

..... **Petitioner**

THE FOLLOWING WERE PRESENT

1. Sh. Divyanshu Bhatt, Advocate, Petitioner
2. Sh. Shashwat Singh, Advocate, Petitioner

ORDER

(DATE OF HEARING: 22.10.2024)

1. The instant Petition is filed by UP State Load Despatch Centre ("UPSLDC") under Section 86(1)(c) and 86(1)(k) of the Electricity Act, 2003 ("Act"), read with Regulation 56 of UPERC (Multi Year Tariff for Distribution and Transmission) Regulations, 2019 ("UPERC MYT Regulations 2019") seeking an order for removal

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of difficulties being faced with respect to the issue of deemed availability during the outage period caused because of the infrastructure Projects of national importance of NHAI, Railways, and Border Road Organization.

2. The Prayers of the petition are as follows:

- (i) Allow the instant petition;
- (ii) Pass an order adopting the regulation 5(iii) of the CERC Regulations 2024 in the State of Uttar Pradesh and/ or in the alternative;
- (iii) Pass an order formulating/ prescribing a mechanism for certifying the deemed availability during the outage period caused due to obstruction caused because of construction projects; and
- (iv) Pass such orders that the Commission may deem fit in the present facts and circumstances of the case.

3. The matter was listed on admission. During the hearing, Sh. Divyanshu Bhatt Counsel on behalf of the Petitioner stated that UPSLDC is the State Load Despatch Centre for the State of Uttar Pradesh. UPSLDC is an independent entity established under Section 31 of the Act and is responsible for monitoring grid operation including optimum scheduling and despatch of electricity within the State.

4. Sh. Divyanshu Bhatt submitted that in terms of the applicable UPERC MYT Regulations 2019, it is the Petitioner that carries the mandate of certifying Actual Availability of the Transmission System, which includes the certification of Deemed Availability.

5. Sh. Bhatt further submitted that the applicable regulations do not deal with such circumstances where the Petitioner is required to provide a Deemed Availability certificate for the element in case the outage is taken due to some infrastructure Project implementation other than the works of transmission licensee. In this regard, reference was made to Clause 4 and Clause 5 of Annexure B: Procedure for calculation of Transmission System Availability Factor for a Month, as prescribed by UPERC MYT Regulations 2019.

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6. Sh. Bhatt also stated that after filing of present petition, regulatory process for the Draft UPERC (MYT for Distribution and Transmission Tariff) (Third Amendment) Regulations, 2024 has already been initiated which takes care of the current issue and after the notification of amendment this petition will not survive.
7. The Commission observes that the matter is regulatory rather than adjudicatory and can't be addressed through an order. It necessitates amending the existing regulations under section 181 of the act, ensuring stakeholders participation. The Commission also observes that the amendment process for Annexure B ("Procedure for calculation of Transmission System Availability factor for a month") of the Principal Regulations, which addresses the Petitioner's concerns, is already underway, with a public hearing conducted on 19.09.2024.
8. In view of above, the petition is disposed of at the admission stage.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 05.12.2024