

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi -110017

F.11 (1446)/DERC/2016-17/5597

Petition No. 05/2017

Under section 142 of the Electricity Act, 2003

In the matter of:

Tata Power Delhi Distribution Ltd.

Through its: M.D

....Petitioner

Versus

Delhi Transco Limited

.....Respondent

Coram: Hon'ble Mr. Justice S S Chauhan, Chairperson

Appearance:

1. Ms Vasudha Sen, Counsel for the Petitioner;
2. Shri Ashwin, Counsel for the Respondent;

INTERIM ORDER

(Date of Hearing: 14.12.2018)

(Date of Order: 09.01.2019)

1. The instant petition has been filed by TPDDL under Section 142 of the Electricity Act, 2003 read with the DERC Grid Code Regulations, 2008; the CERC (Standards of Performance of inter-State transmission licensees) Regulations, 2012; the National Tariff Policy, 2016; and DERC Conduct of Business Regulations, 2001 seeking directions from the Commission to the Respondent, Delhi Transco Limited. The petitioner has submitted that it being compelled to operate under severe technical constraints imposed in the transmission network due to the non performance of the obligations, duties and insistent delays of DTL in failing to undertake the augmentation of the Transmission network as well as execution, commissioning of new projects in Delhi. Thus, the conduct of non performance of DTL is in effect directly impacting the operations and efficiency of the Petitioner.

2. The petitioner has made following prayers;
 - a. to impose severe Penalty on DTL for the intentional delay, negligence in the timely Commissioning of the various projects;
 - b. to fix element wise specific timelines for each augmentation;
 - c. to form a joint committee comprising of the Hon'ble Commission's officers, Petitioner's nominee and DTL's nominee to oversee the progress of various schemes: and/or
 - d. to instruct DTL to ensure the Commissioning of the projects at the earliest in a time bound manner possible.

3. The submissions of Petitioner have been summarised as follows:

- (i) The Respondent is liable for the non-compliance of the Statutory Delhi Electricity Regulatory Commission (State Grid Code) Regulations, 2008, hereinafter referred to as the "Delhi Grid Code" (DGC) Regulations, which have been enacted by the Commission.
- (ii) The Transmission licensee has evidently failed to ensure timely Commissioning of transmission projects e.g. Gopal Grid, Punjabi Bagh, Subzimandi etc. which has an adverse impact over reliability and quality of supply in TPDDL's licensed area.
- (iii) U/S 39(2)(C) and 40(1)(a), clearly indicates that it is one of the primary duties of the State Transmission Utilities as well as the Licensees to "to build, maintain and operate an efficient, co-ordinated and economical inter State transmission system or intra-State transmission system."
- (iv) The entire planning of the transmission networks lies in the hands of the Central Electricity Authority (CEA). The CEA is a statutory organization originally constituted u/s 3(1) of the repealed Electricity (Supply) Act, 1948, since substituted by Section 70 of the Electricity Act, 2003. The Central Electricity is responsible for preparation of perspective generation and transmission plans and for coordinating the activities of planning agencies. The duties and functions of the CEA are provided u/s 73(a) of the Electricity Act, 2003 "advise the Central Government on the matters relating to the national electricity policy, formulate short-term and perspective plans for development of the electricity

system and co-ordinate the activities of the planning agencies for the optimal utilisation of resources to subserve the interests of the national economy and to provide reliable and affordable electricity for all consumers"

- (v) DTL has violated its duties u/s 39(2)(C) and 40(1)(a) of the Electricity Act, 2003. Thus, while the Tariff policy acknowledges the fact that development of intra state transmission networks across India has not been uniform and suggests that the same needs to be augmented, DTL in violation of the said policy is rather adopting a dilatory and delaying approach towards mitigating any such shortcoming of the transmission network in Delhi. The Tariff policy also enunciates that intra state transmission may be regulated on lines with the CERC's model on interstate transmission Regulations, which lay down the modalities, obligations of the transmission licensee, which indicate towards increased accountability of DTL. In this light, the objective of the Central Electricity Regulatory Commission (Standard of Performance of Inter-State Transmission licensees) Regulations 2012 highlights the primary obligation on part of inter state transmission licensees and imposes an adverse impact for non-conformance, thus ensuring higher accountability.
- (vi) This delay on part of DTL is also in violation of the DGS Regulations, 2008. Certain criteria that are widely accepted thresholds in planning and construction of electricity networks and a compliance of the said criterion is viewed as a standard for assessing the reliability and strength of the network.
- (vii) That in the pursuit of the discharge of its duties and taking into consideration the existing state of affairs, conditioning of the transmission network in Delhi not fulfilling the requirements of the Transmission system criterion, as provided by the Delhi Grid Code regulation 2008, the requirements for augmentation and the rising demand of electricity in Delhi, the CEA released the **"Report on Transmission System Plan for Delhi, in May 2013"**. In the said report, certain projects were formulated keeping in mind the improvement of transmission system in Delhi and the execution of the same was entrusted upon DTL. The timelines were laid down for the execution of these projects keeping in mind that these projects were aimed at improving the State Transmission System and that any delay in the

execution of the same would thus be at the cost of an effective and improved transmission system. Thus the said projects were not a mere empty formality but a necessity in the overall interest of electricity network in Delhi and in larger consumer interest."

(viii) That, thereafter the Petitioner, on observing that in some of the proposed transmission projects the committed timelines had [lapsed without any commencement of the project on part of DTL, the Petitioner brought the same to the attention of DTL vide letter dated 09.01.2015, bearing no. TPDDL/CEO&ED/2015. The Petitioner also took this opportunity to remind DTL that non-completion of these projects in time would only result in grave inconvenience to the consumers during the summer months as it might lead to blackouts."

(ix) By this time, some of the revised timelines, which DTL had committed earlier, had also lapsed. The Petitioner, in its various communications to DTL, reminded them of the inordinate delay and also urged DTL that any further delay would lead to jeopardizing the existing network of the Petitioner and widespread load shedding, power cuts and that o more time should be wasted in the commissioning of these projects to ensure relief for consumer....."

4. Per contra the Respondent, DTL has denied all the allegations of the Petitioner and has made the following submissions:

a) It is denied that the transmission network provided by the DTL in Delhi is not fulfilling the requirements of the transmission system criterion, as provided by the Delhi Grid Code. DTL has always discharged its duties as per the Tariff orders and other directions of the Commission.

b) It is denied that during the peak summer there is a constraint in the DTL network. There is no constraint in DTL network and any constraint in the Petitioner's network is supposed to be addressed by the Petitioner in its capacity as a distribution Licensee.

c) It is denied that DTL for the first time on 20.10.2015 had asked the Petitioner to provide its power evacuation plan for the DTL projects. The issues related to power evacuation were previously also discussed before the Steering Committee meeting on 20.10.2015. In Steering

Committee meeting on 12.02.2014, the matter regarding evacuation of power from 220kV sub-station was discussed and 2 No. 66kV PP-1 circuits were agreed from 220kV substation.

- d) The works are capital intensive projects and require huge amount of capital investment for execution. Further, despite the Hon'ble Supreme Court's Order, two of the Distribution Licensees in Delhi have not been paying the transmission charges to DTL from October 2010. Even the Petitioner has also occasionally stops payment on one reason or other. Due to this reason, DTL is not able to even recover its ARR fully, which is also one of the reasons for delaying the new project implementation.
- e) DTL has always ensured development of an efficient Transmission system to match with the growing power demand in coordination with the Disocms through regular steering committee meetings. Despite tight financial position arising out of non-payment of dues by some of the Discoms, DTL has managed to carry out extensive transmission system strengthening works. Details of transmission strengthening schemes carried out in last two years are attached.
- f) Certain projects were delayed due to various force majeure events which were not in control of DTL.
- g) A proceeding u/s 142 of the EA, 2003 cannot be maintained without establishing Mens rea. This has been held by APTEL in the judgment dated 13.09.2007 in the matter of B M Verma vs. UERC.
- h) DTL has made efforts for arranging of fund by taking loan for implementation of transmission schemes. However, as the distribution licensees are not paying transmission charges to the DTL, this is affecting over all cash flow of the DTL and DTL finds difficulty in arranging for funds.
- i) There is no constraints in the distribution network are supposed to be addressed by the Petitioner, the distribution Licensee by fetching the power from lightly loaded 220 kV sub-stations/lines. During this ongoing summer season Delhi could meet the power demand of 6526MW on 06.06.2017 without much hassle.

- j) It has denied that existing transmission network is not augmented by the DTL. It is stated that the DTL has augmented existing transmission network as the 220kV line from Bawana to Rohini-II has been commissioned in June 2016. Further the installation of additional 100MVA transformer at 220kV Peera Garhi has been commissioned on 20.07.2017.
- k) Each project is individual and some delay is caused due to various Force Majeure events which were not in control of DTL such as establishment of 400kV RPH was envisaged under ISTS by power grid in the standing committee of CEA which got delayed due to issues in location of land.
5. Petitioner, TPDDL filed its Rejoinder on 29.02.2018 to the reply filed by DTL and submitted the following:
- (i) Respondent has been in continuous violation of its various statutory obligations of augmenting the transmission lines in Delhi
- (ii) Respondent has failed to perform its obligation u/s 39 and 40 of the EA, 2003 which states that it is the duty of the state Transmission utilities as well as Licensees to "build, maintain and operate an efficient, co-ordinated and economical inter-state transmission system or intra-state transmission system"
- (iii) It is the responsibility of DTL to augment the network and increase its capacity, to be able to meet these benchmarks. Failure to conform to these benchmarks would necessarily constitute a serious lapse on part of DTL and thereby, a violation of the Regulations.
- (iv) Commission may enquire DTL to submit the feedbacks received by it till date from SLDC. (para 5)
- (v) It was only during the first steering Committee meeting held on 20.10.2015, that the Respondent for the first time asked the petitioner to provide nits power evacuation plan for DTL projects which were supposed to be completed by FY 13, 14 and 15, in line with the 12th plan released by the CEA.

- (vi) Respondent's inability to recover ARR can't be held as reason for delay in essential transmission projects.
- (vii) Respondent has utterly failed to comply with its obligation to augment the transmission network in Delhi.
- (viii) Respondent is trying to mislead the Commission as on one hand it claims that it has installed additional 100MVA transformer at 220 Kv S/Stn Peeragarhi which was commissioned on 20.07.2017 , while on the other hand it states that "due to such strengthening, Delhi could meet all time high power demand in 06.06.2917"
- (ix) Respondent has been repeatedly shifting target dates with no projects getting executed at the respective sites.
- (x) Mens rea – the Respondent has incorrectly interpreted the scope and applicability of Section 142 of the EA, 2003. For an offence to be established and penalized under Section 142 of the EA, 2003 Mens rea is not required to be proved. The mere violation of the rules or orders issued by the Commission by any person is sufficient to form an offence u/s 142 of the EA, 2003. (APTEL in its judgment dated 31.07.2009 in BSEB vs CERC)

6. In respect of prayer regarding constitution of a Joint Committee, vide Order dated 12.03.2018, the Commission had directed the parties to have a joint meeting with the officers of the Commission to discuss the issues relating to augmentation of the transmission network as well as execution, commissioning of new projects in Delhi.
7. The Respondent has submitted the status of various projects giving timelines for approval from Board of Directors, NIT, Expected date of award, Completion schedule. DTL further stated that no case under section 142 has been made out and by participating in the meetings and giving the information called for will not in any manner distract our stance that the petition itself is not maintainable.

8. Through the Additional affidavit dated 16.11.2018 the Respondent has submitted the following:

(i) that the transmission system/grid facility provided by the Respondent to the Petitioner has always been much more than what has been utilized by the Petitioner. Since the capacity addition to the transmission system/grid is a continuous process, the Respondent goes on adding and strengthening its system. For the last 10 years, namely from FY 2007-08 to FY 2018-19, the transmission system /grid facility provided by the Respondent to the Petitioner has been much higher and severely underutilized by the petitioner;

(ii) that even during the peak period, the Petitioner has, at the most utilized 64% of the transmission capacity made available by the Petitioner to it.

(iii) that sub-station wise details of the transmission system/grid facility being made available by the Respondent to the Petitioner is furnished as appendix A.

(iv) that to answer the specific question of the Commission namely, "the adequate transmission system/grid facility has been made available to the Petitioner", the Respondent has always made adequate transmission system/grid facility available to the Petitioner.

(v) that a graphical representation of the capacity made available by the Respondent qua the utilization by the Petitioner is furnished as appendix B.

9. The learned counsel for the Petitioner relied on the supplementary affidavit dated 27.09.2018 while answering the query of the Commission as to "when have you opposed extension of time?" The learned counsel for the Petitioner submitted that it has been clearly mentioned that:-

"...the Petitioner has written various letters to the Respondent with respect to the non-commissioning/non-completion of the relevant project..."

The learned counsel for the Petitioner quoted Para 27 of the Petition, which is extracted hereunder:-

"27. Furthermore, in yet another Steering Committee Meeting on 14.03.2016, conducted by the GM(Planning) of DTL at the offices of DTL which was attended by the representatives of the DISCOMs, including the Petitioner, the timelines for the projects which were provided for in the 12th Report released by CEA were further extended to FY 18-19 and FY 20-21. The revision of these timelines was recorded in the Minutes of Meeting of the said meeting, dated 21.03.2016."

The learned counsel for the Petitioner referred to the Respondent's letter dated 12.08.2015, whereby the Respondent had duly informed the Petitioner with regard to the recommendations of the Enquiry Committee that was constituted for disturbances that occurred on July 30 and 31, 2012 in the Northern Grid. Further, the said letter also highlighted the system constraints at the time of peak demand that occurred in summer 2015 on June 19, 2015 along with its remedial measures.

10. The learned counsel for the Respondent controverted the statements of the counsel for the Petitioner and submitted that a proceeding under Section 142 of the Electricity Act, 2003 cannot be maintained without establishing mens rea. The scope of Section 142 of the Electricity Act, 2003 does not create a strict liability offence or contravention without the requisite need for the intention to contravene. The Respondent has referred to the judgment of **Hon'ble APTEL in Appeal No 115 of 2007 dated 13.09.2007, in the matter of B.M. Verma vs. UERC**. The relevant portion of the said judgment is as under:-

"10. Firstly, mens rea is the basic ingredient of any offence. Mere non-compliance with an order could not be sufficient to take penal action. It was necessary for the Commission to obtain evidence of mens rea or culpable state of mind before holding the appellant guilty of a punishable offence. A mere failure to meet a deadline in complying with an order cannot be an offence. Section 142 of The Electricity Act 2003 does not create an absolute offence."

11. Secondly, the burden of proof has to be on prosecution and not on the defense. It appears from the order that it was appellant who was made to prove his innocence rather than the prosecution made to prove the guilt. Only when mens rea was established could the Commission shift

the onus on the appellant. But the Commission from the very outset proceeded with a presumption of guilt and put the entire onus on the appellant. This is entirely against all principles of criminal justice."

The learned counsel for the Respondent further submitted that DTL has always complied with the directions of the Commission and the DTL had done all in its power to implement the provisions of the Delhi Grid Code. The Petitioner is only making vague allegations against the Respondent without specifying the violations of the Regulations on the part of the Respondent. The Respondent further submitted that there is no merit in the present petition and the same is liable to be dismissed.

11. The counsel for the Petitioner submitted that the Respondent has incorrectly interpreted the scope and applicability of Section 142 of The Electricity Act 2003. The Petitioner submitted that for an offence to be established and penalised under Section 142 of The Electricity Act 2003 *mens rea* is not required to be proved. The mere violation of the rules or orders issued by the Appropriate Commission by any person is sufficient to form an offence under Section 142 of The Electricity Act 2003. The Petitioner has relied on the judgement of the ***Hon'ble APTEL in Appeal no. 53 of 2009, in the matter of Bihar State Electricity Board and Shri Swapan Mukherjee, Chairman, Bihar State Electricity Board vs. Central electricity Regulatory Commission dated 31.07.2009.***

The relevant portion of the said judgment is as under:-

"19. The perusal of Section 142 of the Act as well as the ratio decided by the Supreme Court with reference to the violation of the directions or contravention of the rules would make it clear that once it is shown that the contravention or the violation of the directions of the Commission has taken place, the imposition of penalty by the Commission on such person is a natural consequence. In other words, the power to impose penalty gets invoked as soon as the contravention of rules and directions as contemplated under Section 142 of the Act is established.

...

24. In the light of the above facts, let us now come to the question as to whether the Commission can impose penalty whenever there is a contravention under Section 142 of the Act in the absence of the mens

rea. Mens rea in the matter of violation means the criminal intent to violate i.e. deliberate intention to violate or dishonest intention to violate. As per Section 142 of the Act, the Commission, if it is satisfied that any person has violated the direction issued by it, shall give opportunity by seeking for explanation from that person regarding the said violation through show cause notice and by giving personal hearing. In spite of the explanation, if the Commission takes the view that the explanation is not satisfactory and forms a definite opinion that the contravention has been committed, it may impose the penalty. Thus, it is evident that the language in Section 142 of the Act does not indicate the need to establish the presence of dishonest intent namely mens rea to commit that contravention or violation as in the prosecution of an offence in the criminal proceedings. Mens rea namely the deliberate, dishonest and wanton violation is one thing. The violation due to lack of diligence and lack of bona fide is entirely a different thing. Therefore, mens rea in these cases is immaterial as this involves civil liability. It is enough to establish the contravention and there need not be the criminal intent or dishonest intent to commit it. At the same time, we should not lose sight of the ground realities."

12. The learned counsel for the Petitioner referred to the latest report of SLDC (Autonomous body as per DGC) released and discussed in Steering Committee meeting dated 04.07.2018, which indicate that out of the 15 Grid Sub station feeding Tata Power DDL's licensed area, 7 Grids do not have N-1 redundancy at Transformer level and 6 do not have N-1 redundancy at Line level. It is pertinent to mention that this report is prepared and circulated by an independent body and present true facts about the network adequacy.

13. In view of the forgoing discussions, following two issues have to be determined:

- I. whether the Respondent has violated or contravened any of the provisions of the Electricity Act and the Rules and Regulations made there under, or any directions issued by the Commission so as to initiate action under Section 142 of the Electricity Act, 2003; and
- II. Whether non-compliance of order of the Commission would be sufficient to impose penalty under Section 142 of the Electricity Act, 2003. Without examining the ingredient of mens rea.

14. From the arguments made by the parties, it is evident that the augmentation of schemes for transmission lines as envisaged by the Central Electricity Authority (CEA), which were brought before the Commission for approval and the Commission has approved such schemes and the schemes had to be completed/implemented by a certain date as per the own submissions of the Respondent. The Respondent for certain reasons whether technical constraint or non-availability of land, ROW etc. was not in a position to complete some of the schemes which may affect the distribution supply in the area of the Petitioner in the eventuality of any trip or grid failure due to snapping of transmission lines. The Respondent has admitted that some of the schemes had not been completed due to certain reasons beyond their control. Whether the reasons beyond the control or within its immaterial that affect remains that in case it was difficult to complete scheme within the given time frame it was the duty on part of the Respondent to approach the Commission for extension of timeline for completion of such schemes. Mere, reflecting non-completion in the Tariff Petitions and in the meetings of Steering Committee would not be sufficient and cannot be constrained automatic lawful extension of time frame and therefore, the Respondent has failed to adhere to the directions of the Commission to complete some schemes as per the stipulated timeline.

15. As much related to the Issue No. 2, regarding assessing ingredient of *mens rea* before imposing penalty on the Respondent, the Respondent has quoted judgement of Hon'ble APTEL in the matter of *B. M. Verma vs Uttrakhand Electricity Regulatory Commission, Appeal No 115/2007* whereby it was held that:

"9. We are shocked to see how Commission has totally gone wrong both in the matter of procedure and in the matter of approach. The Commission entirely lost sight of the fact that it was proceeding to take criminal action and accordingly the basic principles of criminal law and procedure should not have been lost sight of. We are not saying that the Commission was required to follow the strict procedure of Criminal Procedure Code. But the basic principles could not have been ignored, a proposition to which the respondent counsel agreed.

10. Firstly, mens rea is the basic ingredient of any offence. Mere non-compliance with an order could not be sufficient to take penal action. It was necessary for the Commission to obtain evidence of mens rea or culpable state of mind before holding the appellant guilty of a punishable offence. A mere failure to meet a deadline in complying with an order cannot be an offence. Section 142 of The Electricity Act 2003 does not create an absolute offence".

16. Per contra, the Petitioner submitted that Hon'ble APTEL in Appeal No 53/2009, in the matter of Bihar State Electricity Board vs Central Electricity Regulatory Commission has held that element of mens rea need not be examined for imposing penalty in case of violation under Section 142 of the Electricity Act, 2003. The Hon'ble APTEL has held the following:

"24. In the light of the above facts, let us now come to the question as to whether the Commission can impose penalty whenever there is a contravention under Section 142 of the Act in the absence of the mens rea. Mens rea in the matter of violation means the criminal intent to violate i.e. deliberate intention to violate or dishonest intention to violate. As per Section 142 of the Act, the Commission, if it is satisfied that any person has violated the direction issued by it, shall give opportunity by seeking for explanation from that person regarding the said violation through show cause notice and by giving personal hearing. In spite of the explanation, if the Commission takes the view that the explanation is not satisfactory and forms a definite opinion that the contravention has been committed, it may impose the penalty. Thus, it is evident that the language in Section 142 of the Act does not indicate the need to establish the presence of dishonest intent namely mens rea to commit that contravention or violation as in the prosecution of an offence in the criminal proceedings. Mens rea namely the deliberate, dishonest and wanton violation is one thing. The violation due to lack of diligence and lack of bona fide is entirely a different thing. Therefore, mens rea in these cases is immaterial as this involves civil liability. It is enough to establish the contravention and there need not be the criminal intent or dishonest intent to commit it. At the same time, we should not lose sight of the ground realities.

25. The very fact that Section 142 of the Act mandates the Commission to issue show cause notice would indicate that even though the Commission finds that there is contravention on the basis of the materials given in the

complaint, it has to take final decision only after considering the explanation from the person concerned. If the explanation is satisfactory, it need not impose penalty. The words "may impose" contained in Section 142 convey this. In other words, even when there is some contravention of a direction which warranted the issuance of show cause notice, the Commission is not duty bound to impose penalty in those cases where it is found that such a contravention has been committed bona fide and due to the circumstances beyond his control. If the Commission found that the conduct of the person on whom show cause notice was served was bona fide or if the person has satisfied the Commission that the circumstances were beyond his control due to which he was unable to comply with the direction of the Commission, then the Commission may accept the said explanation and discharge a person without imposing any penalty. It is entirely depending upon the facts and circumstances of the case.

26. In this context, it would be worthwhile to refer to the relevant observation made in the judgment rendered by the Hon'ble Supreme Court in 1969 Vol.2 SCC 627 Hindustan Steel Ltd. Vs. State of Orissa, which are as under:

"Penalty will not be imposed merely because it is lawful to do so. Whether penalty should be imposed for the failure to perform the statutory obligation, is a matter of discretion of the authority to be exercised judicially and on consideration of the relevant circumstances."

The above observation and the wordings contained in Section 142 which mandates the Commission to impose penalty only after giving opportunity to the person concerned to explain his stand would reveal that the Commission has to exercise its authority judicially and judiciously by taking into the consideration all the relevant circumstances explained by the person concerned before deciding the necessity to impose penalty."

17. The Respondent DTL vide written submission has made the following grounds:

- a) that the only other query of the Hon'ble Commission was whether with respect to the schemes mentioned in the supplementary Affidavit of the Petitioner, when the Original deadlines of the project completion were not adhered to, whether any approval of the Hon'ble Commission was taken or whether the Respondent apprised the Hon'ble Commission of the same. Since this issue was not raised before

in any of the pleadings, the Respondent did not answer the same in its replies;

b) that in each of the cases of delay in execution of the transmission assets/ scheme mentioned in the supplementary Affidavit of the Petitioner, the Respondent has taken the approval of the Hon'ble Commission.

18. The submissions of the Respondent has been examined and it is observed that

19. From the discussion and observation made by the Hon'ble APTEL in both cases. It is no doubt important to find out whether the violation committed by party is due to lack of diligence and lack of bonafide. To see whether it was due to certain reasons beyond the control of the person concerned that the order or direction of the Commission was not complied with and bonafide efforts have been made, the person should be given opportunity through a show cause notice to explain his stand and in case the Commission find the explanation not satisfactory penalty may be imposed.

20. From the above discussion, it is evident that the Respondent has failed to comply with the directions of the Commission regarding completion of schemes and the timeline has been extended for so many years, which has a potential of causing disruption in electricity supply. Therefore, a show cause notice is required to be issued to the Respondent to explain position.

21. Now, therefore, the Respondent is directed to show cause within four weeks as to why penal action under Section 142 of the Electricity Act, 2003, is not taken against it for not following the timeline for completion of the schemes which were approved by the Commission. The Respondent has to give reasons for non adherence of timeline in respect of schemes as given by the Petitioner in its petition.

22. Ordered accordingly.

**Sd/-
(Justice S S Chauhan)
Chairperson**