



ASSAM ELECTRICITY REGULATORY COMMISSION

ORDER SHEET

FILE NO. AERC 710/2019

PETITION NO: 03/2019

CORAM: HON'BLE SHRI S.C. DAS, CHAIRPERSON

In the matter of

Miscellaneous Petition No. 03 of 2019 for disruption of power supply since 13.05.2019 to Prag Bosimi Synthetics Ltd. (PBSL) plant and commercial losses caused.

---- Petitioner

Versus

1. Assam Power Distribution Company Limited (APDCL)

---- Respondent

2. Assam Electricity Grid Corporation Limited (AEGCL)

---- Respondent

Present

1. Mr. Subodh Sharma, Power Consultant

----- Petitioner

2. Mr. Raktim Kr. Das, President (Fin & Admn.)

----- Petitioner

3. Ms. Tarali Goswami, Executive Assistant

----- Petitioner

4. Manoranjan Kalita, G.M (Com-TRC), APDCL

----- Respondent 1

5. Binoy Mohan Saikia, CGM (Com. & E.E.), APDCL

----- Respondent 1

6. Bibhu Medhi, AGM (Com), APDCL

----- Respondent 1

7. Bonita Das, AM (TRC), APDCL

----- Respondent 1

8. Partha P. Sarma, CEO, Mangaldai

----- Respondent 1

9. Ajay Kumar Nath, GM (HQ), AEGCL

----- Respondent 2

10. Suresh Kaimal, DGM (P&A), AEGCL

----- Respondent 2

11. G.K Bhuyan, DGM (P&E), AEGCL

----- Respondent 2

12. Chandrasmita Talukdar, DM, AEGCL

----- Respondent 2

13. Bimal Kumar, JMIRCA, Mangaldai

----- Respondent 2

ORDER 27.06.2019

1. M/s Prag Bosimi Synthetics Ltd., (PBSL) filed the Miscellaneous Petition for immediate restoration of power supply to their plant at Sipajhar, which was disrupted due to damage of 132 KV line and other relief.
2. The Miscellaneous Petition was registered as 03 of 2019.
3. A copy of the Miscellaneous Petition No. 03/2019 was forwarded to the respondents i.e. APDCL and AEGCL for their views and comments within 25.06.2019.
4. The Petition No. 03/2019 was listed for hearing on 27.06.2019 and notices were issued accordingly to the Petitioner and Respondents.
5. Both the respondent submitted their replies. Copies of the same were also served on the Petitioner by the Respondent.
6. The Petitioner submitted their replies to the response petitions of the Respondents on

27.06.2019.

7. The Commission heard both the Petitioner and Respondents on 27.06.2019.
8. The Petitioner in the Petition submitted that the 132 KV line feeding power to their plant at Sipajhar was damaged on 13.05.2019 by storm and there was no power supply to their plant. Though they have approached both APDCL and AEGCL, but no action was initiated for restoration of the 132 KV line till filing of their Petition. They further submitted that APDCL made alternative arrangement for supply of only 200 KW load from their existing infrastructure temporarily from 20.05.2019. But the said load is insufficient to run the plant.
9. Having failed to get any favourable response from the Licensees, the Petitioner has filed the instant Miscellaneous Petition seeking intervention of the Commission with the following prayers-
 - a) To instruct APDCL to restore the 132 KV line immediately.
 - b) To instruct APDCL to give compensation to PBSL for the loss suffered by them due to non availability of power.
 - c) To instruct APDCL/AEGCL to restore the said line immediately by installing emergency restoration system (ERS).
 - d) To instruct APDCL to refrain from levying the fixed charges on their connected load of 1800 KVA till the 132 KV line is restored.
10. The Petitioner during the hearing while reiterating their prayer, submitted that the delay in restoration of the line was caused due to lack of co-ordination between APDCL and AEGCL. The Power Department, Government of Assam and the licensees should look into the matter and put in place a mechanism for proper co-ordination between the Government and the power utilities of the state. Further they submitted that fixed charge should be claimed on pro rata basis as per the provisions of the regulations.
11. AEGCL in their reply submitted that-
 - a) M/s PBSL has been drawing a maximum of 700 KW through 132 KV transmission line and also stated that since 2010 to 2017 M/s PBSL hasn't been drawing any power.
 - b) An estimate of Rs. 26,94,941.00 was prepared towards the expenditure for restoration of the line which is under process for necessary scrutiny.
 - c) AEGCL is examining the feasibility for deploying Emergency Restoration Service (ERS) to make power supply available to M/s PBSL temporarily till permanent arrangement is made and for this an estimation has been also been prepared.
12. The respondent AEGCL during the hearing submitted that due to confusion regarding applicability of Regulation 3.7.3 of AERC Supply Code, there was delay in restoration of the line. However, steps have been taken to restore the line temporarily by installing ERS and likely to be completed within 10 days time. Further, they submitted that permanent

restoration of the line may take 06 months time due to prevailing rainy season.

13. APDCL in their reply submitted that-

- a) After receiving the report from M/s PBSL regarding the disruption of power supply, the matter was intimated to AEGCL for restoration of 132 KV line.
- b) In the mean time on 20.05.2019 APDCL provided 200 KW load to M/s PBSL from the existing infrastructure, temporarily.
- c) APDCL also stated that by 30.06.2019 they will supply power of 500 – 600 KW through 11KV feeder to M/s PBSL.
- d) APDCL stated that since the disruption of power supply to M/s PBSL has occurred at 132 KV line is not under their purview and for this APDCL cannot be held responsible for delay of such restoration.
- e) Due to collapse of the two towers of 132 KV line not only M/s PBSL but also APDCL is facing losses in terms of revenue.

14. APDCL during the hearing stated that they will consider the fixed charge issue as per prevailing regulations.

15. Having heard the Petitioner, APDCL, AEGCL and on consideration of the written submissions, the Commission observed the following-

- a) Two numbers of towers of 132 KV line was damaged during the storm on 13.05.2019 thereby causing disruption of power supply to the plant of PBSL at Sipajhar.
- b) APDCL temporarily arranged 200 KW power by making alternate arrangement.
- c) Though there is a delay in restoration of the 132 KV line, but AEGCL is taking steps for restoration of the said line.
- d) The damage to the line was caused due to natural calamities as such APDCL and AEGCL cannot be held responsible directly for the disruption of power supply.
- e) It is also a fact that M/s PBSL is suffering due to non restoration of the said line.
- f) Licensee means a “distribution licensee” or a “Transmission Licensee” as defined under 1.4.1 (51) AERC Supply Code 2017. So the provision of regulation 3.9.3 of the said regulation is applicable to Transmission Licensee also.

16. With the above discussion and observation, the Commission decided and directed as follows-

- a) AEGCL is directed to restore the 132 KV line temporarily by installing ERS Kit within 7th July 2019.
- b) Restore the 132 KV line permanently by rectifying the damaged towers within 04 months time from the date of this order.
- c) Fixed charge should be claimed on pro rata basis as per provision mentioned in 10.7 of the regulation AERC Supply Code 2017 during the period when power supply was interrupted.

- d) No compensation is awarded as the disruption of the power supply was caused under force majeure condition.
- e) With the above decision and direction of the Commission, the Miscellaneous Petition No. 03 of 2019 is disposed off.

s/d
(S.C.Das)
Chairperson, AERC