

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO NO. 220-221, SECTOR 34-A, CHANDIGARH**

Petition No. 50 of 2015

Date of Order:12.1.2016

In the matter of : Petition under Regulation 45 of PSERC (Terms and Conditions for Determination of Tariff) Regulations 2005 and Para 23 of the General Conditions of Tariff and Regulation 45 of PSERC (Terms and Conditions for Intra-state Open Access) Regulations 2011 and other relevant rules, regulations and procedures approved by the Commission for rendering clarification to PSPCL on applicability of ToD Tariff on power wheeled by Captive Co-gen NRSE Plants for own use by the Petitioner under open access and adjustment of power banked under open access due to failure of transmission and/or distribution system of the Licensees and scheduling requirement of NRSE Generators as per NRSE Policy of GoP and RE Regulations etc.

AND

In the matter of : M/s Nahar Industrial Enterprises Limited having its Registered Office at Focal Point, Phase -1-A, Ludhiana, Punjab, through Shri H.N.Singhal, President (Corp. HR and Admn).

Versus

Punjab State Power Corporation Limited,
through its CMD, The Mall, Patiala.

Punjab State Transmission Corporation Limited (PSTCL) operating the State Load Dispatch Centre (SLDC) through its CMD, The Mall, Patiala.

Present: Smt. Romila Dubey, Chairperson.
Er. Gurinder Jit Singh, Member.

ORDER:

The present Petition has been filed by Nahar Industrial Enterprises Ltd (NIEL). NIEL has set up and is operating a Sugar Mill in its name, internally known as Unit : Nahar Sugar, at Amloh, Distt. Fatehgarh Sahib. The Sugar Mill has a Co-Generating plant of 8 MW installed capacity using bagasse of the sugar mill as a fuel and supplying power and steam required for operation of the Mill. The sugar mill has captive load of up to 2.0 to 3.0 MW and there is a surplus capacity of up to 5.0 to 6.0 MW. The co-generating plant is registered with Punjab Energy Development Agency (PEDA) as a NRSE project and has signed Implementation Agreement with PEDA.

2. It has been submitted by NIEL that the Co-Generating plant runs during the crushing season of the sugar mill, which falls between the month of November of the year up to the month of April of the next year, depending up on the availability of sugar cane in the surrounding area, allocated by GOP. The Co-gen Plant/Sugar Mill is connected with PSPCL system through an independent 66 kV NIEL feeder at 66 kV Grid Sub-station, Badinpur, under Amloh Division. The sugar mill is meeting the power required for operation from its own generating plants/DG sets and has LS connection of 700 kW load and 750 kVA demand for meeting the colony load.
3. NIEL has also set up and is operating a spinning Mill unit in its name, internally known as Unit: Sambhav Spinning Mill, at Phase VIII Focal Point, Ludhiana, which is connected through a 66 kV Line to Focal Point Sub-station, Ludhiana of PSPCL. The Spinning Mill is a Large Supply Consumer of PSPCL with a

sanctioned load of 7500 kW and sanctioned contract demand (CD) of 8000 kVA.

4. NIEL has employed about 3000 personnel in its Sugar Mill and Spinning Mill and is contributing to economic betterment of society in the adjoining areas and is also paying huge amount to GoP in the shape of Electricity Duty, VAT etc.
5. NIEL in the year 2014, decided to utilize the surplus power, generated by the Co-gen plant setup in its Sugar Mill, at its Spinning Mill unit and accordingly, NIEL applied for grant of NOC vide letter dated 25.09.2014 along with requisite papers to PSTCL. Consequently, PSTCL, granted permission sought by NIEL by way of its communication dated 04.11.2014.
6. A short term open access agreement was signed between the Petitioner Company and PSTCL on 11.11.2014. On 12.11.2014, PSTCL granted final No Objection Certificate to the Petitioner.
7. Intra-State Short Term Open Access for transferring power from Amloh to Ludhiana as per above approval was availed between 14.12.2014 to 25.03.2015, on day ahead reservation basis. Open access charges as applicable viz. application fee, wheeling charges (as per NRSE policy @ 2%), losses and scheduling charges were paid by the Petitioner for availing the open access, to PSTCL. Since the power transferred has been captive power, the cross subsidy charges & electricity duty were not charged to NIEL.
8. On transferring the surplus power from Sugar Mill of NIEL to its Spinning Mill under the aforesaid arrangement, NIEL submitted regarding the issues faced by it as under:
 - (a) During the period of transfer of power, ToD remained applicable on Sambhav Spinning Mill (Drawing Unit), as the Petitioner

opted for ToD for availing balance required power (Total power required less power availed under open access) from PSPCL. As per ToD order passed by the Commission, PSPCL granted rebate of ₹ 1.50 per unit for power consumed during 8 hours of night period from 2200 hrs. of the day to 0600 hrs. of the next day and charged ₹ 3.00 per unit for power consumed during 4 hours of peak period from 1800 hrs. to 2200 hrs. of the day. However, PSPCL, on its own, applied ToD rebate (₹ 1.50 per unit) and ToD charge (₹ 3.00 per unit) on power transferred under open access in the bills of December-January and January-February, along with on power drawn from PSPCL. PSPCL, while further acting perversely, on its own, reversed the ToD rebate on the open access power in the bill for February-March, meaning thereby, PSPCL has charged ToD charge of ₹3/- on the open access power, however, has not granted ToD rebate of ₹1.50 on the open access power.

- b) As per Regulation 31 (1) (c) of the Open Access Regulations, 2011, if a consumer is unable to draw the power scheduled under open access due to failure of the transmission/distribution system of the licensee, the power injected is to be treated as banked power and the open access consumer is to be allowed to draw the same within 15 days. In case, the consumer is unable to draw the banked power, then imbalance charges are payable as per Regulation 31 (1) (b) of the Open Access Regulations, 2011. Regulation 31 (1) of the Open Access Regulations, 2011 has been reproduced as under:

“31. Imbalance Charge

The entitlement at the drawl point for any 15 minute time block shall be worked out after considering the Transmission and

Distribution losses as determined by the Commission in the Tariff Order for that year.

1) Open Access Customer

When the Open Access customer is not a consumer of the licensee, the mismatch of scheduled entitlement and actual drawl for any 15 minutes time block shall be met from grid and will be paid/charged as under:

(a) Overdrawl

UI charges + congestion charges, if any, as notified by CERC from time to time.

or

Highest tariff for any permanent consumer category at that point of time (including PLEC), approved by the Commission in its Tariff Order for that year.

whichever is higher, will be paid by the Open Access customer to the distribution licensee.

However, the overdrawl will be loaded with the intra-state T & D losses determined by the Commission in its Tariff Order for that year, before calculating the payable amount.

(b) Underdrawl

In the event of under drawl for any 15 minute time block, the Open Access customer will be paid by the distribution licensee as under:

UI Charges

or

Applicable lowest tariff for any permanent category/sub-category determined by the Commission in its Tariff Order for that year,

or

The purchase/sale price of the open access customer, whichever is the lowest.

(c) Non drawl of scheduled power due to unscheduled power cut or failure of transmission/distribution system :

If an Open Access customer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission/distribution system of the licensee, the power injected will be treated as banked power and the Open Access customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee. The power will in no case be drawn during peak load hours, unless banked during peak load hours. In case the Open Access customer is unable to draw the banked power, then he will be paid by the licensee as per (b) above.”

In the present case, during the transfer of power under aforesaid arrangement, from the sugar mill of NIEL, NIEL could not draw the power at its spinning mill, due to the failure of grid of PSPCL, consequently, as per the aforesaid regulation, PSTCL, while admitting the failure of its grid, treated the under drawl power as banked power and granted a schedule to utilize the same to NIEL. Infact, the Petitioner could not draw the banked energy in the allotted time slots as the Co-gen plant set up at the sugar mill of the Petitioner had been generating and injecting the power continuously into the grid of PSTCL.

9. As far as the issue regarding the applicability of ToD tariff is concerned, the same has already been decided by the Commission, vide its order dated 20.05.2015, passed in Petition Nos. 1 and 3 of 2015, whereby the Commission has held that

the ToD charge is not applicable on open access power brought under collective and bilateral transactions. The ibid Petition No. 3 of 2015 was preferred by Nahar Spinning Mills, which happens to be a group company of NIEL. Although, PSPCL has filed Review Petition which is pending adjudication before the Commission, however, the order dated 20.05.2015 is still operative and is binding upon the parties as neither there is a stay on the operation of the same nor the same has been set aside. NIEL, by way of its communication dated 29.05.2015, informed PSPCL about the illegal levy of the ToD charges upon the Petitioner, while referring the ibid order dated 20.05.2015, passed by the Commission, requested PSPCL to adjust the amount wrongly charged in the next energy bill. However, despite of the order passed by the Commission, PSPCL has paid no heed to the request of NIEL and has chose to sit over the issue as a silent spectator enjoying its dominance.

10. There is no provision in the Act and Open Access Regulations, 2011 or in the Tariff order for FY 2014-15, passed by the Commission to levy ToD charge on captive power wheeled under open access. NIEL further submitted that the power transferred by NIEL is power of its own captive/NRSE power, generated in co-gen mode. Therefore, as per the provisions of the Electricity Act, 2003 and Policies, NIEL may be allowed to wheel the power without levy of ToD charge of ₹3/- per unit. Thus, the action of PSPCL to levy and recovery of ₹3/- per unit on captive power wheeled under open access is illegal, arbitrary, unjust and is contrary to the provisions of the ibid Act, Policy, Regulations and Tariff Order passed by the Commission. PSPCL is liable and may be directed to refund the

amount charged from NIEL on Account of wrong levy of ToD charges immediately along with interest.

11. On the issue of banking of the un-utilized power for a period of 15 days, NIEL has submitted that although Regulation 31 framed by the Commission provides for banking in the same manner, however, the same is in contradiction to the provisions of NRSE Policy formulated by Government of Punjab, which categorically provides that banking facility will be provided to NRSE plants for a period of one year. The relevant paras of the NRSE Policy, 2006 and NRSE Policy, 2012 have been reproduced by the Petitioner as under:

- (a) **NRSE Policy, 2006**: In para 4 (iv) of Appendix II titled “FISCAL AND FINANCIAL INCENTIVES CODE UNDER NRSE POLICY – 2006” is provided as under:

“Banking : The banking facility for the power generated shall be allowed for a period of one year by the PSEB/Licensees.”

- (b) NRSE Policy, 2012 provides, in para 6.5, as under:

“6.5 Banking : The banking facility for the power generated shall be allowed for a period of one year by the PSPCL/LICENSEE/PSTCL. However, the energy banked during non-paddy season and non peak hours will not be allowed to be drawn during paddy season and peak hours respectively.”

NIEL has further submitted that it is a fact that the power plant set up by NIEL at its Sugar Mill is a NRSE Project, which falls under the ambit of NRSE Policy, and NIEL in this regard has also signed an Implementation Agreement with the state nodal agency i.e. Punjab Energy Development Agency (PEDA).

12. It has been submitted by NIEL that to avail the power banked due to failure of the transmission/distribution system of the Licensee, the open access consumer has to avail power under open access in the allotted time slots. However, this is not practically possible for captive co-gen plants, as, such plants, run continuously for supply of power and steam for the process. Therefore, if the co-gen plant is stopped to avail the banked power, it will also stop the generation of power as well as steam required for the sugar mill and thus whole operations of the sugar mill will come to stand still, which will result in heavy losses to NIEL. NRSE generators are “must run” units and exempted from “merit order dispatch” as evidenced in para 20 of the State Policies & regulations of appropriate Commission. Under the circumstances and as per the provisions of Open Access Regulations, 2011, for the power not utilized/surrendered to grid due to the failure of the Licensee, NIEL is entitled to Imbalance Charges (UI or Deviation settlement charges notified by CERC), which are punitive in nature for those surrendering power to the grid and sometimes, depending on the frequency, open access consumer surrenders the power and instead of receiving any charge, has to pay these charges. Keeping in view the provisions of the Act and policies/regulations framed under the Act as well as NRSE policies of the state, NIEL has submitted that PSPCL be directed to adjust the power so surrendered due to non availability of the transmission and/or distribution system in the monthly bills of the Petitioner or allowed to be drawn within a year of the date of banking.

13. It has been further submitted by NIEL that as per the Electricity Act, 2003 and National Electricity Policy, the generation of power in co-generation mode and that too from renewable sources of energy needs to be promoted by the Commission. The relevant provisions have been submitted by NIEL as under:

(a) Section 86(1) (e) provides as under:-

“86. (1) The State Commission shall discharge the following functions, namely :-

(e) *“promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person....,”*

(b) The National Electricity Policy notified by Govt. of India also provides to promote generation of power from NRSE sources as under:-

“Non-Conventional Energy Sources

5.2.20 Feasible potential of non-conventional energy resources, mainly small hydro, wind and bio-mass would also need to be exploited fully to create additional power generation capacity. With a view to increase the overall share of non-conventional energy sources in the electricity mix, efforts will be made to encourage private sector participation through suitable promotional measures.”

“5.12 Cogeneration and Non-conventional energy sources:

5.12.1 Non-conventional sources of energy being the most environment friendly there is an urgent need to promote generation of electricity based on such sources of energy.

5.12.2 The Electricity Act 2003 provides that co-generation and generation of electricity from non-conventional sources would

be promoted by the SERCs by providing suitable measures for connectivity with grid and sale of electricity to any person.

5.12.3 Industries in which both process heat and electricity are needed are well suited for cogeneration of electricity. A significant potential for cogeneration exists in the country, particularly in the sugar industry... Cogeneration system also needs to be encouraged in the overall interest of energy efficiency and also grid stability.”

The Petitioner has submitted that the case of NIEL for transfer of captive power generated in Co-generation mode, based on New and Renewable Sources of Energy (NRSE), from one unit to another unit, both owned by the same company, should not be treated at par with conventional coal based power being transferred under bilateral/collective transactions and needs to be given promotional treatment.

14. NIEL has further submitted that para 4 (vi) of Annexure III of NRSE Policy, 2012 provides as under:

(vi) “Octroi on NRSE fuels to be used for energy generation and NRSE devices/equipment/machinery for NRSE Power Projects shall be fully exempted. Similarly Octroi on self-consumption of power by captive power plants in the same premises or thru wheeling by open access to same group companies shall also be exempted.”

The Petitioner has submitted that in view of the above provisions of NRSE Policy adopted by the Commission, PSPCL may be directed to not to levy Octroi on the power wheeled under open access to Samhav Spinning Mills of NIEL and amount already deducted may be refunded to them.

15. It has been further submitted by NIEL that NRSE Policy, 2012 provides in para 6.4 as under:

“Scheduling: The NRSE projects operating in synchronization with PSPCL/PSTCL system and selling/wheeling power shall be required to adhere to scheduling as per applicable regulations of the Appropriate Commission.”

Further, Para 6.6 of NRSE Policy, 2012 provides as under:-

“Injection of NRSE power : PSPCL/Licensee/PSTCL will accept the injection of energy in full even during sustained high frequency hours to ensure full utilization of non-conventional energy resources and merit order shall not be applicable.”

Further, CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2012 provide in Regulation titled “Dispatch principles for electricity generated from Renewable Energy Sources” as under:-

“All renewable energy power plants, except for biomass power plants with installed capacity of 10 MW and above and non-fossil fuel based cogeneration plants, shall be treated as ‘Must Run’ power plants and shall not be subjected to ‘merit order dispatch principles.’”

Further, Para 11.3.2 of the Punjab State Grid Code provides as under:-

“SLDC will issue dispatch instructions required to regulate all generation and imports from SGS (including IPPs, CPPs and Renewable Energy Sources) according to the 15 minute day ahead generation schedule, unless rescheduling is required due to unforeseen circumstances.

In the absence of any dispatch instruction by SLDC, SGS shall generate/export according to the day ahead generation

schedule. However the SLDC shall regulate the overall state generation in such a manner that generation from following types of power stations where energy potential, if unutilized, goes waste shall not be curtailed:

- *Run of river or canal based hydro stations;*
- *Storage type hydro-stations like those of BBMB, when water level is at peak reservoir level or expected to touch peak reservoir level as per inflows or governed by irrigational discharge;*
- *Nuclear power stations to avoid poisoning of fuel;*
- *Renewable Energy Sources”*

In view of the above provisions, Renewable Energy Generators, particularly Co-generation plants based on renewable energy sources of any capacity, are exempted from requirement of scheduling and are must run plants. SLDC is to regulate the state generators in such a way that the generation from renewable energy sources is not curtailed. Therefore, renewable energy generator availing open access for usage of captive power for its own use is required to be exempted from application of UI charges for deviation in daily schedules. As such, the aggregate energy in kWh injected by a captive co-gen NRSE plants for wheeling it to destination for its own use in a day be adjusted against the drawl of power at destination after accounting the losses and charges etc. and no UI charges be levied on deviation from schedule on 15 minute time block basis by such generator.

16. NIEL has prayed in the Petition that the Commission may issue directions to PSPCL & PSTCL as under:-

- i. Not to apply ToD rebate/charge on transfer of power under open access from captive co-gen power plant to other unit(s) fully owned by same company and refund the charges already recovered with interest.
 - ii. To adjust the power of captive co-gen NRSE based plant banked under open access due to non availability of the transmission and/or distribution system in the monthly bills of the Drawing Unit or be allowed to be drawn within one year of the date of banking.
 - iii. Direct PSPCL not to levy Octroi at the destination unit/consumer for power wheeled under open access by Petitioner.
 - iv. Exempt the Petitioner from levy of UI charges at generation end for deviation from schedules and adjust the aggregate energy injected on whole day basis against drawl at destination after accounting the losses and charges in kind etc.
 - v. Pass any other order or grant any other relief in favour of the Petitioner which the Commission deems fit in the facts and circumstances of the present matter.
17. The Petition was admitted by the Commission vide its Order dated 02.09.2015. PSPCL and PSTCL were directed to file reply to the Petition by 22.09.2015, with copy to NIEL.
18. PSTCL filed its reply to the Petition vide Financial Advisor letter dated 21.09.2015. PSTCL submitted in the preliminary submissions that Government of Punjab vide its notification No. 1/9/08-EB (PR) 196 dated 16th April, 2010 has notified Punjab State Transmission Corporation Limited (PSTCL) as a State Transmission Utility (STU) along with responsibility to operate

the SLDC (established for the purpose under section 31 (1) of the Act) w.e.f. 16.04.2010, referred to as PSTCL/SLDC. Punjab SLDC has been notified as Nodal agency for short term open access matters dealing with grant of consent, clearance and energy accounting. The SLDC/PSTCL, acting under the provisions of Electricity Act, 2003, Open Access Regulations and State Grid Code, is responsible for ensuring compliance of Regulations, Notifications and orders of PSERC.

(ii) Nahar Industrial Enterprises Ltd had applied and was granted short term open access in line with the provisions of PSERC (Terms and Conditions for Intra State Open Access), Regulations, 2011 and accordingly is governed by the same regulations when read with Intra State Short Term Open Access Procedures approved by the Commission and Short Term Open Access agreement for wheeling of power entered into between the Petitioner and PSTCL.

19. PSTCL submitted its parawise reply to the Petition, which is summarized as under:
- (i) The contents of the Petition pertaining to applicability of ToD Tariff on power wheeled from captive co-gen NRSE plant under open access relate to PSPCL.
 - (ii) Though the contents of the Petition regarding banking of power of captive co-gen NRSE plant under open access, relate to PSPCL, however, it has been submitted that the wheeling of power by the Petitioner under short term open access was being governed by the provisions of PSERC (Terms and Conditions for Intra State Open Access), Regulations, 2011, which are as under :

“If an Open Access customer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission/distribution system of the licensee, the power injected will be treated as banked power and the Open Access customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee.”

As such, allowing the Petitioner to draw the banked power (wheeled under open access) within one year will be against the provisions of Open Access Regulations and Procedures approved by PSERC.

It has further been submitted by PSTCL that the para (g) of the short term open access agreement entered by the Petitioner with SLDC/PSTCL states as under:

“The firm will be entitled to avail banking of power in case of failure of transmission/distribution system in line with prevailing Open Access Regulations issued by Hon’ble PSERC.”

As such, the Petitioner can only avail banking in line with prevailing Open Access Regulations, i.e. within 15 days period.

- (iii) The case of transfer/wheeling of NRSE power generated in Co-gen mode under open access is to be considered under the provisions of PSERC (Terms and Conditions for intra State Open Access) Regulations, 2011, as amended from time to time, and until these regulations are revised/amended so as to include any clause/regulation for promotional treatment to wheeling of NRSE power, the same cannot be applied to Nahar Industrial Enterprises Ltd.
- (iv) The implication resulting from exempting the Petitioner from levy of UI charges at generation end relates to PSPCL only, yet the scheduling and UI accounting of generator end is being

done by PSTCL in line with the provisions of PSERC (Terms and Conditions for Intra State Open Access), Regulations, 2011 and Intra State Short Term Open Access Procedures approved by PSERC and as per short term open access agreement entered by NIEL with SLDC/PSTCL.

- (v) The demand of the Petitioner with regard to grant of exemption from scheduling and UI accounting at Generator end and extension in time frame for grant/adjustment of banked energy are against the provisions of Short Term Open Access Agreement entered between NIEL & PSTCL and also against PSERC (Terms and Conditions for Intra State Open Access), Regulations, 2011 and if allowed by the Commission, it shall entail revision in above regulations, the financial implications of which shall be to the account of PSPCL only. The issues raised by the Petitioner primarily relate to PSPCL and there is no financial implication to PSTCL/SLDC.

20. The Commission's vide its order dated 07.10.2015 ordered as under:-

"The petition was admitted and PSPCL and PSTCL, respondents 1 and 2 respectively, were directed vide Order dated 02.09.2015 to file reply by 22.09.2015. The petition was listed for hearing on 30.09.2015. The date of hearing was adjourned to 06.10.2015 vide no. PSERC/Reg/6067/70 dated 09.09.2015. PSTCL has filed reply vide memo no. 2877/FA/ARR-7 dated 21.09.2015. PSPCL had requested vide memo no. 5629 dated 21.09.2015 for extension in time for submission of reply upto 06.10.2015 but has not filed the same. During hearing, PSPCL again requested for further extension in time to file reply. PSPCL shall file reply by 14.10.2015 with copy

to the petitioner and PSTCL. The petition shall be taken up for hearing on 20.10.2015 at 11.30 AM.”

21. PSPCL submitted parawise reply to the petition vide letter dated 15.10. 2015, which is summarized as under:

i. As per orders of PSERC in Petition No. 3 of 2015, ToD tariff is not applicable on open access power. However, as per clause (b) & (c) of Terms & Conditions of the Short-term Open Access Agreement between Punjab State Load Dispatch Center and Nahar Industrial Enterprises Limited (reproduced as under) peak load hours are application on the unit drawing power:-

(b) “The drawing unit will restrict its total Demand within its sanctioned demand i.e. 8000 kVA during non peak load period irrespective of its drawl of Power against Open Access/wheeling of power. During peak load periods the consumer will be eligible to draw power limited to peak load exemption allowed by PSPCL. However, if the ToD tariff has been implemented for Drawee unit, there shall be no limit of peak load exemption during FY 2014-15 and Drawee will restrict its total demand to be within its sanctioned contract demand during peak load as well as non peak load period.

(c) No exemption in peak load restriction and minimum charges applicable on the LS connection of the consumer will be allowed in lieu of this Open Access/wheeling of power.”

ii. As per clause (g) of Terms & Conditions of the Short-term Open Access Agreement between Punjab State Load Dispatch Center and Nahar Industries Private Limited, the

firm has been allowed banking of power in case of failure of transmission/distribution system in line with the prevailing Open Access Regulations approved by PSERC. The provision to deal with the banked power w.r.t the consumer is as per clause (g) of the Short Term Open Access Agreement signed on 11.11.2014, (reproduced as below):

“The firm will be entitled to avail banking of power in case of failure of Transmission/Distribution System in line with prevailing open access regulation, issued by Hon’ble PSERC.”

According to Open Access Regulations, 2011, if an open access consumer is unable to draw the scheduled energy due to un-scheduled cut or failure of Transmission/Distribution System of the licensee, the power injected will be treated as banked power and the open access consumer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hrs. to the licensee. As the banked power by the Open Access consumer has been dealt as per the provisions of the agreement i.e. clause (g) of the agreement, signed by the Petitioner on 11.11.2014, hence decision may be taken by the Commission in view of the provisions of this agreement.

- iii. As per orders of PSERC against Petition No. 3 of 2015, ToD tariff is not applicable on open access power. However, as per the agreement, the Petitioner is supposed to observe the peak load hours.

The Petitioner has signed an agreement wherein the wheeling of power is allowed under Open Access Regulations, 2011 and further the Petitioner has agreed to observe the Peak Load Hours applicable to the Power Drawee Unit as per the

agreement. In the approval granted by SE/Open Access/PSTCL, the condition has been laid that “No Exemption in Peak Load Restriction will be allowed”.

- iv. The banking of power has been allowed as per agreement, and the Petitioner can utilize the power for a period of 15 days after getting the permission from SLDC, as per provisions of the agreement signed by the Petitioner on 11.11.2014 with CE/SLDC.
- v. The drawee unit of NIEL can draw the banked power in the allotted time slots. Wheeling of power by NIEL under Short Term Open Access was granted and governed by the provisions of Open Access Regulations, 2011 and as per Intra-State Short Term Open Access Procedure, the Open Access Customer will be allowed to draw the banked power within a period of 15 days with an advance notice of 48 hours to the licensee. NIEL’s demand to draw the banked power within one year will be against the provisions of the Open Access Regulations. As such, NIEL can avail the banked power within a period of 15 days as per the agreement.
- vi. NIEL’s case of transfer/wheeling of NRSE power generated in Co-gen mode under Open Access is to be considered under provisions of PSERC (Terms & Conditions for intra-State Open Access) Regulations, 2011, as amended from time to time, and until these regulations are revised/amended so as to include any clause/regulation for promotional treatment to wheeling of NRSE power, the same cannot be applied to the Petitioner.
- vii. The Octroi is charged as a statutory levy. NIEL has neither raised the issue of levy of octroi on power of NRSE captive power plant wheeled under open access with PSPCL nor has

the same been mentioned in the Agreement, signed with PSPCL regarding transfer of power under open access. However, the exemption of octroi on power of NRSE CPP, transferred under open access, is to be considered as per government approved policy, being a statutory levy.

- viii. The scheduling and UI accounting of power at generator end is being done in line with the provisions of PSERC (Terms & Conditions for Intra-State Open Access), Regulations, 2011 and Intra-State Short Term Open Access Procedures approved by PSERC and as per Short Term Open Access Agreement entered by NIEL with SLDC/PSTCL. Clauses A & B under heading Billing/UI Energy Accounting, of Agreement signed by the Petitioner on 11.11.2014 with CE/SLDC, has been reproduced by PSPCL, as under:

“A. Power Injection Unit:

UI energy account of injecting unit shall be prepared by the O/o Dy. CE/Open Access, PSTCL based on the weekly ABT Meter Data and monthly Schedule submitted by firm while obtaining consent/concurrence in line with prevailing Open Access Regulations. However, UI payments for under/over injection shall be taken care by O/o Dy. CE/ISB, PSPCL Patiala.

B. Power Drawing Unit:

UI energy account of the Drawee unit shall be prepared by the office of Dy. CE/Open Access, PSTCL based on the monthly ABT Meter data and monthly schedule submitted by firm while obtaining consent/concurrence in line with prevailing Open Access Regulations. However, UI payments towards the Drawee unit shall be taken care by the O/o concerned CBC.

Note : In case of non-payment of UI or any other charges by the customer, the Open Access agreement shall be withdrawn without any notice.”

Keeping in view the above clause of the agreement, UI charges for deviation in daily schedules are applicable.

ix. PSPCL has submitted that the present Petition is without any merit and is liable to be dismissed with exemplary costs.

22. The Commission vide its order dated 23.10.2015 ordered as under:-

“PSPCL has filed reply vide No. 5756 dated 15.10.2015 with advance copy to the petitioner and PSTCL. The petitioner seeks time to file rejoinder to the reply of PSPCL. Accordingly the petitioner is directed to file rejoinder by 10.11.2015 with copy to PSPCL. The petition shall be taken up for hearing on 17.11.2015 at 11.30 A.M.”

23. NIEL filed counter reply to the reply of PSPCL vide letter dated 09.11.2015 and submitted parawise reply, which is summarized as under:

i. PSPCL has extracted the provisions of the Short term open access agreement executed by them with SLDC for wheeling of power. This agreement was executed on 11.11.2014, whereas order of the Commission in Petition No. 3 of 2014 was issued on 20.05.2015. Thereafter, PSPCL filed a review Petition which was dismissed by the Commission on 24.08.2015. Therefore, the agreement executed by the Petitioner is deemed to have been amended to the extent of the orders and the reply of PSPCL to that extent, is misleading and false. As per the orders of the Commission, PSPCL is required to refund them ToD charge of ₹ 3.39 per unit (ToD Charge + ED) claimed from them

on the open access power, for which Commission's intervention has been sought. Due to willful delay in refund of these wrongfully claimed charges, the Petitioner requested the Commission that PSPCL may please be directed to pay penal interest on this amount as per Section 62 (6) of the Electricity Act, 2003.

It has further been submitted by NIEL that PSPCL is wrongly interpreting the orders of the Commission on ToD tariff and has submitted the extracts of the Tariff Order for FY 2014-15, as under:

(a) Opening para of Chapter 7 :

“.....A public notice was also issued by the Commission for inviting objections/comments on the Staff Paper for replacement of PLEC with ToD tariff and introduction of contract demand system for MS category of consumers.....”

(b) The Commission in para 7.3.6 referred to the orders of the Commission for introduction of ToD tariff in the year 2013-14, as under:-

*“.....
The Commission, therefore, in its Tariff Order for FY 2013-14 approved the proposal of PSPCL for introduction of Time of Day (ToD) tariff for six months (October to March) of FY 2013-14 during off peak hours from 22:00 hrs to 06:00 hrs for Large Supply industrial category, and approved rebate of ₹ 1 per unit on the normal tariff for this category. It was also ordered that there will not be any change in the duration of peak load hour restrictions which will not be for more than 3 hours in the evening between 18:00 hours to 22:00 hours and will continue to be governed as per existing instructions.*

The Commission also directed PSPCL to submit a detailed report about the financial and technical impact of introducing ToD Tariff, by 01.03.2014.”

(c) Extract of Para 7.3.9 of the Tariff Order for FY 2014-15 has been submitted by NIEL as under:

“Keeping in view (a) the persistent demand from industrial category consumers to do away with PLEC, (b) surplus power during FY 2014-15 projected by PSPCL in the ARR of FY 2014-15 and (c) certification by PSPCL and PSTCL that the power including surplus power can flow through the transmission and sub-transmission system available with PSPCL and PSTCL, a Staff Paper was prepared for ‘Replacement of Peak Load Exemption Charges with Time of Day Tariff’. The Commission was of the view that this proposal of replacement of PLEC with ToD tariff will go a long way to redress the inconvenience caused to the consumers on this account.....”

NIEL has submitted that conjoint reading of the above paras clearly establish that those consumers who opt for ToD tariff are no longer covered by PLEC since PLEC system has been replaced with ToD for such consumers for 6 months. Therefore, PSPCL’s interpretation is wrong and Commission may provide clarity to PSPCL on this issue.

- ii. It has been reiterated by NIEL that this is a special case of wheeling of captive power from NRSE Co-generation Power Plant of a sugar mill to its another unit under bilateral transaction through PSPCL system and cannot be compared with the purchase of power from power exchange under collective transaction. As per policies and regulations framed by State/Central Govts (specifically NRSE Policy, 2012 of GoP)

and appropriate Commissions, such plants are 'Must Run' plants and the banking in such cases whether due to outage of transmission system of PSPCL or due to tripping/shut down of the destination unit, such power generated and injected needs to be treated as banked power, to be availed by the destination unit within one year.

- iii. It is covered under ToD which has been substituted for PLEC, and Policy of Peak Load Restrictions issued by Commission is not applicable on such consumers for the duration of ToD.
- iv. NIEL is yet to receive the refund of ToD charge + ED (₹ 3.39 per unit) on captive power so wheeled under open access, with interest.
- v. NIEL is of the opinion that it is not covered under PLEC after opting for ToD in place of PLEC and except for paying ₹ 3.39 per unit on power drawn from PSPCL and restricting the total demand to CD, there are no other restrictions, whatsoever on NIEL for the peak period of 4 hours. The Agreement needs to be amended by SLDC or got amended by the Respondent as the text of agreement is supplied by the Respondent and consumers have no choice but to sign on the dotted lines. PSPCL is misleading the issue unnecessarily and has not spelled out what restrictions are to be applicable during peak load hours.
- vi. The reply of PSPCL is factually wrong since for the banked power, all the correspondence has to be made with PSPCL and permission is given by CE/PP&R and not by SLDC. It is evident that the provisions of the Agreement are not in line with NRSE Policy, 2012 and need to be amended with the approval of the

Commission so as to promote NRSE power and co-generation as per Electricity Act 2003 and policies framed under the Act.

- vii. PSPCL has simply reiterated the provisions of the Regulations and the short term open access agreement which are already known and indicated in the Petition. NIEL has further submitted that it is running a co-generation NRSE power plant with due approvals and has requested for allowing banking for one year to such plants as per NRSE Policy, 2012, not only for forced outage of PSPCL system but for other contingencies also by implementation of 'Must Run' status of the Plant as per settled rules and has further requested for amendment of Regulations and short term open access procedure accordingly.

NIEL has further submitted that subsequent to the submission of the Petition, PSPCL has adjusted the amount of UI for the banked power in their UI bill No. 380 & 486 and it has suffered a loss of ₹ 411453/- on this account for none of its fault.

- viii. In line with the reply of PSPCL, the Commission may amend the Open Access Regulations to bring these in line with the NRSE policy, 2012 etc.
- ix. PSPCL already has powers not to charge Octroi as per NRSE Policy, 2012 for self consumption of power generated by NRSE plants as it is a Govt. levy and NRSE Policy is a Govt. Notification. CMD of PSPCL is a member of the Empowered Committee under NRSE Policy, 2012 and PSPCL is a company with 100% equity holding by GoP and thus can implement the provisions of NRSE Policy Suo motu.
- x. NIEL has paid UI charges for the un-utilized banked power for the period from 28.12.2014 to 26.02.2015 in the UI bill nos. 380 & 486. NIEL was paid only ₹ 80486 for 72344 banked units

(underdrawl), which works out to 1.11 paisa per unit. In the process, NIEL has suffered a loss of ₹ 411453, compared with PSPCL tariff. The UI rate is punitive in nature, though surrender of power is due to the fault of PSPCL.

- xi. NIEL has quoted the provisions of the Act, Regulations, Policies and Grid Code etc. in the Petition and has prayed that Open Access Regulations have to be in line with these, and therefore, requested for the amendment of the Regulations appropriately and order PSPCL to adjust the already banked power in the period December, 2014 to March 2015 in the bills of NIEL and allow banking in future as prayed for, i.e. for 1 year as per NRSE Policy.
- xii. NIEL has requested for relief as prayed in the Petition.
- 24. NIEL has submitted counter reply to the reply of PSTCL, as under:
 - (a) Reply to Preliminary Submissions:

NIEL in its Petition has pointed out various aspects of open access for transfer of surplus power by a captive power to its destination as per the provisions of PSERC (Terms and Conditions of Intra State Open Access) Regulations, 2011 and has sought redressal of difficulties being faced by it including implementation of provisions of NRSE Policy of Government of Punjab under which the captive plant of the Petitioner has been set up.
 - (b) NIEL has submitted para wise reply as under:
 - (i) It is true that as per the provisions of PSERC (Terms and Conditions of Intra State Open Access) Regulations, 2011 and Short term open access procedure approved by PSERC as well as Agreement signed by the Petitioner with Answering

respondent, Power banked with PSPCL is to be availed within 15 days.

NIEL has reiterated that as per NRSE Policy, captive power plant based on approved NRSE fuels set up by any developer for usage of power for its own units within the state are to be allowed facility of banking of power to be drawn within 1 year. As per the policy, such banking facility is not to be linked with the outage of transmission and distribution of the grid system only, but to be allowed as a facility for such plants as these are 'Must Run' plants and power generated but not utilized due to any reason whatsoever, has to be treated as banked to be drawn (not by stopping generation of the running plant), but in the time period when the generator is forced or has planned outage. The Petitioner has prayed for aligning the Open Access Regulations, Open Access procedure and agreement in line with the GoP policy under which the plant has been set up so as to promote the renewable power in the State.

- (ii) PSPCL has acknowledged that the Co-gen captive power plant of NIEL is NRSE Project and that the relief sought can be given only if this Commission amends the Open Access Regulations.
- (iii) The wheeling of power from injection point at Amloh and drawl point at Ludhiana are being treated separately for the purpose of scheduling and applicability of UI. In view of the provisions of Regulations and policies referred in the Petition, the Project of the Petitioner being of 8 MW capacity and based on NRSE fuel is required to be exempted from scheduling for which requisite provisions need to be made or PSPCL and PSTCL are required to be directed.

25. The Commission vide its order dated 18.11.2015 ordered as under:-

“Arguments of the parties were heard and the petition shall now be taken up to hear further arguments on behalf of the parties on 15.12.2015 at 11.30 AM.”

26. Nahar Industrial Enterprises Limited filed Interlocutory Application No. 9 of 2015 on 30.11.2015.

27. The Commission vide its order dated 08.12.2015 disposed off IA No. 9 of 2015, as under:-

“The applicant/petitioner has filed this interlocutory Application in Petition No. 50 of 2015 with the following prayer:

(a) Allow the instant application and restrain the Respondent-PSPCL from illegally levying the ToD peak charges, any further, on the open access Power drawn by the petitioner through the grid of the Respondents;

(b) Direct the Respondent-PSPCL to refund the already recovered amount of ₹ 7430862/- for the period of applicability of TOD tariff for last year and for this year till date with interest.

(c) Grant any other relief as this Hon'ble Authority may deem fit in the facts and circumstances of the present appeal.

The issue qua the levy of ToD charges on Open Access Power stands already adjudicated by the Commission vide Order dated 20.05.2015 passed in petition Nos. 1 and 3, both of 2015 whereby it was held that the ToD charge of ₹ 3 per unit is not applicable on open access power bought during peak period of 4 hours during applicability of ToD tariff. PSPCL filed Review Petition seeking review of the Order dated 20.05.2015. The said review petition was

dismissed by the Commission vide its Order dated 24.08.2015. Hence the Order dated 20.05.2015 is final and binding on PSPCL. Accordingly PSPCL is restrained from levying ToD peak charges on the petitioner any further. PSPCL is further directed to refund/adjust only such charges already levied by PSPCL in the bills of the petitioner in violation of the Order dated 20.05.2015 of the Commission and paid by the Petitioner.

The IA is disposed of.”

28. Chief Engineer/ARR & TR, PSPCL, vide its letter dated 10.12.2015 filed reply to the rejoinder of NIEL, summarized as under:-

- (i) The Petitioner has executed an agreement with SLDC for wheeling of power under Open Access Regulations and as per the agreement, no exemption in peak load restrictions will be allowed and minimum charges are applicable to LS consumers in view of Open Access Regulations, 2011, under the clause 'wheeling of power'. Moreover, as per clause 18.2 (g) of Open Access Regulations, the open access consumer is supposed to restrict their total drawl including open access power to the extent of the peak load exemption allowed, during peak load hour restrictions. As such, interpretation of PSPCL is correct.
- (ii) In the rejoinder, the Petitioner has admitted that the extracted Open Access Regulation, is a legal document and has reiterated that this is a special case of wheeling of captive power from NRSE co-generation power plant of a sugar mill to its another unit under bilateral transaction

through PSPCL system and cannot be compared with the purchase of power from the power exchange under collective transaction. PSPCL has further submitted that it is not a special case of wheeling of captive power as has been envisaged by the Petitioner, but is very much similar to wheeling of power through exchange. Moreover, this banked energy not availed by the destined consumer needs to be availed only within 15 days from the occurrence of the fault as stipulated in the existing provisions of the Open Access Regulations, 2011 and not within one year as requested by the Petitioner, which by no means seems to be a reasonable request.

- (iii) The agreement has been signed under Open Access Regulations and treatment of banked power is being given to the consumer accordingly.
- (iv) PSPCL has reproduced relevant clause of NRSE Policy, 2012, Annexure – III, Point 3 (i) & (ii), as under:

“3. Facilities by Punjab State Power/ Transmission Corporation Limited:

- (i) Power Wheeling: The PSPCL/LICENSEE/PSTCL will undertake to transmit/wheel the surplus power through its grid, and make it available to the producer for captive use in the same company units located in the State at a uniform wheeling charge of 2% of the energy fed to the grid or as amended from time to time by PSERC, irrespective of the distance from the generating station. Such wheeling and/or transmission of power shall be governed by Open Access Regulations/procedures. The captive power*

production and consumption by beneficiaries i.e. same group companies shall meet the requirements laid down in Electricity Rules 2005. Captive power generators will be required to seek permission of PSPCL/PSERC for laying of transmission line for taking power to destination of use in Punjab.

(ii) Open Access: The NRSE Project developer as per entitlement under the policy will also be allowed inter/intra state open access in accordance with the open access regulations. This facility shall be available only after refusal by State licensee to purchase the power on preferential tariff under long term PPA.”

(v) In reply to many paras of the rejoinder filed by the Petitioner, PSPCL has reiterated/reproduced its earlier submissions made in reply to various paras of the Petitions.

29. After hearing the arguments on behalf of the Petitioner and Respondents on 17.12.2015, the Commission vide its order dated 18.12.2015 closed further hearing in the matter and the order was reserved. The Petitioner and Respondents were directed to file written submissions by 21.12.2015.

30. In the written submissions filed on 21.12.2015, the Petitioner has reiterated its earlier submissions made in the Petition and rejoinder. The following have also been submitted by the Petitioner in the written submissions filed on 21.12.2015:

(i) On the issue of charging of ₹3 per unit on the open access power, PSPCL filed a Review Petition which was dismissed by the Commission on 24.08.2015. PSPCL has

not preferred any appeal against the order of the Commission and it has attained finality.

PSPCL has again started charging ₹3 per unit on open access power brought in at petitioner's Drawing Unit with effect from 01.10.2015 i.e. the start of ToD period during the current year. The Petitioner was forced to approach the Commission through an IA bearing No. 9 of 2015 for restraining PSPCL from imposing the ToD levy. The Commission was pleased to issue order dated 08.12.2015 on this IA, restraining the imposition of these charges.

- (ii) The petitioner has paid UI charges for the unutilized banked power for the period from 28.12.2014 to 26.02.2015 in the UI bills issued by PSPCL. The petitioner has been paid only ₹80486 for 135210 units banked, which works out to 59 paise per unit. NIEL has further submitted that in the process they have suffered a loss of ₹760646 compared with PSPCL tariff. The UI rate is punitive in nature though surrender of power is due to the fault of the respondent. NIEL has submitted that PSPCL should decide the banked power for the period from December, 2014 to March, 2015 in the bills of the petitioner and allow banking in future as prayed for one year as per NRSE policy.

Keeping in view of the crushing season of the sugarcane mills which vary between 4 to 6 months, depending upon the sugarcane availability, this period should be not less than 6 months in any case.

- (iii) In support of its claim, the Petitioner has placed its reliance upon the order dated 27.05.2009, passed by the

Commission in Petition No. 25 of 2008, in the matter of Winsome Yarns Limited Vs. PSEB. The relevant extract of the order dated 27.05.2009 has been reproduced by the Petitioner as under:

“8. So far as the petitioner’s prayer regarding exemption from scheduling is concerned, the Commission observes that Regulation 12 (1) of PSERC (Open Access) Regulations provides that an open access customer is required to furnish along with the application details such as capacity needed, generation planned or power generated, point of injection, point of drawal, duration of availing open access, peak load, average load etc. He is also required to abide by the Indian Electricity Grid Code, State Grid Code and instructions given by the State Transmission Utility and State Load Dispatch Centre as applicable from time to time as stipulated under Regulation-26 of the Open Access Regulations. Further as provided in Section 8.3 of the State Grid Code, SLDC will issue dispatch instructions required to regulate generation and imports from IPPs/CPPs according to 15 minute day ahead generation schedule. This implies that IPPs/CPPs will have to furnish 15 minute day ahead schedule to the SLDC. However owing to generation of MHPs varying in accordance with the discharge of water, the Commission is of the view that it is not possible for such MHPs to provide day ahead scheduling of power generation. Accordingly, the Commission in exercise of

its powers under Regulation 33 of these Regulations directs the Board/SLDC to exempt the open access customers in such cases from furnishing the schedule for injection of power. With the exemption from scheduling, the question of levy of UI charges etc. does not arise.

- 9. The petitioner has also prayed for banking of power. The Board is not in favour of banking of power for the reasons mentioned in para 2 above. However, clause 4 (ii) of Appendix II of the NRSE Policy 2006 clearly provides that banking of power generated from NRSE projects shall be allowed by the Board for a period of one year. In view of the clear stipulation in the NRSE policy, the Commission is inclined to allow banking of power for one year. The monthly energy injected into the grid after accounting for wheeling charges and T&D losses will be subtracted from the total energy drawal of the Petitioner and the balance shall be charged as per prevalent PSEB tariff. If the energy injected after accounting for wheeling charges & T&D losses is more than the total units consumed by the petitioner, the excess energy shall be credited to the accounts of the petitioner for subsequent drawal. At the end of the year if there is still some surplus injection, the same will be paid for by the Board at the applicable NRSE rate approved by the Commission for that year. Electricity consumption for essential services/start up, if drawn by the customer, will also be*

accounted for while calculating the injection in the grid.”

The Petitioner has submitted that the above decision is squarely applicable in the instant case of the Petitioner since as per State Grid Code Provisions of the instant submissions, the run of the river/canal based projects and renewable energy projects are treated at par. As generation in case of Canal based projects is dependent on flow of the canal, based on irrigation requirement/indent, similarly, generation of baggasse based project is also dependent on the steam requirement of the sugar mill and the moisture content of the baggasse, which cannot be predicted and therefore surplus power will also vary. In the ibid order, the Commission has already decided to exempt all open access consumers of NRSE Projects to exempt from scheduling and the ibid order needs to be made applicable on the project of the Petitioner.

The case of Winsome Yarns Limited is identical to the case of Petitioner as both the plants are NRSE projects and have been granted identical status in the Grid Code and are serving as captive plants. Therefore, both the plants deserve similar treatment in the hands of the Commission and the orders issued in their case need to be made applicable in the case of Petitioner as well.

31. Findings and Decision:

After going through the Petition, written submissions made by the Petitioner and Respondents and the arguments, the Commission decides as under :

- (i) The issue of ToD charge on account of open access power consumed during peak load hours by open access

customers who have opted for ToD stands decided as per Order of the Commission dated 18.12.2015 in case of Petition No. 63 of 2015. PSPCL vide Chief Engineer /ARR&TR memo No. 5214 dated 10.12.2015 in Petition No. 63 of 2015, submitted that competent authority has decided to implement the Orders of the Commission passed in Petition No. 1 of 2015, Petition No. 3 of 2015 and PSPCL Review Petition Nos. 3 and 4 of 2015. PSPCL further intimated that accordingly, amount already charged from 01.10.2014 to 31.03.2015 on account of open access power consumed during peak load hours by open access consumers who had opted for TOD Tariff will be refunded and such charges will not be levied during financial year 2015-16 on the consumers who opted for TOD Tariff and also brought open access power during peak load hours, and necessary adjustments shall be made in the bills of the concerned consumers to be issued in next cycle.

In view of the above submission by PSPCL, the prayer made by the petitioner on this issue has been met and issue stands resolved.

- (ii) Regarding the issue of adjustment of power of captive co-generation NRSE based plants banked under open access due to non-availability of the transmission and/or distribution system of the licensee, in the monthly bills of the drawing unit(s) or be allowed to be drawn within one year of the date of banking, a 'Discussion Paper' has been prepared by the staff of the Commission, and a public notice inviting objections/comments from the

general public and the stakeholders on the 'Discussion Paper' has been issued. Decision on this issue will be taken by the Commission after completing the process as per law.

- (iii) The issue of levy of octroi at the destination unit/consumer end for power wheeled under open access by the Petitioner does not fall under the purview of the Commission and the same comes under the domain of the State Government, being a Govt. levy. As such, no directions can be issued by the commission in this regard.
- (iv) The submissions made by the Petitioner regarding exemption from levy of UI charges at generation end for deviation from schedules and to adjust the aggregate energy injected on whole day basis against drawl at destination after accounting the losses and charges in kind etc. does not carry any weight, as the same is not as per Regulations notified by the Commission & CERC and also not as per NRSE Policy, 2012, notified by GoP. Although, Petitioner runs a captive co-gen NRSE plant, which is a "must run" power plant exempted from "merit order" dispatch, but in any case it has to adhere to the scheduling and is certainly not exempted from the requirement of scheduling and has to pay applicable UI charges for deviation in daily schedules.

The Petition is disposed off accordingly.

-Sd-

(Gurinder Jit Singh)
Member

Chandigarh
Dated: 12.01.2016

-Sd-

(Romila Dubey)
Chairperson