

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 193/MP/2011

Coram:

1. Dr. Pramod Deo, Chairperson
2. Shri S. Jayaraman, Member
3. Shri V.S.Verma, Member
4. Shri M.Deena Dayalan, Member

Date of Hearing: 17.11.2011

Date of order: 30.11.2011

In the matter of

Seeking reimbursement of additional expenditure towards deployment of special security forces (CISF) at Wagoora sub-station for the year 2010-11 in Northern Region.

And in the matter of

Power Grid Corporation of India Ltd.

..... **Petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Jaipur
2. Ajmer Vidyut Nigam Ltd, Jaipur
3. Jaipur Vidyut Vitran Nigam Ltd., Jaipur
4. Jodhpur Vidyut Vitran Nigam Ltd., Jaipur
5. Himachal Pradesh State Electricity Board, Shimla
6. Punjab State Electricity Board, Patiala
7. Haryana Power Generation Corporation Ltd., Panchkula
8. Power Development Department, J&K
9. Uttar Pradesh Power Corporation Ltd., Lucknow
10. Delhi Transco Ltd., New Delhi
11. BSES Yamuna Ltd., New Delhi
12. BSES Rajdhani Power Ltd., New Delhi
13. North Delhi Power Ltd., New Delhi
14. Chandigarh Administration, Chandigarh
15. Uttaranchal Power Corporation Ltd., Dehradun
16. North Central Railway, Allahabad
17. New Delhi Municipal Council, New Delhi

..... **Respondents**

The following were present:

1. Shri S. Raju, PGCIL
2. Shri M. M. Mondal, PGCIL
3. Shri R.Gupta, PGCIL



ORDER

The petitioner has filed this petition seeking reimbursement of additional expenditure incurred towards deployment of special security forces at Wagoora sub-station located in the State of Jammu and Kashmir, during the year 2010-11 in Northern Region under Regulations 44 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 regulations").

2. The Commission vide its order dated 2.9.2011 in Petition No. 46/2011 has allowed reimbursement of abnormal O & M expenditure incurred towards deployment of CISF at Wagoora sub-station in Northern Region for the year 2009-10.

3. The petitioner has submitted that Wagoora sub-station is facing severe law and order problem since its inception and is under constant threat of militancy and terrorism. CISF was provided at Wagoora sub-station for proper security of the assets and personnel deployed at the sub-stations and to ensure uninterrupted power supply to the beneficiaries. The petitioner has submitted that there has not been any improvement in law and order situation and the sub-station was under constant threat of militancy during the period for which CISF was deployed. In order to counter the situation, the petitioner is stated to have continued deployment of CISF. The petitioner has submitted corroborative evidence in the form of copies of the newspaper



report and correspondence with the security agencies to substantiate its claim of the prevailing law and order situation. The petitioner has also stated that continued deployment of the CISF is also required to give a sense of security/safety to the personnel working in the area. In support of requirement of CISF at Wagoora sub-station and the fact that militancy related incidents in the Kashmir Valley have not completely abated, the petitioner has placed on record cuttings from the newspapers.

4. To sum up, the petitioner has submitted following justification for deployment of CISF at Wagoora sub-station, namely:

- (i) To avoid damage to the Government property, assets associated with Wagoora sub-station, which need round the clock guarding;
- (ii) Apprehensions that miscreants may damage some of the equipment at any point of time and the procurement of the same may take months together resulting in down time of vital equipments in the sub-station; and
- (iii) To guard against any militant/sabotage activity at the sub-station which may totally disrupt evacuation of power from Uri Hydroelectric Project, located in the State of Jammu and Kashmir to the beneficiaries in Northern Region.



5. The petitioner has stated that it has incurred an expenditure of ₹ 399.46 lakh on account deployment of CISF personnel at Wagoora sub-station during 2010-11. The petitioner's claim is supported by the auditor's certificate dated 20.6.2011. The details of expenditure made towards deployment of CISF at Wagoora sub-station are as indicated below:

S.No.	Description	(₹ in lakh)
1.	Salary	373.65
2.	Cost of ammunition	7.30
3.	Medical	4.54
4.	Clothing/Uniform	0.00
5.	Hard coke	10.28
6.	Vehicle	2.26
7.	Imprest, stationary, telephone and miscellaneous expenses	1.43
	Total	399.46

6. The petitioner has supported its claim based on the prevalent security scenario by referring to certain instances of extortion, kidnapping, attack and killing in the region, also reported by the media. For this purpose, the petitioner has submitted copies of certain documents such as newspaper reports and correspondence with the security agencies.

7. The petition was heard after notice. None was present on behalf of the respondents. No reply has been filed by any respondents.

8. We have considered the submissions made. While laying down norms for O & M expenses in the 2009 regulations, abnormal security expenses were excluded on the understanding that such expenses could be considered on



case-to-case basis. On consideration of the facts available on record, and taking cognizance of the general law and order situation prevailing in Jammu and Kashmir, we are satisfied that the petitioner was required to make special arrangements and take preventive measures, to ensure safety and security of its personnel and property, facilitating maintenance of continuous supply of electricity in the region.

9. In exercise of power under Regulation 44 of the 2009 regulations, we allow the expenses on CISF incurred by the petitioner in relaxation of Regulation 19 (g) of the 2009 regulations and direct that the expenses for the year 2010-11 as claimed by the petitioner shall be reimbursed by the respondents. The expenses shall be shared by the respondents in the ratio applicable for sharing of the transmission charges for Uri Transmission System, approved by the Commission vide its order dated 16.12.2010 in Petition No. 107/2009 for the year 2009-14.

10. The petitioner has sought reimbursement of fee paid by it for filing the petition. In our order dated 11.1.2009 in Petition No. 109/2009, we had decided that reimbursement of filing fee will be reimbursed in the following cases:

"85. The Commission after careful consideration has decided that filing fee will be reimbursed in the following cases:

- (a) Main petitions for determination of tariff;*
- (b) Petitions for revisions of tariff due to additional capital expenditure.;*
- (c) Petitions for truing up of expenditure.*



Filing fees paid for filing the Review Petitions, Interlocutory Applications and other Miscellaneous Applications will not be reimbursed in tariff. The Commission has decided to reimburse the expenses on publication of notices as such expenses are incurred to meet the statutory requirement of transparency in the process of determination of tariff."

Being a miscellaneous petition reimbursement of filing fee is not allowed.

11. With this order, the present petition stands disposed of.

Sd/-

(M. Deena Dayalan)
Member

Sd/-

(V.S.Verma)
Member

Sd/-

(S.Jayaraman)
Member

Sd/-

(Dr. Pramod Deo)
Chairperson

