

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Quorum

1. Hon'ble Shri Raj Pratap Singh, Chairman
2. Hon'ble Shri Kaushal Kishore Sharma, Member
3. Hon'ble Shri Vinod Kumar Srivastava, Member

IN THE MATTER OF:

Non-compliance of Commission's order dated 17.05.2019 in the matter of Suo-Moto proceedings in implementation of 13th Amendment of Electricity Supply Code, 2005.

1. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 Gokhale Marg, Lucknow
2. Managing Director, Poorvanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Bhawan, P.O. Vidyut Nagar, DLW, Varanasi.
3. Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut.
4. Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan 220, K.V. Up-Sansthan Bypass Road Agra – 282007
5. Managing Director, Kanpur Electricity Supply Co. Ltd., 14/71, Civil Lines, KESA House, Kanpur.
6. Noida Power Co. Ltd., Electric Sub Station Knowledge Park- IV, Greater Noida Gautam Buddha Nagar, UP 201310

Present in the Hearing:

1. Shri Surya Pal Gangwar, MD, MVVNL & MD PuVVNL
2. Smt. Saumya Agrawal, MD, DVVNL
3. Shri Arvind Mallapa Bangari, MD, PVVNL
4. Shri Ajay Kumar, MD, KESCo
5. Shri R.C. Agarwala, MD & CEO, NPCL

ORDER

(Date of Hearing 01.10.2020)

1. The Commission had initiated Suo-Moto proceedings on non-compliance of Commission's order dated 17.05.2019 in the matter of implementation of 13th Amendment of Electricity Supply Code, 2005. Subsequently number of hearings were conducted by the Commission to monitor the progress made by the licensees and to resolve the issues and impediments faced by the licensees in its implementation so that interest of flat owners / residents of the builders may be insulated from the exploitation of builders.
2. The Commission its Order dated 05th August 2020 had examined all the issues and concerns raised by the licensees and had given observations/ directions



covering various aspects including Metering System, Infrastructure development, Billing & Collection issues and Security Deposit. The Commission issued notice to the licensee to provide updated status on the compliance of the 13th amendment taking into consideration the Order dated 05th August of the Commission.

3. Based on the latest submission, the progress made in relation to conversion of single point connection to multi point is provided by the Managing Directors of the Discoms.

PVVNL Submission

4. Managing Director, PVVNL submitted that the area covered by PVVNL has been divided in five regions namely Gaziabad, Noida, Bulandsheher, Meerut, Saharanpur and Moradabad. There is no multi storied building in Saharanpur. The Licensee further submitted that the buildings having single point connection can be divided in three categories. These are as follows

Category 1: multi storied buildings having only Grid supply (without DG),

Category 2: multi storied buildings having both Grid and DG supply but minor changes are required in infrastructure

Category 3: multi storied buildings having both Grid and DG supply with common cable

The status on implementation of the Order of the Commission provided by Managing Director, PVVNL is as follows

S No.	Issues	Status as per Order dated 05.08.2020	Status as on 29.09.2020
1	Number of multi storied buildings in the license area.	658	658
2	Number of multi storied buildings having single point connection in license area.	364	364
3	Number of multi storied buildings having single point connection, who have opted for retaining single point connection.	278	69
4	Number of multi storied buildings having single point connection, who have opted for multi-point connection	24	40
5	Number of multi storied buildings that have been converted	8	8



5. The conversion of 32 buildings out of remaining 40 who have given their consent is in process. In the hearing the Managing Director informed that the conversion of all buildings in Category 1 and 2 that have to be converted to multipoint connection will be completed within next two months as the technical feasibility report of 13 buildings of Category 1 and two buildings of Category 2 shall be completed by the end of October, 2020. Decision of 255 buildings is yet to be received.
6. For the Category 3 buildings the Managing Director, PVVNL informed that PVVNL has made presentation before Chairman, UPPCL on the requirement of Dual Source Dual Register meters for such buildings. Further, Chairman, UPPCL has written a letter to BIS for determining the standards of such meters. Efforts are also being made to integrate dual source dual register meter with smart meters. In the hearing, the Managing Director, PVVNL informed that the bid/ tender documents will be finalized by 10th October and the tendering process shall be commenced by 01st November, 2020 and is planned to be completed by January 2021. The conversion of such buildings will be started from February 2021, and is expected to be completed by May, 2021.

NPCL Submission

7. The status on implementation of the Order of the Commission provided by Managing Director, NPCL is as follows

S No.	Issues	Status as per Order dated 05.08.2020	Status as on 04.09.2020
1	Number of multi storied buildings in the license area.	161	161
2	Number of Buildings already on Multi Point	27	27
3	Number of multi storied buildings having single point connection in license area.	134	134
3	Number of multi storied buildings having single point connection, who have opted for retaining single point connection.	12	19
4	Number of multi storied buildings having single point connection, who have opted for multi-point connection	25	35
5	Number of multi storied buildings that have been converted	2	2

8. Based on the above, NPCL submitted that consent of 80 buildings is yet to be received. 9 buildings have sought time extension to submit the decision on



whether to opt for multipoint connection or retain single point connection. No response/ communication has been received from 71 buildings. In case of these 71 buildings, it will be deemed that option of multipoint connection has been opted for. Accordingly, reminder letters are being sent again to all such multi storied buildings.

9. NPCL further submitted that it is preparing a Tripartite Agreement proposed to be executed among NPCL, the Service Provider (M/s Radius) and the Builder/ Developer/ RWA/ AOA, as the case may be, clearly defining the roles & responsibilities of each entity to avoid any doubt/ confusion for their respective obligations. The draft Tripartite Agreement will be submitted to the Commission for necessary advice and guidance.
10. NPCL has further submitted that M/s Allied Engineering Works and M/s Radius Synergies International Pvt Ltd are two available vendors for supply of Dual Source Dual Register prepayment meters and equipment related to communication, IT infrastructure & related services respectively. Purchase order for 2000 Dual Source Dual Register prepayment meters has been placed with M/s Allied Engineering Works and with M/s Radius Synergies International Pvt Ltd for setting up communication, IT infrastructure & related services. As informed by M/s Allied Engineering Works, the meters shall be supplied by December 31, 2020.

DVVNL Submission

11. Managing Director, DVVNL submitted that the area covered by DVVNL has been divided in four regions namely Torrent Power, Mathura, Agra and Aligarh. The status on implementation of the Order of the Commission provided by Managing Director, DVVNL is as follows



S No.	Issues	Status as per Order dated 05.08.2020	Status as on 29.09.2020
1	Number of multi storied buildings in the license area.	783	783
2	Number of multi storied buildings having single point connection in license area.	74 (excluding 29 Govt Buildings)	74 (excluding 29 Govt Buildings)
3	Number of multi storied buildings having single point connection, who have opted for retaining single point connection.	43	45
4	Number of multi storied buildings having single point connection, who have opted for multi-point connection	24	25
5	Number of multi storied buildings that have been converted	9	13

12. There are two buildings who have not communicated their decision while there is some dispute associated with two buildings. The roadmap for conversion for each building has been submitted wherein various aspects such as partial occupancy, non-shifting of residents, inadequate infra etc have been mentioned.

13. The Managing Director, DVVNL informed in the hearing that M/s Torrent Power, the franchisee in Agra, is in the process of procurement of purchase of dual source dual register meters. The requirement of dual source dual register meters for other regions of DVVNL, which is in very small number, has been communicated to M/s Torrent Power, which shall purchase and provide such meters to DVVNL.

MVVNL Submission

14. Managing Director, MVVNL submitted that the area covered by MVVNL has been divided in five regions namely LESA CIS, LESA Trans, Lucknow, Ayodhya and Bareilly. The status on implementation of the Order of the Commission provided by Managing Director, MVVNL is as follows



S No.	Issues	Status as on 16.07.2020	Status as on 25.09.2020
1	Number of multi storied buildings in the license area.	1138	1138
2	Number of multi storied buildings having single point connection in license area.	354	354
3	Number of multi storied buildings having single point connection, who have opted for retaining single point connection.	47	44
4	Number of multi storied buildings having single point connection, who have opted for multi-point connection	199	203
5	Number of multi storied buildings that have been converted	157	177

15. The conversion of 26 buildings out of 203, which have given their consent, is in process. In the hearing the Managing Director informed that the conversion of all buildings that have to be converted to multipoint connection will be completed within next two months. Decision of 107 buildings is yet to be received. These 107 buildings are being deemed to be converted to multipoint. They are being pursued to get their consent for conversion of single point connection to multipoint connection.

16. The Managing Director, MVVNL informed that there are 12 buildings in MVVNL region in which dual source dual register meters will be required to be installed. PVVNL has made presentation before Chairman, UPPCL on the requirement of Dual Source Dual Register meters for such buildings. Further, Chairman, UPPCL has written a letter to BIS for determining the standards of such meters. Efforts are also being made to integrate dual source dual register meter with smart meters.

PuVVNL Submission

17. Managing Director, PuVVNL submitted that the conversion of buildings is in process and shall be completed within next two months.

KSECO Submission



18. The status on implementation of the Order of the Commission provided by Managing Director, KESCO is as follows

S No.	Issues	Status as per Order dated 05.08.2020	Status as on 25.09.2020
1	Number of multi storied buildings in the license area.	658	688
2	Number of multi storied buildings having single point connection in license area.	373	373
3	Number of multi storied buildings having single point connection, who have opted for retaining single point connection.	22	75
4	Number of multi storied buildings having single point connection, who have opted for multi-point connection	200	280
5	Number of multi storied buildings that have been converted	149	162

19. The conversion of remaining 118 buildings out of 280 which have given their consent is in process. Decision of 18 buildings is yet to be received. These 18 buildings are being deemed to be converted to multipoint and their connections were disconnected. They are being pursued to get their consent for conversion of single point connection to multipoint connection. In the hearing the Managing Director informed that the conversion of all buildings that have to be converted to multipoint connection will be completed within next two months.

Analysis and Directions of The Commission

20. The Commission has been regularly exhorting the Licensees to assess the progress in the implementation of the 13th amendment to the Uttar Pradesh Electricity Supply Code, 2005. In various hearings and on the basis submissions and issues being raised by the Licensee since the initiation of proceedings, the Commission has been providing requisite clarifications on all issues with the legitimate expectation that the conversion of single point connection to multipoint connection in multi-storied buildings would be implemented in a timely manner. The Commission finds that despite setting the rules at ground and providing clarity on all the issues, no significant progress has been made by PVVNL and NPCL thus rendering the initiative of whole exercise futile. The Commission



expressed its displeasure and stated that the consumers of both the licensees keep on sending emails to the Commission in this matter but no positive action is being taken by both the licensees. Both the licensees have maximum number of multi storied buildings still they are acting in most apathetic manner thus the entire conversion process in these two licensees is getting derailed.

21. The Commission stressed that earlier the Licensees were harping upon the complications in implementing the amendment approved by the Commission but when the issues were settled by this Commission vide its Order dated 05th August, 2020 still these two licensees are failing to show any discernible progress, which is a testimony of their callous attitude. The recent submission of PVVNL that there are three categories of consumers is not something new but was known to the licensee from the very beginning. Once the Commission approved to install dual source dual register meters, the process should have gathered momentum but still new problems are being discovered. It is not clear that after categorical Order of the Commission in this regard, what new approvals are required to the Licensees. Thus, there is no explanation for the delaying the process for procurement of meters. The Commission appreciates that licensees have been taking cognizance of the notices but fails to understand why these two licensees have been testing the patience of the Commission by their casual attitude. It is in this backdrop that Commission observed in the hearing that it is a matter of consumer interest and therefore, the Commission will ensure that the work is done with them, without them or despite them.

22. The Commission further observed that the consumers are one of the key stakeholders and the Commission is dutybound to ensure that the consumers are provided with reliable and cost-efficient services. This is essential for the growth of the power sector in the State. The Commission emphasised that the licensees are in operation for a number of years and are competent to implement the amendment thereby exhorting the licensees to ensure compliance and implementation of the Order, rather than casually throwing up the problems. To say the least, the Commission is not at all appreciative of the conduct of these two licensees, which covers the huge spectrum of the problem.



23. Over the last one year, the Commission has given ample opportunity to the Licensee to implement the Orders. The Commission expected that the Licensees would consider the matter seriously rather than considering it as routine proceeding, which could take place till eternity. The Commission warns Managing Directors of PVVNL and NPCL that further lethargy in implementing the Order of the Commission in the matter will be treated with strong regulatory fist and therefore it is time that senior management of these two licensees should own the responsibility rather than trying to delay the process by citing one reason or the other.

24. As far as the submission of other Licensees are concerned, the Commission would first address individual aspects. In the submission made by Managing Director, DVVNL roadmap for conversion has been provided. However, no clear timeline has been given. Further, it has been mentioned that adequate infrastructure is to be developed. It is clarified that such requirements will have to be as per the Order of the Commission dated 05th August, 2020 and in no case the Licensee shall create unnecessary ambiguity and delay the conversion. In case of NPCL, MVVNL, KESCO and DVVNL, it has been observed that notices are still being issued to the multi-storied buildings for providing the consent/ decision. The Commission fails to understand why unnecessary delay is being done because since the last six months the licensees have been issuing notice without much progress. In case of PVVNL, the consent of 255 out of 364 buildings has not been received. This clearly shows the level of seriousness at every level. Such performance of licensees is quite depressing.

25. Based on the submissions of the licensees it can be inferred that except availability of meters there is no genuine lingering issue with respect to the implementation of the Order. In general, all the Licensees have sought time for complete conversion of the single point to multi point connection in multi storied buildings. The Commission accepts the submissions and provides the last opportunity to the licensee. The Licensees are being directed to immediately take actions to ensure timely availability of meters. Further to address the concern of the consumers, it is important to communicate the timelines to the consumers as well.

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26. Taking into consideration the above, the following directions are given by the Commission.

a. The licensees have segregated the consumers in three categories as mentioned in para 4 of this Order. Based on the submissions and deliberations, the licenses are directed to ensure that conversion of all the multi storied buildings falling under Category 1 and Category 2 should be completed by the end of November, 2020. The status update shall be submitted by the Licensees.

b. All the Licensees are directed to provide the complete list of buildings undertaken for conversion from single point to multi point, along with the timelines, so as to provide complete information to the consumers and to ensure transparency and clarity to the consumers. The licensee must publish notice in newspapers informing the consumers the timelines of conversion for every building. The same should also be published on the website of the licensee. The copy of advertisement should also be filed before 07th November, 2020 in the Commission.

c. Managing Director, PVVNL is also directed to submit the bid/ tender documents for purchase of dual source dual register meters by 07th November, 2020.

d. All licensees shall make submissions in detail on further actions that will be taken along with proposed timelines. Based on the submission made by the Licensees, the Commission will take appropriate decision in the matter and give suitable directions to the licensees.



(Vinod Kumar Srivastava)

Member

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(Kaushal Kishore Sharma)

Member



(Raj Pratap Singh)

Chairman

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Place: Lucknow

Dated: 16.10.2020

