

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

**I.A. No. 01 of 2018  
In  
Case (Tariff) No. 13 of 2017**

Jharkhand Bijli Vitran Nigam Limited ..... Petitioner

Versus

Federation of Jharkhand Chamber of Commerce  
& Industries (FJCCI) ..... Applicant/Intervener

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

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

For the Applicant/ Intervener : Mr. Biren Poddar, Sr. Advocate and  
Ms Khushboo Kataruka, Advocate

**ORDER**

**Dated: 27<sup>th</sup> April 2018**

1. This case was heard on the point of maintainability and the parties have filed reply and counter-reply.
2. The above petitions filed for impleadment of the applicant/Intervener as Party-Respondent in the petition filed by the petitioner (Jharkhand Bijli Vitran Nigam Limited (hereinafter referred to as JBVNL) for approval of Annual Performance Review for FY 2016-17 and Revised Aggregate Revenue Requirement and tariff determination for FY 2017-18 and FY 2018-19.
3. The petitioner-JBVNL filed objection regarding the maintainability of the Interlocutory application 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 Act provides for calling of suggestions and objections from the public, and such opportunity of hearing is not required to be given to individual customer in the tariff determination process. Hence the Hon'ble Commission is not required to go beyond the express provision of Section 64 of the Electricity Act 2003

dealing with the principle of natural justice. There is no provision in the Electricity Act 2003 for impleadment of stakeholders as a party respondent.

### **DISCUSSIONS**

4. 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. There is no provision in the Electricity Act 2003 for impleadment of stakeholders as a party respondent. The JSERC (Terms and Conditions for determination of Distribution Tariff) Regulations 2015 also do not provide for impleadment of stakeholders as a party respondent.

### **CONCLUSIONS**

5. From the discussions made hereinabove, it is clear that there is no provision for impleading any stakeholder as a party-respondent in the tariff petition. The JSERC (Terms and Conditions for determination of Distribution tariff) Regulations 2015 also do not provide any provision for impleadment of stakeholders as a party-respondent in the tariff determination process.

6. As per the Electricity Act 2003 as well as JSERC (Terms and Conditions for determination of Distribution Tariff) Regulations 2015, the petitioner-JBVNL after filing petition for True Up for FY 2011-12 to FY 2015-16, Annual Performance Review for FY 2016-17 as well as Revised ARR and Tariff determination for 2017-18 and

2018-19, issued notice in various newspapers dated 23<sup>rd</sup>, 24<sup>th</sup> and 31<sup>st</sup> January 2018 inviting comments/objections from the public/stakeholders. The last date for submissions of comments/objections was 13.2.2018. Thereafter, the Commission issued notices in various news papers for holding public hearings on the petition filed by the petitioner-JBVNL and conducted public hearings at five places viz. Chaibasa, Dhanbad, Dumka, Medninar 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. Besides, the Commission also directed the petitioner-JBVNL to give their views/reply on the various points raised by the public/stakeholders during the public hearings. During the public hearing on 7.3.2018 at Ranchi when it was pointed out by the stakeholders that the CAG's Audit Report of JBVNL for FY 2015-16 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 notified in the newspapers. After uploading of CAG's Audit Report of JBVNL for FY 2015-16, the Commission gave further time to the public/stakeholders 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.

7. Thus it is evident that not only there is no legal basis for impleadment of stakeholders as a party respondent in the tariff determination process, but also the tariff determination process provides enough opportunities to stakeholders to make their submission on the petition filed by the licensee.

8. In view of the above, we do not find any valid reason for impleading the petitioner as a party-respondent and hear the matter afresh. The petition of the applicant/intervener is not maintainable and is rejected.

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

Sd/-  
(Arbind Prasad)  
Chairperson