

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

FORM OF PROCEEDINGS

Case No. 09 of 2011

Damodar Valley Corporation

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Sl. No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
1.	02.02.2011	<p>As per the Regulations, the due date for filing the ARR and the tariff petition for FY 2011-12 was 1st November 2010. Since none of the licensees and generators filed their tariff petitions for FY 2011-12 by the due date, the Commission by its order dated 4.12.2010 had directed all the licensees and the generators to file their ARR and tariff petition for FY 2011-12 by 31st December 2010. In compliance to the said order, only JSEB had filed its ARR and tariff petition for determination of tariff for FY 2011-12. The licensee-DVC had filed petition for grant of time for filing its tariff petition for FY 2011-12. The Commission after considering the request and taking a lenient view, by its order dated 4.1.2011, allowed the prayer and directed the licensee-DVC to file its tariff petition by 31.1.2011. The order of the Commission was communicated to DVC by letter No. 621 dated 4.1.2011.</p> <p>In response to the above direction dated 4.1.2011, the Dy. Chief Engineer (Tariff), DVC vide his letter dated 27.1.2011 has requested for grant of two months time for filing of tariff petition for FY 2011-12 of DVC. It has been</p>	

stated that the revenue requirement decided by CERC will become the final input cost for retail tariff. In this context it has been stated that the CERC vide their order dated 6.8.09 had determined the revenue requirement and tariff applicable to DVC upto 31.3.2009. Being aggrieved by the said order, the DVC challenged the said order before the Appellate Tribunal for Electricity in Appeal No. 146/2009. The said appeal of DVC has been dismissed by order dated 10.5.2010 of the Appellate Tribunal. The DVC, thereafter, has preferred a second appeal before the Hon'ble Supreme Court of India (CA No. 4881 of 2010) against the order dated 10.5.10 passed by APTEL. The hearing of the above appeal is listed in the Hon'ble Supreme Court in February 2011. In the above back drop, it has been prayed for extension of two months time beyond 31.1.2011 to enable them to file tariff petition for FY 2011-12 after getting the final input cost.

Perused the letter dated 27.1.2011.

From the aforesaid letter dated 27.1.2011, it appears that revenue requirement of DVC has been determined by CERC by its order 6.8.2009 which was challenged by DVC before the Hon'ble Appellate Tribunal for Electricity in Appeal No. 146/2009. The Hon'ble Tribunal by its order dated 10.5.2010 has dismissed the said appeal. The DVC has filed second appeal before the Hon'ble Supreme Court challenging the order dated

10.5.2010 of the Hon'ble Tribunal. The matter is pending before the Hon'ble Supreme Court and hearing on the said appeal has been listed in February 2011. Since the findings of the Hon'ble Supreme Court will have a bearing on the tariff, it may not be possible for DVC to file the tariff petition for retail sale for FY 2011-12.

Considering the facts mentioned above, the request to allow time for filing the tariff petition by DVC is tenable. The Commission, therefore, directs the DVC to file its tariff petition for FY 2011-12 by 31.3.2011.

Sd/-
Member (E)

Sd/-
Chairperson