

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

FORM OF PROCEEDINGS

Suo-Motu Case No. 01 of **2010**

Sl. No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
1.	29.01.2010	<p>The Jharkhand State Electricity Regulatory Commission, Ranchi, on the orders of the Hon'ble Appellate Tribunal for Electricity, New Delhi dated 11.7.2007 passed in O.P. No. 01 of 2007, had issued Provisional Tariff Order for FY 2006-07 on 31.8.2008 effective from 1st September 2007. The distribution licensee-Jharkhand State Electricity Board (hereinafter referred to as 'JSEB') preferred an appeal against the said Tariff Order dated 31.8.2007 by filing Appeal No. 129 of 2007 before the Hon'ble Appellate Tribunal for Electricity, New Delhi. The Hon'ble Tribunal by its order dated 8.5.2008 passed in Appeal No. 129 of 2007 had remanded the matter to the Commission with a direction to revise the said Tariff Order of 2006-07 within a period of three months in the light of the directions mentioned in the said order. It was directed in the said order dated 8.5.2008 that the appellant-JSEB should file fresh ARR along with the audited Accounts and the Commission shall review the cost of power purchase and other charges. The Hon'ble Tribunal had also observed that the appellant-JSEB will expeditiously furnish all information sought by JSERC.</p>	

		<p>2. Pursuant to the direction of the Hon'ble Tribunal the Commission issued letters followed by reminders to the licensee-JSEB for submission of the details of item-wise claim for expenditure/costs along with the audited Account in order to comply with the Hon'ble Tribunal Orders dated 8.5.2008. The licensee-JSEB by its letter dated 28.6.2008 submitted the item-wise claim for expenditure along with a report on authentication of expenditure for FY 2006-07 but no audited Accounts were submitted. After going through the records and details submitted by the licensee-JSEB, the Commission again asked the JSEB vide its letter dated 12.1.2009 to submit separate details of ARR for generation, transmission and distribution and also the desired documents so that the review exercise of the Tariff Order for FY 2006-07 could be undertaken. In compliance, JSEB submitted two sets of report on authentication of expenditure for the year 2006-07 under the signature of one M/s R.N. Mishra & Company, Chartered Accountant firm dated 21.6.2008 and 30.6.2008 indicating different figures for the same year.</p> <p>3. The Commission by its letter dated 11.2.2009 directed the JSEB to publish the public notice in the newspapers for inviting comments/suggestions/objections of the consumers at large for completing the process of review exercise of Tariff Order for FY 2006-07 besides submitting the desired documents as called for earlier by the Commission. The JSEB did not comply with this direction of the Commission and filed a</p>	
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		<p>petition being I.A. No. 78 of 2009 before the Hon'ble Appellate Tribunal for Electricity at New Delhi praying therein to issue clarification for implementation of the order dated 8.5.2008 to the effect that the State Commission can proceed with the certified accounts unaudited and approved by CAG of India in the first instance and thereafter undertake afresh truing up and revision based on audited accounts of the appellant-JSEB as and when the report of CAG of India is available.</p> <p>4. The Hon'ble Tribunal in its order dated 23.9.2009 passed in the said I.A. No. 78 of 2009 has observed that it will be open for the Commission to take action against the appellant-JSEB as may be available in law for compliance of rules and regulations.</p> <p>5. After disposal of the said application of JSEB by the Hon'ble Tribunal by its order dated 23.9.2009 passed in I.A. No. 78 of 2009, the Commission once again wrote a letter dated 13.10.2009 to the Chairman of the JSEB to file fresh ARR and tariff petitions for FY 2009-10 and 2010-11 by November 2009 along with the audited accounts for determination of tariff of JSEB. It was also stated in the said letter dated 13.10.2009 that the Commission will issue the tariff order for the year 2010-11 taking into consideration the directions of the Hon'ble Tribunal dated 8.5.2008 passed in Appeal No. 129 of 2007 on different heads. But despite all the above, the licensee-JSEB did not file fresh ARR and tariff petitions for FY 2009-10 and FY 2010-11 along with the audited accounts.</p>	
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6. In compliance with the directions issued by the Hon'ble Appellate Tribunal for Electricity, New Delhi and after considering the above facts the Commission has decided to proceed, suo-motu, for determination of tariff for FY 2010-11 of JSEB. Hence this case is being registered and let a notice be issued to the distribution licensee-JSEB to show-cause as to why the Commission should not proceed in the matter. If no show-cause is received from the distribution licensee-JSEB within 15 days it will be presumed that the JSEB has nothing to say and the Commission will proceed accordingly.

Put up on **15.02.2010** for further orders.

Chairperson