

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

Case No. 27 of 2020

Association of DVC HT Consumers of Jharkhand..... Petitioner

Versus

Damodar Valley Corporation (DVC)..... Respondent

**CORAM: HON'BLE JUSTICE MR. AMITAV KUMAR GUPTA, CHAIRPERSON
HON'BLE MR. MAHENDRA PRASAD, MEMBER (LAW)
HON'BLE MR. ATUL KUMAR, MEMBER (TECH)**

For the Petitioner: Mr. Saket Upadhaya, Advocate

For the Respondent: Ms. Anushree Bardhan and Mr. A.K. Mehta, Advocates

Date – 12th June, 2023

1. The petitioner (Association of DVC HT Consumers of Jharkhand) has filed a petition under sections 94(1)(f) of the Electricity Act, 2003 read with clause 41 of the JSERC (Conduct of Business) Regulations, 2016 for review of order dated 30.09.2020 for True up of FY 2018-19, APR for FY 2019-20 and ARR & Tariff for FY 2020-21 of the respondent-DVC.
2. The prayers as contained in the petition and supplementary affidavits are as under:
 - (a) To consider the clause on voltage rebate and consequently for issuance of corrigendum to the Tariff order for True up of FY 2018-19, APR for FY 2019-20 and ARR & Tariff for FY 2020-21 dated 30.09.2020 issued by Hon'ble JSERC regarding the distribution activity of Damodar Valley Corporation (DVC) in State of Jharkhand.
 - (b) For a direction upon DVC to give the voltage rebate to its consumers as per the corrigendum issued by this Hon'ble Commission dated 04.12.2020 (in letter and spirit) read with Tariff order for Distribution Activity of Damodar Valley Corporation (DVC) in Jharkhand State in connection with True Up for FY 2018-19, APR for FY 2019-20 and ARR & Tariff for FY 2020-21 dated 30.09.2020.
 - (c) For a direction upon the respondent DVC to adjust the amount of Voltage Rebate for the consumption months of October November and December 2020 as per the Corrigendum issued by this Hon'ble Commission dated 04.12.2020 in the power supply bill to be issued for the consumption for month of January 2021.
 - (d) Pass any other orders as may be deemed fit and proper in the interest of justice.

Submissions of the Petitioner

3. Learned Counsel for the petitioner has submitted that the petitioner is an Association of DVC HT consumers of Jharkhand and is availing power from Damodar Valley Corporation (DVC) at 33KV and above in the State of

Jharkhand. With regard to the retail sale and supply of electricity, DVC covers the entire Damodar Valley area which falls in two contiguous States, namely the State of West Bengal and the State of Jharkhand. Thus, tariff for retail sale and supply of electricity in the Damodar Valley area is governed by the provisions of Section 62 (d) read with Section 86 (1) of the Electricity Act, 2003 by the Electricity Regulatory Commissions in the States of West Bengal and Jharkhand respectively.

4. Learned Counsel has submitted that section 18 of the DVC Act, 1948 empowers the DVC to supply electricity to Consumer at a pressure of 30,000 Volts or more in the valley area, however, section 18 of the DVC act, 1948 also allows DVC to sell electricity to consumer at a pressure of less than 30,000 Volts with the permission of the concerned State Government.

The relevant extract of 5.18 of the DVC Act 1948 reads as under:

“18. Supply and generation of electrical energy: Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910) or any licence granted there under –

.....

11) The Corporation may sell electrical energy to any consumer in the Damodar Valley but no such sale shall, except with the permission of the Provincial Government concerned, be made to any consumer requiring supply at pressure of less than 30,000 volts.”

5. Learned Counsel has pointed out that as per section 42 and 43 of the Electricity Act, 2003 DVC has a universal service obligation to provide supply of electricity to consumers within its license area.

The relevant extract of 5.42 of the Electricity Act 2003 reads as under:

“Section 42. (Duties of distribution licensee and open access):

(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, coordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

.....

Section 43. (Duty to supply on request):

(1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

.....

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.”

6. Learned Counsel has contended that DVC has a universal service obligation to establish requisite distribution infrastructure across all of its substations at

each voltage level i.e. 230 V, 440V, 33 kV, 132 kV, 220 kV and above and to ensure right of way for establishing requisite electric line for giving electricity supply to its consumers. In this regard DVC has managed to establish a robust distribution infrastructure at 33 kV level and below in its supply area in the State of Jharkhand but it has failed to establish requisite distribution infrastructure for all substations above 33 kV voltage levels resulting in the failure to meet its universal service obligation, consequent thereto, the HT/HTS consumers of DVC are seeking to shift to higher voltage levels have been consequently forced to remain at the existing voltage supply level due to lack of requisite distribution infrastructure at above 33 kV voltage levels.

7. It was pointed out that as per the JSERC (Electricity Supply Code) Regulations, 2015, consumers availing electricity supply at voltages lower than the classification mentioned in Electricity Supply Code would be required to pay voltage surcharge, and consumers availing supply at voltage higher than the classification would be given Voltage Rebate as prescribed by the Commission from time to time. However, this provision of the JSERC (Electricity Supply Code) Regulations, 2015 coupled with the failure of the DVC to meet its universal service obligation, preventing HT/HTSS consumers of DVC from shifting to higher voltage making HT/HTSS consumers ineligible for availing Voltage Rebate.
8. Learned Counsel has submitted that this Hon'ble Commission in order dated 28.05.2019 of respondent-Damodar Valley Corporation (DVC) for True-up of FY 2016-17, Annual Performance Review for FY 2017-18 & FY 2018-19 and ARR & Tariff for FY 2019-20 as mentioned as under:

“Clause III: Voltage Rebate

Voltage rebate will be applicable on energy charges as given below:

Consumer Category	Voltage Rebate
<i>HT 33 kV</i>	<i>2.00%</i>
<i>HT 132 kV</i>	<i>3.00%</i>
<i>HT 220 kV and above</i>	<i>4.00%</i>

**Note: The above rebate will be available only on monthly basis and consumer with arrears shall not be eligible for the above rebate. However, the applicable rebate shall be allowed to consumers with outstanding dues, wherein such dues have been stayed by the appropriate authority/Courts."*

However, this Hon'ble Commission in order dated 30.09.2020 of Damodar Valley Corporation (DVC) for True-up of FY 2018-19, APR for FY 2019-20 and ARR & Tariff for FY 2020-21 has approved Voltage Rebate provision to be given as per the JSERC (Electricity Supply Code) Regulations, 2015. The relevant extract of the Order reads as under:

“Clause IV: Voltage Rebate

*Voltage rebate*will be applicable on Demand and Energy Charges as per JSERC (Electricity Supply Code) Regulations, 2015 as amended from time to time at the rate given below:*

Consumer Category	Voltage Rebate
<i>HTS/ HT Institutional - 33 kV</i>	<i>3.00%</i>
<i>HTS/ HT Institutional -132 kV</i>	<i>5.00%</i>
<i>HTS/ HT Institutional - 220 kV</i>	<i>5.50%</i>
<i>HTS/ HT Institutional - 400 kV</i>	<i>6.00%</i>

**Note: The above rebate will be available only on monthly basis and consumer with arrears shall not be eligible for the above rebate. However, the applicable rebate shall be allowed to consumers with outstanding dues, wherein such dues have been stayed by the appropriate authority/Courts.*

It is further clarified that the voltage rebate will not be applicable to all consumers who are connected to the voltages specified above. The Commission in order to have uniform approach across all distribution utilities has now linked voltage rebate to be allowable to only those consumers who opt for higher voltages and meets the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015, as amended from time to time.”

9. Learned Counsel has further submitted that this Hon’ble Commission’s reasoning to have a uniform approach across all distribution utilities is the best idea, however, the provision for voltage rebate in the order dated 30.09.2020, coupled with the failure of the DVC to meet its universal service obligation, will unjustly prevent HT/HTSS Consumers of DVC from availing the benefit of Voltage Rebate.
10. Learned Counsel has pointed out that this Commission in order dated 01.10.2020 of Jharkhand Bijli Vitran Nigam Limited (JBVNL) for True-up of FY 2018-19, Annual Performance Review for FY 2019-20 and ARR & Tariff for FY 2020-21, unlike the order dated 30.09.2020 of DVC, has not restricted voltage rebate to be allowed to only those consumers who opt for higher voltages. For JBVNL, this Hon'ble Commission has allowed voltage rebate to be applicable to all consumers who are connected at the voltages specified for Voltage Rebate. The relevant extract of the order dated 01.10.2020 of Jharkhand Bijli Vitran Nigam Limited (JBVNL) for True-up of FY 2018-19, Annual Performance Review for FY 2019-20 and ARR & Tariff for FY 2020-21 reads as under:

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<i>HTS/HT Institutional - 33 kV</i>	<i>3.00%</i>
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<i>HTS/ HT Institutional - 400 kV</i>	<i>6.00%</i>

**Note: The above rebate will be available only on monthly basis and consumer with arrears shall not be eligible for the above rebate. However, the applicable rebate shall be allowed to consumers with outstanding dues, wherein such dues have been stayed by the appropriate authority/Courts.*

11. Learned Counsel has submitted that this Hon’ble Commission had issued a Corrigendum dated 04.12.2020 to its order dated 30.09.2020 of DVC for True up of FY 2018-19, APR for FY 2019 20 and ARR & Tariff for FY 2020-21 pertaining to the matter of Voltage Rebate. The relevant extract of the Corrigendum reads as under: -

"1) The Commission in its Tariff Order dated September 30, 2020 carried out truing up of FY 2018-19, APR for FY 2019-20 and ARR and Tariff for FY 2020-21.

2) In the above said Order, the Commission has maintained uniformity in the principles of Tariff Determination and its Structure including Rebates. However, it has been brought to the notice of the Commission that the provision for Voltage Rebate for DVC is not similar to that specified for other Distribution Licensees and that consumers of DVC who are connected to higher voltages (i.e., 33 kV and above) and were previously availing this rebate are no more eligible for rebate even if connected at 33 kV and above. However, consumers of other Distribution Licensees are

availing the rebate in accordance with their respective Orders.

3) The Commission also while approving the summary of Tariff Order to be published in newspaper did not differentiate in publishing the Voltage Rebate Mechanism for all Discoms of the State. Hence the intent of the Commission was not to restrict any existing rebates and the thrust was to induce and foster consumption, therefore in order to remove disparity in the rebate formulation this corrigendum is being issued

4) It is further clarified that all consumers who are connected to higher voltages (33 kV and above) shall be eligible to avail high voltage rebate at the rates specified in the Tariff Orders."

12. Learned Counsel has pointed out that this Commission in the corrigendum dated 04.12.2020 to the DVC order 30.09.2020 has noted that the provision for Voltage Rebate for DVC is not similar to that specified for other Distribution Licensees and that consumers of DVC who are connected to higher voltages (i.e., 33 kV and above) and were previously availing this rebate are no more eligible for rebate even if connected at 33 kV and above. Accordingly, this Hon'ble Commission has issued corrigendum dated 04.12.2020.
13. Learned Counsel has submitted that this Hon'ble Commission in order dated 16.12.2020 issued in case nos. 22 of 2019 and 21 of 2020 mentioned that the licensee shall provide voltage rebate to consumers corresponding to voltage level as per the classification given against their contracted load in Clause 4.3 JSERC Electricity Supply Code Regulations, 2015. If the consumer is connected at voltage level higher than the classification given in clause 4.3 against its contracted load, voltage rebate as per the tariff will be limited to the appropriate lower voltage as per classification given in the said clause 4.3. The relevant extract of the Order dated 16.12.2020 in the Case No.22 of 2019 reads as under:

"We have considered the submission made by both the parties and perused the materials available on records of the case.

It was pointed out during the course of hearing that for load reduction specific provision is provided under clause 7.17 of the JSERC (Electricity Supply Code) Regulations, 2015.

Clause 4.3 provides that supply shall be given at the given voltage on the basis of contracted load. Clause 4.7 lays down as follows:

The Distribution Licensee may, depending upon the technical conditions of the distribution system, give supply at a Voltage and phase other than the classification of supply in clause 4.3 and 4.3 of these Regulations, subject to the Commission's approval

Thus, if the Licensee is unable to provide supply at a voltage at the classification given in clause 4.3 for technical conditions, the licensee is required to take approval of the Commission. It is neither pleaded nor stated that any such exigency has arisen before the Licensee.

Further, Clause 7 of the said Regulations deals with the procedure for modification in existing connection. Clause 7.17 deals with the procedure, if an application of load reduction is brought before the License. This Clause is a complete code for the purpose, if a petition of load reduction is brought before the License.

As observed initially connected/contracted load was 1510 KVA only i.e. Just above the requisite load for 33 KV voltage connectivity as per table 4.3 JSERC (Electricity Supply Code) Regulations, 2015. Now the petitioner has requested the reduction of load to the extent of 1030 KVA, much below the contracted load within a short time. None of parties could produce the load assessment documents indicating the load break up. JBVNL should have been very particular during load assessment at the time of contracting load to avoid any probable gaming and in the instant case initial load assessment matter should be enquired into.

Now as the cost of connecting infrastructure-33KV feeder, bays etc. has been borne by the petitioner and it is already been developed. As such, even with the proposed reduction in load, prevailing connection to supply power is allowed w.r.t. Clause 4.7 JSERC (Electricity Supply Code) Regulations, 2015 as prayed for.

Further, with permission in light of Clause 4.7 JSERC (Electricity Supply Code) Regulations, 2015, the petitioner need not come to the Commission for such a proposed load reduction which is to be done by the DISCOM-JBVNL under Clause 7.17 of JSERC (Electricity Supply Code) Regulations, 2015.

It is hereby also clarified that the petitioner will not avail voltage rebate corresponding to 33 KV voltage supply once the proposed load reduction is allowed by the respondent-JBVNL.”

14. The relevant extract of the Order dated 16.12.2020 in the Case No. 21 of 2020 reads as under:

“15. The Prayers of petitioners are allowed. The Commission hereby grants approval for the revised time schedule as detailed in 2nd supplementary affidavit, which is as follows: -

Sr. No.	Description of Events	Date		Duration (works) months
		From	To	
1.	2000 KVA	3-Mar-19	29-Feb-20	12
2.	3000 KVA	1-Mar-20	28-Feb-21	12
3.	5000 KVA	1-Mar-21	31-Jul-21	5
4.	7500 KVA	1-Aug-21	31-Jan-22	6
5.	40 MW	1-Feb-22	31-Jul-22	6

16. With regard to issue, pertaining to voltage rebate, it is hereby clarified that the petitioner APJL will be provided rebates corresponding to 33 KV only since inception until its contract demand reaches to the category of 132 KV, as per the JSERC (Electricity Supply Code) Regulations, 2015. The excess voltage rebate provided to the petitioner shall be recovered from the petitioner in the subsequent bills after issuance of this order.”

15. Learned Counsel, in light of the above, has prayed for modification of order dated 30.09.2020, under sections 94(1)(6) of the Electricity Act, 2003 read with clause 41 of JSERC (Conduct of Business) Regulations, 2016 and for issuance of a Corrigendum to the order dated 30.09.2020, modifying the clause on Voltage Rebate to be read as under:

Existing Clause on Voltage Rebate in the Hon'ble JSERC Order dated 30.09.2020	Revised Clause prayed by JCADVC
Clause IV: Voltage Rebate	Clause IV: Voltage Rebate

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Submission of the Respondent

16. Learned Counsel for the respondent has objected to the present review application and submitted that the petition is not maintainable either in facts or in law and thus is liable to be rejected as it is a settled law that the jurisdiction of review is confined only for correcting error apparent on the face of the order and it does not deal with the merit of the case.
17. Learned Counsel for the respondent has further submitted that the respondent seeks leave of this Hon'ble Commission to confine its reply only with regard to the review application filed on 25.11.2020 and not reply to the statements made in the subsequent Supplementary Affidavits because the prayers in supplementary affidavits are for direction to DVC for implementation of the order of this Hon'ble Commission which is not coming under review jurisdiction, as such the respondent reserves its right to file a reply to the above supplementary affidavits as and when directed by this Hon'ble Commission.
18. Learned Counsel for the respondent has submitted that Section 61(c) of the Electricity Act 2003 empowers the Hon'ble Commission to specify the terms and conditions for determination of tariff, and in doing so, shall also be guided by factors which would encourage competition, efficiency, economical use of the resources, good performance and optimum investments. Accordingly, this Hon'ble Commission, in order to promote competition and

enable efficient use of network infrastructure in common areas and also to provide more choice to the consumers, has notified “Jharkhand State Electricity Regulatory Commission (Operation of Parallel Licensees) Regulations, 2019” and the said Regulations have come into force since 21.2.2019. Hence, Damodar Valley Corporation (DVC) is bound to follow JSERC (Operation of Parallel Licensees) Regulations 2019 and is meeting universal service obligation in terms of the said Regulations.

19. Learned Counsel for the respondent has further submitted that this Hon'ble Commission, while issuing the Tariff for DVC for FY 2020 21, has provided the voltage rebate applicable to various categories of consumers in Clause IV of “A-13 TERMS AND CONDITIONS OF SUPPLY” which reads as under:

Consumer Category	Voltage Rebate
<i>HTS/ HT Institutional - 33 kV</i>	<i>3.00%</i>
<i>HTS/ HT Institutional -132 kV</i>	<i>5.00%</i>
<i>HTS/ HT Institutional - 220 kV</i>	<i>5.50%</i>
<i>HTS/ HT Institutional - 400 kV</i>	<i>6.00%</i>

The Hon'ble Commission has further clarified that the voltage rebate will not be applicable to all consumers who are connected to the voltages specified above. It has further been mentioned that the Hon'ble Commission in order to have uniform approach across all distribution utilities, has now linked voltage rebate to be allowable to only those consumers who opt for higher voltages and meets the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015, as amended from time to time.

That Regulations 4.3 and 4.5 of JSERC (Electricity Supply Code) Regulations 2015 prescribes as follows:

“4.3 Supply shall generally be given at the following voltage on the basis of contracted load:

Category	System of Supply
Low Tension	
<i>All installations (other than irrigation pumping and agricultural services) with a contracted load upto 5 kW</i>	<i>Single phase at 230 V</i>
<i>Irrigation pumping and agricultural services and all installations with a contracted load of more than 5 kW and upto 85 kW/ 100kVA</i>	<i>3 Phase, 4 wire of 400V</i>
High Tension	
<i>Contracted load exceeding 100 kVA1 and upto 1500 kVA</i>	<i>3 Phase at 6.6 kV/ 11 kV/22 kV</i>
<i>Contracted load exceeding 1500 kVA2 and upto 10000 kVA</i>	<i>3 Phase at 22 kV/33 kV</i>
<i>Contracted load exceeding 10000 kVA and upto 20000 kVA</i>	<i>3 Phase at 33 kV</i>
Extra High Tension	
<i>Contracted load exceeding 20000 kVA</i>	<i>3 Phase at 66 kV/110 kV/132 kV/220 kV</i>

.....

4.5 Consumers availing supply at lower voltage than above classification will be required to pay Low Voltage Supply Surcharge as prescribed by the Commission from time to time. Similarly, consumers availing supply at voltage higher than above classification will get High Voltage Supply Rebate as prescribed by the Commission from time to time."

20. Learned Counsel has pointed out that in terms of paragraphs 4.3 and 4.5 under the head “A4: System of Supply” of JSERC (Electricity Supply Code) Regulations 2015, the petitioner is not eligible for voltage rebate as allowed

by this Hon'ble Commission in the tariff order dated 30.09.2020 of DVC and the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015 as amended from time to time. The DVC is passing voltage rebate to some consumers who fulfill the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015. It was further submitted that the DVC also acts to shift to higher voltage level on receipt of such request from the consumers and no application for shifting to higher voltage by the consumers has been rejected by DVC.

21. Learned Counsel has submitted that the respondent DVC has extended the voltage rebate in terms of Clause III under A13-Terms and Conditions of Tariff Order for the period FY 2019-20 issued by this Hon'ble Commission on 28.5.2019 wherein the clauses of JSERC (Electricity Supply Code) Regulations 2015, as amended from time to time, has not been referred to by the Hon'ble Commission. However, DVC is strictly following the directives issued by the Hon'ble Commission vide order dated 30.09.2020 in regard to providing the voltage rebate. The DVC is passing the voltage rebate to those consumers who are eligible as per the terms of the tariff order.
22. Learned Counsel, in its conclusion, has submitted that the petitioner/applicant has filed the instant application under Section 94(1)(f) of the Electricity Act 2003 read with Clause 41 of JSERC (Conduct of Business) Regulations 2016 before this Hon'ble Commission praying therein to issue a corrigendum to the tariff order dated 30.09.2020 modifying the clause on Voltage Rebate in the said tariff order, which is pending for decision. In view of this the bills issued by DVC cannot be disputed because the prayer for modification of the clause on voltage rebate for which the petitioner/applicant is not getting the voltage rebate has not been decided by this Hon'ble Commission.
23. Learned Counsel has submitted that the Electricity Act -2003 through section 61(g) provides that the tariff progressively reflects the cost of supply of electricity and also reduces cross-subsidies in the manner specified by the appropriate Commission. Accordingly, Hon'ble APTEL and State Commissions have ordered, in different cases, to determine the voltage-wise cost of supply for the various categories of consumers i.e. separate consumer tariff at each voltage level has to be determined in order to fulfill the mandate of Section 61(g) of the Electricity Act 2003, which is to reflect the actual cost of supply.
24. Learned Counsel has pointed out that in the DVC Tariff order dated - 30.09.2020, the Para regarding Voltage Rebate reads as under:

"A 13 TERMS AND CONDITIONS OF SUPPLY OF TARIFF ORDER DATED -30. 09.2020

Clause IV: Voltage Rebate

*Voltage rebate*will be applicable on Demand and Energy Charges as per JSERC (Electricity Supply Code) Regulations, 2015as amended from time to time at the rate given below:*

Consumer Category	Voltage Rebate
<i>HTS/ HT Institutional - 33 kV</i>	<i>3.00%</i>
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<i>HTS/ HT Institutional - 400 kV</i>	<i>6.00%</i>

**Note: The above rebate will be available only on monthly basis and consumer with arrears shall not be eligible for the above rebate. However, the applicable rebate shall be allowed to consumers with outstanding dues, wherein such dues have been stayed by the appropriate authority/Courts.*

It is further clarified that the voltage rebate will not be applicable to all consumers who are connected to the voltages specified above. The Commission in order to have uniform approach across all distribution utilities has now linked voltage rebate to be allowable to only those consumers who opt for higher voltages and meets the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015, as amended from time to time.”

.....

4.3 Supply shall generally be given at the following voltage on the basis of contracted load:

Category	System of Supply
Low Tension	
<i>All installations (other than irrigation pumping and agricultural services) with a contracted load upto 5 kW</i>	<i>Single phase at 230 V</i>
<i>Irrigation pumping and agricultural services and all installations with a contracted load of more than 5 kW and upto 85 kW/ 100kVA</i>	<i>3 Phase, 4 wire of 400V</i>
High Tension	
<i>Contracted load exceeding 100 kVA1 and upto 1500 kVA</i>	<i>3 Phase at 6.6 kV/ 11 kV/22 kV</i>
<i>Contracted load exceeding 1500 kVA2 and upto 10000 kVA</i>	<i>3 Phase at 22 kV/33 kV</i>
<i>Contracted load exceeding 10000 kVA and upto 20000 kVA</i>	<i>3 Phase at 33 kV</i>
Extra High Tension	
<i>Contracted load exceeding 20000 kVA</i>	<i>3 Phase at 66 kV/110 kV/132 kV/220 kV</i>

.....

4.5 Consumers availing supply at lower voltage than above classification will be required to pay Low Voltage Supply Surcharge as prescribed by the Commission from time to time. Similarly, consumers availing supply at voltage higher than above classification will get High Voltage Supply Rebate as prescribed by the Commission from time to time.”

25. Learned Counsel, in its conclusion, has submitted that the respondent is allowing voltage rebate as provided under the tariff order dated 30.09.2020 and corrigendum dated 04.12.2020.

Commission’s observation and findings

26. The Commission has considered the submissions made by the parties and perused the materials available on records.
27. Under Section 94 (1)(f) of the Electricity Act, 2003, the State Commission has the powers for reviewing its decisions, directions and orders. The relevant Sections of the Electricity Act, 2003 reads as under: -

“Section 94 Powers of Appropriate Commission: - (1) *The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely: -*

.....

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.”

28. Hence, section 94(1)(f) of the Electricity Act, 2003 provides the Commission power to review its decision, directions and orders under special

circumstances and conditions to correct any mistake or error apparent on the face of records or for any other sufficient reason.

29. Considering the facts and circumstances of the case, it is observed that **'Clause IV: Voltage Rebate'** of DVC's Tariff Order dated September 30, 2020 reads as under:

*"It is further clarified that the **voltage rebate will not be applicable to all consumers who are connected to the voltages specified above.** The Commission in order to have, uniform approach across all distribution utilities has now linked **voltage rebate to be allowable to only those consumers who opt for higher voltages and meets the conditions specified in JSERC (Electricity Supply Code) Regulations, 2015, as amended from time to time.**"*

30. Further, **'Clause 4.5'** of the JSERC (Electricity Supply Code) Regulations, 2015 reads as under,

*"Consumers availing supply at lower voltage than above classification will be required to pay Low Voltage Supply Surcharge as prescribed by the Commission from time to time. **Similarly, consumers availing supply at voltage higher than above classification will get High Voltage Supply Rebate** as prescribed by the Commission from time to time."*

31. It is also observed that the members of the Petitioner- Association of DVC HT consumers do not fulfill the requisite conditions for availing voltage rebate according to clause 4.5 of the JSERC (Electricity Supply Code) Regulations, 2015. The members of the petitioner-Association of DVC HT consumers of Jharkhand, for being eligible for getting voltage rebate, needs to be connected as per the JSERC (Electricity Supply Code) Regulations, 2015.

In the result, it is ordered as;

ORDER

32. In view of the discussions made in the foregoing paragraphs and the facts stated the review petition is not maintainable as it is devoid of merit.

33. As a result, the petition stands rejected

Sd/-
Member (T)

Sd/-
Member (L)

Sd/-
Chairperson