

**IN THE JHARKHAND STATE ELECTRICITY
REGULATORY COMMISSION AT RANCHI**

Misc. Petition No. 01 of 2018

Santhal Pargana Chamber of Commerce & Industries &
Jharkhand Induction Furnace Association Petitioners

Versus

Jharkhand Urja Vikas Nigam Limited & Ors. Respondents

AND

Misc. Petition No. 02 of 2018

Singhbhum Chamber of Commerce & Industries Petitioner

Versus

Jharkhand Urja Vikas Nigam Limited & Ors. Respondents

**CORAM: HON'BLE DR. ARBIND PRASAD, CHAIRPERSON
HON'BLE MR. R.N. SINGH, MEMBER (ENGINEERING)**

For the Petitioners : Mr. M.S. Mittal, Sr. Advocate
Mr. Saket Upadhyay, Ms Priyanka Singh, Ms Varsha,
Mr D.K. Pathak and Ms Sweta Rani, Advocates

For the Respondents: Mr Naveen Kumar, Mr. Amit Sinha and Mr. Amitabh
Advocates.

ORDER

Dated: 27th April 2018

1. A common issue arose in both the above petitions and as such the petitions are being disposed of by this common order.
2. The case was heard and parties have filed their reply and written submissions.
3. The petitioners in both the above petitions have prayed for an order for holding further public hearing after issuing notice in advance inviting objections pursuant to the audited reports uploaded in the website of JBVNL in compliance to the directions by the Commission on 7.3.2018 during the public hearing held at

Ranchi and to grant at least one month's time to the objectors to study the uploaded reports before submitting their written comments and not to finalize the tariff order till the objections are submitted and a public hearing is conducted and the proposed objections are considered.

4. The brief facts of the case is that the petitioner-JBVNL filed petition before the Commission for True up for FY 2011-12 to FY 2015-16 and Annual Performance Review for FY 2016-17 as well as Revised Annual Revenue Requirement and Tariff determination for FY 2017-18 and 2018-19. After filing the petition, the petitioner-JBVNL issued notice in various newspapers dated 23rd, 24th and 31st January 2018 inviting comments/objections from the public/stakeholders by 13.2.2018. On receipt of the comments/objections from the stakeholders, the petitioner-JBVNL sent replies to the concerned persons and also provided informations sought for by them.

5. The Commission, thereafter, issued notices in various news papers intimating the date, time and venue for the public hearings and conducted public hearings on the petition filed by the petitioner-JBVNL at five places viz. Chaibasa, Dhanbad, Dumka, Medninagar and Ranchi on 24.2.2018, 26.2.2018, 27.2.2018, 6.3.2018 and 7.3.2018. During the public hearings adequate opportunities were given to the public/stakeholders including the petitioner to give their comments/objections on the petition of JBVNL. In the public hearing various issues relating to poor quality of supply of power, deficiency in the tariff petition, non-providing the CAG audit report for FY 2015-16 on the website of JBVNL etc. were raised by the public/stakeholders including the petitioner. Accordingly, the Commission directed the petitioner-JBVNL to give their views/reply on the points raised by the public/stakeholders during the public hearings.

6. In the public hearing at Ranchi on 7.3.2018, when it was pointed out by the stakeholders including the representatives of the petitioners that the CAG's Audit Report for FY 2015-16 of JBVNL was not available on the website of the petitioner-JBVNL, the Commission directed the petitioner-JBVNL to upload the same on their website as well as to make available a copy to the public/stakeholders, which was complied with by the JBVNL and also notified in the newspapers on 17.3.2018. After uploading of CAG's Audit Report for FY 2015-16 the Commission gave further time to the public/stakeholders including the petitioner to submit their

comments/objections on the same. It may be mentioned that the petitioner also participated in the public hearings and gave their comments/objections. At no point of time the petitioner as well as the stakeholders was denied the opportunity for giving their comments/objections.

7. The petitioner-JBVNL filed objection regarding the maintainability of the petition stating, inter-alia, that Section 64 of the Electricity Act 2003 provides that the appropriate Commission has to consider the suggestions and objections received from the public while considering the tariff petition. It has further been stated that there is no provision either in the Electricity Act 2003 or in the JSERC (Terms and Conditions for determination of Distribution Tariff) Regulations 2015 for holding public hearing again and again.

DISCUSSIONS

8. We have gone through the provisions of Electricity Act 2003 as well as JSERC (Terms and Conditions for determination of distribution tariff) Regulations 2015. Section 64 of the Electricity Act 2003 deals with the procedure for tariff order which provides that on receipt of application for determination of tariff under Section 62 of the Electricity Act 2003, the licensee/applicant shall publish the application in such abridged form and manner as may be specified by the Appropriate Commission. The Appropriate Commission on receipt of application and after considering all suggestions and objections received from the public issue a tariff order accepting the application with such modifications or such conditions as may be specified in that order; or reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of this Act and rules and regulations made thereunder or the provisions of any other law for the time being in force provided that the applicant shall be given a reasonable opportunity of being heard before rejecting his application.

CONCLUSIONS

9. From the discussions made hereinabove, it is clear that the petitioner as well as the stakeholders was given sufficient opportunity to participate in the public hearing and make oral as well as written comments/objections on the petition

of respondent-JBVNL. In fact the representative of the petitioner also participated in the public hearing and submitted their written as well as oral comments/objections on the petition of JBVNL. On pointing out about non-availability of audit report of Comptroller & Auditor General of India for FY 2015-16 on the website of JBVNL, a direction was given to JBVNL to upload it on their website and make available a copy of the same to the petitioner and other stakeholders. The JBVNL complied with the directions and immediately uploaded it on their website and invited comments/objections from the stakeholders/public by publication of a newspaper notice on 17.3.2018. The petitioners submitted their comments/objections on the CAG's Audit report for FY 2015-16 to the JBVNL which was also replied to them by JBVNL. As such, there is no need for holding public hearing again on the additional documents provided by JBVNL including CAG's audit report for FY 2015-16.

10. In view of the above, we are of the view that the petitions of the petitioners are devoid of any merit and hence rejected.

Sd/-
(R.N. Singh)
Member (Engineering)

Sd/-
(Arbind Prasad)
Chairperson