



5. It is further submitted that the petitioner is the mixed feeder consumer and UPSLDC vide letter no. 396/SE(OA&Sch) dated 08.02.2021 directed the Open access consumers connected on mixed feeder to install ABT Meters at T-D interface points (Transmission end) in order to facilitate proper energy accounting by UPSLDC.
6. The Petitioner has referred to Regulation 29.1 of UPERC (Terms & Conditions for Open Access) Regulations, 2019 as quoted below

*"29.1 It shall be pre-requisite for the open access customer to be provided with ABT Compliant Special Energy meters (Main, Check Meters and Standby meters) as specified by CEA (Installation and operation of meters) Regulations, 2006 as amended from time to time at appropriate interconnection/interface points (injection and drawl points)"*

It is apprised to Commission that as far as the installation of ABT at T D interface point is concerned, the Petitioner has complied with UPERC (Terms & Conditions for open access) Regulations, 2019 regarding metering requirements.

7. Accordingly, the Petitioner prayed for the following: -
- Direct the Respondents 1 to grant Open Access NoC to Petitioner on immediate basis.
  - Pass an order which it deems fit to remove difficulty in the implementation of regulation no. 7.2 of UPERC (Terms and Conditions of Open Access) regulations, 2019 in regard of availing open access quantum for Open Access NoC.
  - Direct the SLDC not to force the consumer to install meter at T & D interface point as the consumer has complied with all the provisions of UPERC Open Access Regulations 2019 and CEA Regulations 006 and relevant amendments from time to time.

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- iv. Non-compliance of the provisions of Hon'ble UPERC Order by the Respondents 1 and 3 shall be dealt as per section 142 of the Electricity Act.
- v. Issue such direction for the smooth implementation of Open Access and promotion of Competition in the sector.
8. Shri Divyanshu Bhatt, Advocate appearing on behalf of SLDC submitted that they have not received the copy of the Petition. Shri D.K. Gupta, Executive Engineer appearing on behalf of PVVNL submitted that permission for Short Term Open Access from 16.07.2022 to 15.10.2022 has been granted and the same has been communicated to the Petitioner vide email dated 16.07.2022.

**Commission's View**

9. The Commission finds that the Respondent has granted permission for the Short-Term Open Access for the period applied by the Petitioner. The prayer of the petitioner for directing the Respondents to issue NoC has already been addressed. Accordingly, the Commission finds that there is need to initiate proceedings under Section 142 of the Electricity Act as the NoC has been granted to the Petitioner.
10. The Petitioner has also prayed to remove difficulty in the implementation of regulation no. 7.2 of UPERC (Terms and Conditions of Open Access) regulations, 2019 in regard to availing open access quantum for Open Access NoC. However, the Commission observes that the Petitioner has applied for Short Term Open Access which has the lowest priority in the Open Access priority stack. Thus, Petitioner may consider to make application for the Long Term Open Access to avail the permanent facility of Open Access. Also, the Commission in exercising its powers in any capacity, the Commission shall be governed by the doctrine of Separation
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Uttar Pradesh Electricity Regulatory Commission

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of Power. Therefore, the function exercised in one capacity shall not abrogate the function assigned in the other capacity. Accordingly, the other reliefs sought by the Petitioner cannot be granted vide a judicial order passed by the Commission.

11. The Petition is accordingly disposed of.

(Vinod Kumar Srivastava)

Member

(Kaushal Kishore Sharma)

Member



(Raj Pratap Singh)

Chairman

Place: Lucknow

Dated: 05.08.2022