

Jharkhand State Electricity Regulatory Commission

Ranchi

Form of Proceedings

Case No. 07 of 2019

Association of DVC HT Consumers of Jharkhand Petitioner
Versus
Damodar Valley Corporation Respondent

For the petitioner : Mr. Rajiv Yadav, Advocate, & Mr. Hari Budhiya,
Representative
For the Respondent : Mr. Srijit Choudhury and Ms. Srijita Choudhury, Advocates
Mr. Rajib Goswami, CE (Comml), DVC

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
02	17.06.2019	<p>Heard.</p> <p>Learned Counsel for the petitioner submitted that in Tariff Order dated 28.05.2019, this Commission has introduced a penal charge @ 1.5% per month for delay in depositing security amount as per Sl. no. 11 in table 70 of Misc. charges in the said order.</p> <p>Learned Counsel further submitted that Clause 8.2.11 of JSERC (Electricity Supply Code) Regulations, 2015 provides adjustment of security deposit through two electricity bills sent to the concerned consumers, and in case of non-payment, the Distribution Licensee will be entitled to disconnect the electricity supply after following the due process, prescribed in law. He further submitted that the DVC in its own petition under the heading "Schedule of Miscellaneous Charges at Sl. No. 11 has demanded security deposit as per JSERC (Electricity Supply Code) Regulations,</p>	

2015. Moreover, he submitted that DVC allows the facility of payment of security deposit in installments to consumers in the State of West Bengal but does not allow similar benefits to the consumers in the State of Jharkhand. He therefore, submitted that the consumers in the State of Jharkhand should be permitted for payment of security deposits in 12 monthly installments without penal charges.

Learned Counsel for the petitioner further submitted that the method of calculation of security deposit for shortfall calculated annually based on average of 12 month bills is faulty and not supported by any order of this Commission or the Regulations.

The representative of the respondent- DVC submitted that this Commission vide its Order dated 28.05.2019 in Table no. 70 has approved the security deposits as per JSERC (Electricity Supply Code) Regulations, 2015. Only in case of non-payment, a penal charge @ 1.5% per month has been allowed. He further submits this is absolutely in right direction, as option of disconnecting the supply in case of default in depositing security deposit has not proved feasible due to various legal hurdles and disruption in distribution.

The representative of the respondent further submitted that only after the penal charge in the condition of non-deposit has been introduced, the consumers have become conscious to pay the security deposit. In absence of security deposit, large amount of DVC becomes NPA, on the industry becoming sick.

The representative further submitted that penal charge is applicable only when the security amount is not deposited, and therefore there is no reason to remove this provision.

Learned counsel for the respondent has vehemently opposed the review/recall petition on merit. It is submitted that the petition itself is not maintainable within the meaning of JSERC (Conduct of Business) Regulations, 2016.

After a length of argument and suggestion of the Commission to get the matter resolved by mutually agreed solution. The learned counsel for the petitioner submits that if the respondent agrees to the proposal of installments as provided to the State of west Bengal HT consumers, the petitioner is ready to withdraw the petition.

Learned counsel for the respondent and the officer representing the DVC agrees to provide the relief as given to the State of West Bengal HT consumers by the respondent.

In view of the facts, the petition is disposed with observation that if any of the HT consumers (as stated) approaches the DVC within four weeks of this order, the DVC will provide the same relief as given by it for the West Bengal HT consumers with regard to installments in security deposit.

Penal charges would be applicable only on the installments which has become due and not paid. It goes without saying that amount of security deposit or additional security deposit in case of excess consumption above the approved demand would be as per the relevant Regulations of JSERC. This order will be only one time arrangement.

Accordingly, the petition is disposed of.

Sd/-
Member(L)

Sd/-
Member (E)

Sd/-
Chairperson