

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

FORM OF PROCEEDINGS

Case No. 30 of 2010

Sl. No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
1.	4.12.2010	<p>The Commission by its letter dated 10.11.2010 had written to all the Generators and the licensees of the State of Jharkhand to file their ARR and tariff petition for FY 2011-12 by 31st December 2010. In response to the said letter, one of the generator viz. TPCL had requested the Commission to publish the new Tariff Regulations at the earliest. In the meantime the JSERC (Terms and Conditions for Determination of Generation Tariff) Regulations 2010 are published in the Extraordinary Jharkhand Gazette No. 590 dated 28th October 2010. Besides, the JSERC (Terms and Conditions for determination of Transmission Tariff) Regulations, 2010 and JSERC (Terms and Conditions for determination of Distribution Tariff) Regulations, 2010 are published in the Extraordinary Jharkhand Gazette No. 589 dated 28th October 2010 and No. 615 dated 4th November 2010 respectively. The Commission has uploaded these Regulations on the website for</p>	

access by the utilities and other stakeholders. After publication of the new Tariff Regulations for Generation and Distribution, the earlier relevant Regulations published and notified in the year 2004 have been superseded. The Regulations regarding determination of Transmission Tariff is a new one. The new Regulations contain Terms and Conditions for determination of Distribution and Generation Tariffs, the formats for filing the ARR and tariff petitions. These Regulations have become applicable from the date of their publication in the Jharkhand Gazette. Accordingly, the generators and licensees of Jharkhand are now required to file their ARR and tariff petition as per the provisions and in the format(s) prescribed and attached in these Regulations.

Apart from the above, the Hon'ble Appellate Tribunal by its order dated 29.9.2010 passed in Appeal No. 56 of 2010 (BSHPC Vrs. BERC) has held "Availability of authenticated data of costs is an essential requirement for determination of tariff. The authenticated data of costs incurred could be only obtained from the accounts audited by the statutory Auditors. Audited accounts by a private Chartered Accountant appointed by the appellant is not

acceptable, both as per the provisions of the Companies Act and as per the Regulations framed by the Commission in accordance with the provisions of the Electricity Act 2003". This proposition has been confirmed by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 57 of 2010 and No. 167 of 2010. The new tariff Regulations notified by the Commission also speaks in categorical terms about filing of ARR and tariff petition along with the audited Accounts.

In view of the above, this case is being registered; suo-moto, and all the generators and the licensee of the State are directed to file their ARR and tariff petition for determination of tariffs for FY 2011-12 by 31st December 2010 in the formats appended with the Regulations along with Accounts audited by their statutory Auditors.

Put up on **03.01.2011** for further orders.

Sd/-
Member (E)

Sd/-
Chairperson