

Jharkhand State Electricity Regulatory Commission



Order on
True-up for FY 2017-18,

for

Damodar Valley Corporation (DVC)

Ranchi

September 29, 2020



CONTENTS

| | |
|---|-----------|
| A 1 INTRODUCTION..... | 8 |
| Jharkhand State Electricity Regulatory Commission | 8 |
| Damodar Valley Corporation (DVC) | 10 |
| The Petitioner’s Prayers..... | 11 |
| Scope of the Present Order | 11 |
| A 2 PROCEDURAL HISTORY | 12 |
| Background..... | 12 |
| DVC Case History | 12 |
| Information Gaps in the Petitions..... | 16 |
| Inviting Public Comments/Suggestions | 16 |
| Submission of Comments/Suggestions and Conduct of Public Hearing..... | 17 |
| A 3 BRIEF FACTS OF THE PETITION..... | 18 |
| Aggregate Revenue Requirement..... | 18 |
| A 4 PUBLIC CONSULTATION PROCESS | 19 |
| Finalization of DVC’s Retail tariff for the period FY 2006-09 and 2009-12..... | 19 |
| Cost of Own Generation | 22 |
| Power Purchase Cost from KBUNL..... | 23 |
| Recovery of P&G Fund | 24 |
| Interest on Temporary Financial Accommodation..... | 26 |
| Interest on Working Capital | 27 |
| Non Tariff Income | 28 |
| T&D Losses..... | 29 |
| RPO Obligation | 30 |
| A 5 TRUE-UP FOR FY 2017-18..... | 32 |
| Supply Points, Connected Load and Energy Sales..... | 32 |
| Transmission & Distribution Losses and Energy Requirement | 33 |
| Energy Availability from Own Generating Stations for Distribution Function | 34 |
| Power Purchase from Central Sector Generating Stations (CSGSs) and Other Sources | 35 |
| Energy Balance..... | 36 |
| Cost of Own Generation | 37 |
| Power Purchase Cost from Central Sector Generating Stations (CSGSs) and Other Sources ... | 40 |



| | |
|---|-----------|
| Tariff Filing and Publication Expenses (CERC) | 42 |
| Water Cess and Pollution Cess | 43 |
| Interest on Temporary Financial Accommodation | 43 |
| Non-Tariff Income..... | 44 |
| Investment on Cyber Security | 44 |
| Allocation of Costs for DVC as a whole to Jharkhand Area..... | 44 |
| Interest on Working Capital (IoWC)..... | 45 |
| Interest on Consumer Security Deposit | 47 |
| Rebate on Sale of Power..... | 47 |
| Tariff Filing and Publication Expenses (JSERC)..... | 47 |
| Summary of ARR approved by the Commission | 48 |
| Revenue from Sale of Power in Jharkhand Area..... | 48 |
| Revenue Gap/(Surplus) and its Treatment..... | 49 |
| A 6 REVENUE GAP AND ITS TREATMENT..... | 50 |
| A 7 DIRECTIVES..... | 52 |
| Quarterly Forecast for Short Term Power Purchase..... | 52 |
| RPO Compliance for Sales to Other Licensees | 52 |
| ANNEXURES..... | 53 |
| Annexure-1: List of participating members of public in the public hearing | 53 |



List of Abbreviations

| Abbreviation | Description |
|------------------|---|
| APR | Annual Performance Review |
| AFC | Annual Fixed Charges |
| APTEL/ATE | Appellate Tribunal for Electricity |
| ARR | Aggregate Revenue Requirement |
| BTPS | Bokaro Thermal Power Station |
| CERC | Central Electricity Regulatory Commission |
| CGRF | Consumer Grievance Redressal Forum |
| CSGS | Central Sector Generating Stations |
| CTPS | Chandrapura Thermal Power Station |
| DPS | Delayed Payment Surcharge |
| DVC | Damodar Valley Corporation |
| DSTPS | Durgapur Steel Thermal Power Station |
| DTPS | Durgapur Thermal Power Station |
| EA | Electricity Act, 2003 |
| ECR | Energy Charge Rate |
| ERPC | Eastern Region Power Committee |
| FPA | Fuel Purchase Adjustment |
| FSTPS | Farakka Super Thermal Power Station |
| FY | Financial Year |
| GFA | Gross Fixed Assets |
| GoI | Government of India |
| HP | Horse Power |
| HT | High Tension |
| IoWC | Interest on Working Capital |
| JBVNL | Jharkhand Bijli Vitran Nigam Limited |
| JSERC | Jharkhand State Electricity Regulatory Commission |
| KBUNL | Kanti Bijlee Utpadan Nigam Limited |
| KHTPS | Kahalgaoon Thermal Power Station |
| KTPS | Koderma Thermal Power Station |
| kVA(h) | kilo Volt-Ampere (hour) |
| kW(h) | kilo Watt (hour) |
| LT | Low Tension |
| MHS | Maithon Hydropower Station |
| MoP | Ministry of Power |
| MPL | Maithon Power Limited |
| MTPS | Mejia Thermal Power Station |
| MU | Million Units |
| MVA | Mega Volt Ampere |
| MW | Mega Watt |
| MYT | Multi Year Tariff |



| | |
|----------------|--|
| NHPC | NHPC Limited |
| NTI | Non-Tariff Income |
| NTPC | NTPC Limited |
| O&M | Operation & Maintenance |
| P&G | Pension & Gratuity |
| PAF | Plant Availability Factor |
| PHS | Panchet Hydropower Station |
| PSU | Public Sector Undertaking |
| PTC | PTC Limited |
| RE | Renewable Energy |
| REC | Renewable Energy Certificates |
| RPO | Renewable Purchase Obligation |
| RTPS | Raghunathpur Thermal Power Station |
| SBI | State Bank of India |
| SD | Security Deposit |
| SERC | State Electricity Regulatory Commission |
| T&D | Transmission & Distribution |
| THS | Tilaiya Hydropower Station |
| TSTPS | Talcher Super Thermal Power Station |
| UDAY | Ujwal Discom Assurance Yojana |
| UI | Unscheduled Interchange |
| WB | West Bengal |
| WBERC | West Bengal Electricity Regulatory Commission |
| WBSEDCL | West Bengal State Electricity Distribution Company Limited |



List of Tables

| | |
|---|----|
| Table 1: List of newspapers and dates of publication of public notice by the Petitioner | 17 |
| Table 2: List of newspapers and dates of publication of public notice by the Commission..... | 17 |
| Table 3: ARR as submitted by the Petitioner for FY 2017-18 (Rs. Crore) | 18 |
| Table 4: Supply Points, Connected Load and Sales in Jharkhand submitted by the Petitioner and Approved by the Commission | 33 |
| Table 5: Energy Requirement submitted by the Petitioner and approved by the Commission (MU) | 34 |
| Table 6: Energy Availability from Own Generating Stations submitted by the Petitioner and Approved by the Commission (MU) | 35 |
| Table 7: Station-wise Net Power Purchase submitted by the Petitioner and Approved by the Commission (MU) | 36 |
| Table 8: Energy Balance submitted by the Petitioner and Approved by the Commission (MU). | 36 |
| Table 9: CERC Orders considered for approval of Fixed Charges of Own Generating Stations. | 37 |
| Table 10: Schedule of Decommissioning of Generating Units | 38 |
| Table 11: Fixed Charges approved by the Commission (Rs. Crore) | 38 |
| Table 12: Energy Charges submitted by the Petitioner and Approved by the Commission (Rs. Crore) | 39 |
| Table 13: Expenses towards RECs for Jharkhand submitted by the Petitioner and approved by the Commission (Rs. Crore) | 41 |
| Table 14: Source-wise Power Purchase Cost submitted by Petitioner and approved by the Commission (Rs. Crore) | 41 |
| Table 15: Interest on Temporary Financial Accommodation submitted by the Petitioner and Approved by the Commission (Rs. Crore) | 43 |
| Table 16: Cost Allocation for Jharkhand submitted by the Petitioner and approved by the Commission (Rs. Crore) | 45 |
| Table 17: Interest on Working Capital as submitted by the Petitioner and as approved by the Commission for FY 2017-18 (Rs. Crore) | 46 |
| Table 18: Summary of ARR submitted by the Petitioner and approved by the Commission (Rs. Crore) | 48 |
| Table 19: Revenue Gap/(Surplus) approved by the Commission for FY 2017-18 (Rs. Crore).... | 49 |



BEFORE

Jharkhand State Electricity Regulatory Commission, Ranchi

Case (Tariff) No.: 07 of 2019

In the matter of:

**Petition for
True-up for FY 2017-18**

In the matter:

Damodar Valley Corporation (DVC)

DVC Towers, V.I.P. Road, Kolkata- 700 054..... **Petitioner**

PRESENT

Hon'ble Mr. Rabindra Narayan Singh

Member (Engg.)

Hon'ble Mr. Pravas Kumar Singh

Member (Legal)

Order dated September 29, 2020

Damodar Valley Corporation (hereinafter referred to as 'DVC' or the 'Petitioner') has filed the Petition dated June 27, 2019 for approval of True up of FY 2017-18.



A 1 INTRODUCTION

Jharkhand State Electricity Regulatory Commission

- 1.1 The Jharkhand State Electricity Regulatory Commission (hereinafter referred to as the “JSERC” or the “Commission”) was established by the Government of Jharkhand under Section 17 of the Electricity Regulatory Commission Act, 1998 on August 22, 2002. The Commission became operational with effect from April 24, 2003.
- 1.2 The Government of Jharkhand vide its notification dated August 22, 2002 had defined the functions of JSERC as per Section 22 of the Electricity Regulatory Commission Act, 1998 to be the following, namely:
- (a) to determine the tariff for electricity, wholesale, bulk, grid or retail, as the case may be, in the manner provided in Section 29;
 - (b) to determine the tariff payable for the use of the transmission facilities in the manner provided in Section 29;
 - (c) to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies, generating stations or from other sources for transmission, sale, distribution and supply in the State;
 - (d) to promote competition, efficiency and economy in the activities of the electricity industry to achieve the objects and purposes of this Act.
- 1.3 After the Electricity Act, 2003 came into force, the earlier Electricity Regulatory Commission Act of 1998 stands repealed and the functions of State Electricity Regulatory Commissions (SERCs) are now defined under Section 86 of the Act.
- 1.4 In accordance with Section 86 (1) of the Act, the JSERC discharges the following functions:
- (a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:
Provided that where open access has been permitted to a category of consumers under Section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;
 - (b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies



-
- or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;
- (c) facilitate intra-state transmission and wheeling of electricity;
 - (d) issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;
 - (e) promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;
 - (f) adjudicate upon the disputes between the licensees and generating companies; and to refer any dispute for arbitration;
 - (g) levy fee for the purposes of this Act;
 - (h) specify State Grid Code consistent with the Grid Code specified under Clause (h) of sub-section (1) of Section 79;
 - (i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;
 - (j) fix the trading margin in the intra-state trading of electricity, if considered, necessary;
 - (k) discharge such other functions as may be assigned to it under this Act.
- 1.5 The Commission has to also advise the State Government as per sub section 2 of Section 86 of the Act, on all or any of the following matters, namely:
- (a) promotion of competition, efficiency and economy in activities of the electricity industry;
 - (b) promotion of investment in electricity industry;
 - (c) reorganisation and restructuring of electricity industry in the State;
 - (d) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.
- 1.6 The State Commission ensures transparency while exercising its powers and discharging its functions.
- 1.7 In discharge of its functions, the State Commission is also guided by the National Tariff Policy as brought out by GoI in compliance to Section 3 of the Act. The objectives of the National Tariff Policy are to:
- (a) ensure availability of electricity to consumers at reasonable and competitive rates;
 - (b) ensure financial viability of the sector and attract investments;



- (c) promote transparency, consistency and predictability in regulatory approaches across jurisdictions and minimize perceptions of regulatory risks;
- (d) promote competition, efficiency in operations and improvement in quality of supply.

Damodar Valley Corporation (DVC)

- 1.8 Damodar Valley Corporation (hereinafter referred to as “DVC” or the “Petitioner”), is a statutory body incorporated under the Damodar Valley Corporation Act, 1948, having multifarious functions. Regarding the electricity, DVC undertakes generation of electricity and is therefore a generating company within the meaning of Section 2 (28) of the Electricity Act, 2003. DVC also undertakes transmission of electricity in the Damodar valley area which falls within the territorial limits of the two states namely, West Bengal and Jharkhand. It, therefore, undertakes inter-state transmission of electricity and operates inter-state transmission system within the meaning of Section 2 (36) of the Electricity Act, 2003. DVC also undertakes the sale of electricity to West Bengal State Electricity Distribution Company Limited (WBSEDCL) and Jharkhand Bijli Vitran Nigam Limited (JBVNL) in its capacity generally as a generating company. This is bulk sale of electricity by a generating company to a distribution licensee within the meaning of Section 62 (1) (a) of the Electricity Act, 2003. In addition to the above, DVC undertakes the retail sale and supply of electricity to the consumers in the Damodar Valley area under the provisions of Section 62 (d) read with Section 86 (1) of the Electricity Act, 2003.
- 1.9 DVC, being a statutory body constituted under the DVC Act, 1948, is a Public Sector Undertaking (PSU). As envisaged under Section 79 (1) (a) of the Electricity Act, 2003, the tariff for generation of electricity is to be decided by the Central Electricity Regulatory Commission (CERC). Similarly, with regards to the inter-state transmission, DVC again is regulated by CERC and tariff for composite (inter-state) generation & transmission is to be determined by the CERC in terms of Section 79 (1) (c) and (d) of the Electricity Act, 2003.
- 1.10 With regards 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 and has to be determined by the respective Electricity Regulatory Commissions in the states of West Bengal and Jharkhand. The Petitioner is a Distribution Licensee under the provisions of the Electricity Act, 2003 (EA, 2003) having licence to supply electricity in the State of Jharkhand.



The Petitioner's Prayers

1.11 The Petitioner in Petition No. 07 of 2019 for Truing-up of ARR for FY 2017-18 has prayed before the Commission to:

- *“determine the trued-up ARR based on the submission in the instant true-up petition for the year 2017-18 and pass the direction for adjustment of revenue gap/surplus as deemed proper;*
- *settle other commercial issues based on the submissions made by DVC;*
- *pass such other order(s) as the Hon'ble Commission may deem fit and proper keeping in view the facts and circumstances of the case.”*

Scope of the Present Order

1.12 As stated above, the Petitioner has submitted the Petition seeking truing up for FY 2017-18. The Commission has considered the submissions made by the Petitioner and Stakeholders on the Petition and has decided to deal with the Petition through this Order.

1.13 Accordingly, the Commission in this Order has approved the True-up for FY 2017-18.

1.14 While approving this Order, the Commission has taken into consideration:

- a) Material placed on record by the Petitioner;
- b) Provisions of the Electricity Act, 2003;
- c) Principles laid down in the National Electricity Policy;
- d) Principles laid down in the Tariff Policy;
- e) Provisions of the JSERC (Terms and Conditions for Determination of Distribution Tariff) Regulations, 2015 (hereinafter referred to as “Tariff Regulations, 2015”);

1.15 Accordingly, the Commission has scrutinized the Petition in detail and hereby issues the Order on Truing-up for FY 2017-18.



A 2 PROCEDURAL HISTORY

Background

- 2.1 The Commission issued Order on Truing-up for FY 2016-17, Annual Performance Review for FY 2017-18 & FY 2018-19 and determination of ARR & Tariff for FY 2019-20 dated May 28, 2019.
- 2.2 The Petitioner has now filed the Petition for True-up for FY 2017-18 on June 27, 2019.

DVC Case History

- 2.3 Central Electricity Regulatory Commission (CERC) by Order dated October 3, 2006, decided the tariff for DVC for its functions of inter-state generation and transmission of electricity and directed that the tariff so determined should be made effective for the period April 1, 2006 to March 31, 2009.
- 2.4 DVC, aggrieved by the order dated October 3, 2006 passed by CERC, had filed an appeal against the said Order before the Hon'ble APTEL. Hon'ble APTEL, before passing its final Judgment in the appeal filed by DVC against the aforementioned Order by CERC, issued several interim orders dated December 6, 2006, January 15, 2007 and February 26, 2007, restraining the State Commissions of West Bengal and Jharkhand from passing orders for determination of distribution and retail tariffs for DVC till its final judgment. Hon'ble APTEL, by Judgment and Order dated November 23, 2007, allowed the appeal filed by DVC and directed CERC to determine the revenue requirements and inter-state generation and transmission tariff for DVC for the period FY 2006-07 to FY 2008-09, de-novo, in the terms laid down in its Order. Subsequently, the CERC in accordance with the directions of the Hon'ble APTEL revised the ARR and tariff for inter-state generation and transmission of electricity for the period FY 2006-07 to FY 2008-09 by its Order dated August 6, 2009.
- 2.5 Aggrieved by the Order passed by the CERC on August 6, 2009, DVC again filed an appeal against the said Order before Hon'ble APTEL. Hon'ble APTEL vide Interim Order dated September 16, 2009 allowed WBERC and JSERC to fix the retail supply tariff for FY 2010-11 after considering the generation tariff as fixed by CERC in its Order dated August 6, 2009 as the input cost but not any final orders in this regard. Consequently, DVC filed the Petition for determination of ARR and retail tariffs for the period FY 2006-07 to FY 2010-11 to the Commission on October 31, 2009. Since the matter was subjudice before



the Hon'ble APTEL and there was a direction for not passing any final retail tariff Order, the Commission kept the Petition pending awaiting final order of the Hon'ble APTEL.

- 2.6 The Hon'ble APTEL, vide its Order dated May 10, 2010, directed DVC to implement the generation tariff as determined by the CERC in its Order dated August 6, 2009 and to give effect to any refund to its consumers arising out of implementation of the said Order. The relevant extract of the said Order is reproduced below:

“107. Since we do not find any substance in the grounds raised in the Appeal, we deem it fit to dismiss the Appeal as devoid of merits. Consequently, we direct the Appellant (DVC) to implement the Tariff as determined by the Central Commission vide its Order dated, 6th August, 2009. DVC is also directed to revise the electricity bills raised by it for electricity consumption during April, 2006 onwards of its licensees and HT consumers and refund the excess amount billed and collected along with the interest at the rate of 6 per cent per annum in line with Section 62 (6) of The Electricity Act, 2003...” (Emphasis added)

- 2.7 Hon'ble APTEL, by its Order dated May 10, 2010, further directed the Petitioner to approach the concerned SERCs for finalizing the retail tariffs, the relevant extract is being reproduced below:

“107. Thereafter, the DVC is directed to approach the concerned State Electricity Commissions for getting the final Order relating to the Retail Tariff who in turn will fix the retail Tariff according to law.”

- 2.8 Aggrieved by the said Order of the Hon'ble APTEL, DVC filed an appeal before the Hon'ble Supreme Court of India, being No. C.A. No. 4881/ 2010. The Hon'ble Supreme Court in its Order dated December 3, 2018, dismissed the appeal. The relevant part of the said Order is reproduced below:

“... The upshot of the above discussion is that the appellant has not made out a case for interference. The appeal fails and is dismissed. The parties will bear their respective costs.”

- 2.9 The Commission, in line with the directions of the Hon'ble APTEL in its aforementioned Order, initiated the process of review of the Tariff Petitions submitted by the Petitioner and issued the provisional Order on ARR for FY 2006-07 to FY 2012-13 on November 22, 2012.



2.10 The Petitioner subsequently submitted the final True-up Petition for FY 2006-07 to FY 2012-13 along with the MYT Petition for the Control Period from FY 2013-14 to FY 2015-16 on February 28, 2014. The Commission while issuing the MYT Order for the Control Period FY 2013-14 to FY 2015-16 on September 04, 2014 did not undertake the final True-up for FY 2006-07 to FY 2012-13 as the matter was subjudice. The Commission, in the said Order, had noted that:

“5.7 In the Tariff Order dated 22nd November 2012, the Commission had approved a cumulative revenue surplus of Rs.424.38 Cr for the period FY 2006-07 to FY 2008-09. However, as the true up for the above-mentioned years was provisional subject to the final decision of the Hon’ble Supreme Court in its appeal C.A. No. 4881/2010, the Commission had not allowed any pass through of this surplus along with the revenue gap approved for FY 2010-11 and FY 2011-12 to be adjusted once the final decision is made in this regard.

5.8 In view of above, the Commission is of the opinion that as the True up for period FY 2006-07 to FY 2008-09 is still subject to final judgement of the Hon’ble Supreme Court with respect to the appeal No. C.A. No. 4881/2010 filed by DVC against the Order of ATE dated 10th May 2010; the Commission has not made any adjustment in revenue surplus approved for this period. This would be a pass through once the final judgement is issued in this matter.

5.9 With respect to True up for FY 2009-10 to FY 2012-13 in accordance with the Final Tariff orders issued by CERC, the Commission is of the view that detailed analysis should be carried out to assess the impact of the orders. In this regard, several consumers have represented in front of the Commission for approval of compensation as per the CERC regulations due to them for refund of excess capacity charges recovered by DVC. M/s Bihar Foundry & Castings Ltd being a HT consumer within the command area of DVC has preferred an appeal before the Hon’ble Supreme Court vide appeal No. SLP (Civil) No 10945 of 2012 for refund of excess of capacity charges realised by DVC.

....

5.14 In view of above, the Commission is of the opinion that final true up for the period FY 2009-10 to FY 2012-13 shall be undertaken on finalisation of compensation as per the CGRF and final judgement of Supreme Court in appeal



no. SLP (Civil) No 10945 of 2012 for refund of excess of capacity charges realised by DVC.

5.15 Accordingly, the Commission has not considered any true up for previous years revenue gap/surplus in this order.”

2.11 One of the HT consumer of DVC, Anjaney Ferro Alloys, filed an Appeal before the Hon’ble APTEL, against the Commission’s Order dated September 04, 2014 submitting that the Commission ought to have undertaken final True-up of the of ARR for FY 2006-07 to FY 2012-13. The Hon’ble APTEL, agreeing with the view of the Commission that the matter of True-up was sub-judice, upheld the Order of the Commission. Anjaney Ferro Alloys preferred an appeal before the Hon’ble Supreme Court of India (CA No. 7383/2016) against the Order dated March 23, 2016 passed by the Hon’ble APTEL.

2.12 The Hon’ble Supreme Court of India, vide its Judgment dated October 26, 2016, directed the Commission to take-up the issue of True-up of previous years and make the decision subject to the result of Civil Appeal No. 4881 of 2010. The apex court ruled:

“.. Therefore, this appeal is disposed of with a direction to Respondent No.1- Jharkhand State Electricity Regulatory Commission to take up the true-up issue and pass the required Orders within a period of six months from today.

However, the Commission is free to make the decision subject to the result of Civil Appeal No. 4881 of 2010 in case the said civil appeal is not disposed of before the said period.”

2.13 In accordance with the above, the Commission issued an Order on True-up from FY 2006-07 to FY 2013-14 and Annual Performance Review for FY 2014-15 on April 19, 2017 and the Order on True-up for FY 2015-16 and ARR for FY 2016-17 to FY 2020-21 on May 18, 2018.

2.14 The Commission in its MYT Order dated May 18, 2018 had not considered the surplus till FY 2014-15 to be passed on to the consumers considering the following Judgment in Order dated 19.01.2018 in Case No 07 of 2017:

“In view of the said admitted position and the facts and circumstances appearing on record, we are of the view that during the pendency of Appeal No. 198 of 2017 filed by the petitioner in this case and Appeal No. 163 of 2017 filed by the respondent, DVC, before the Hon’ble Appellate Tribunal for Electricity, the order dated 19.4.2017 passed in Case (T) No. 02 of 2016 cannot be said to have attained



its finality and it would not be proper to pass any order in the instant case for refund of excess charges claimed by the petitioners at this stage.”

- 2.15 The Petitioner has now submitted that the Surplus accrued till FY 2011-12 may be passed on to the consumers after the Judgment of Hon’ble APTEL in the Appeal Nos. 163 of 2017 and 281 of 2018. In addition, the Petitioner has also submitted that past dues accrued by JBVNL till September 2015 has been settled under UDAY Scheme. However, the Petitioner has not submitted the quantum of surplus to be passed on to the current consumers of the Petitioner due to the major change in sales during FY 2018-19. Hence, the Commission has not considered refund of the surplus amount worked out by the Commission till FY 2014-15 in this Order.

Information Gaps in the Petitions

- 2.16 As part of the Tariff determination exercise, several deficiencies/information gaps were observed in the Petitions submitted by the Petitioner that were communicated to the Petitioner vide Letter Nos. JSERC/Case (Tariff) No. 7 of 2019/135 dated July 18, 2019.
- 2.17 The Petitioner submitted its response to the aforesaid letter and furnished additional data/information to the Commission vide letter no Coml./Tariff/JSER/Addl. Info. 17-18-3226 dated August 13, 2019.
- 2.18 The Petitioner also submitted the Roadmap for Treatment of Gap/Surplus accumulated from FY 2006-07 to FY 2014-15 as per the previous Order passed by the Commission on May 28, 2019 vide letter No. Coml/Tariff/JSERC-Compliance/3057 dated July 31, 2019.
- 2.19 The Commission has scrutinized the additional data/ information supporting documents as supplied by the Petitioner and has considered the same while passing this Order.
- 2.20 In order to provide adequate opportunities to all stakeholders and general public, as mandated under Section 64 (3) of the Electricity Act 2003 and in relevant provisions of Regulation(s) framed by the Commission and in order to ensure transparency in the process of tariff determination, the Commission decided to hold Virtual Public Hearing on August 17 and 18, 2020, owing to the COVID-19 Pandemic.

Inviting Public Comments/Suggestions

- 2.21 After the initial scrutiny of Petition filed by the Petitioner, the Commission directed the Petitioner to issue a public notice inviting comments/ suggestions on the Petition from



public and to make available copies of the Petitions to the members of general public on request.

- 2.22 The public notice was subsequently issued by the Petitioner in various newspapers and a period of twenty one (21) days was given to the members of the general public for submitting their comments/suggestions.

Table 1: List of newspapers and dates of publication of public notice by the Petitioner

| Newspaper | Date of Publication |
|----------------|-------------------------|
| Hindustan | 27.12.2019 & 28.12.2019 |
| Dainik Jagran | 27.12.2019 & 28.12.2019 |
| The Telegraph | 27.12.2019 & 28.12.2019 |
| Times of India | 27.12.2019 & 28.12.2019 |

- 2.23 Further, taking a considerate view of the pandemic situation due to COVID-19, the Commission issued a Notice on its website www.jserc.org and various newspapers giving additional time till August 14, 2020 to various Stakeholders to submit their comments/suggestions. Further, the Commission also organized a public hearing through video conference on August 17 and August 18, 2020, where an additional opportunity was provided to all the Stakeholders to submit their comments/suggestions on the above said Petition. The details of newspapers wherein the notice was published by the Commission are as under:

Table 2: List of newspapers and dates of publication of public notice by the Commission

| Newspaper | Date of Publication |
|-----------------|-------------------------------------|
| Prabhat Khabar | 30.07.2020, 12.08.2020 & 13.08.2020 |
| Dainik Bhaskar | 30.07.2020 & 12.08.2020 |
| Morning India | 30.07.2020 |
| Hindustan Times | 30.07.2020 & 13.08.2020 |
| Hindustan | 13.08.2020 |
| The Pioneer | 13.08.2020 |

Submission of Comments/Suggestions and Conduct of Public Hearing

- 2.24 Written objections/ comments/ suggestions on the Petitions were received from various stakeholders. In addition to the written suggestions, various stakeholders also gave their comments/suggestions on the petitions filed during the hearings. The objections/ comments/ suggestions of the Public, Petitioner's responses and Commission's views thereon are detailed in **Section A4** of this Order.



A 3 BRIEF FACTS OF THE PETITION

Aggregate Revenue Requirement

3.1 The following Section summarises the Petition for truing up for FY 2017-18 as filed by the Petitioner for the Commission's approval.

Table 3: ARR as submitted by the Petitioner for FY 2017-18 (Rs. Crore)

| Station/item | FY 2017-18 | | | |
|---|----------------------------|---------------------------|----------------------------|---------------------------|
| | Approved | | Actual | |
| | Energy Cost (Rs. Crore) | Fixed Cost (Rs. Crore) | Energy Cost (Rs. Crore) | Fixed Cost (Rs. Crore) |
| Cost of Own Generation | 4,836.83 | 3,772.42 | 3,933.07 | 3,621.00 |
| Power Purchase Cost (Including Transmission Charges and Excluding Renewable Energy Purchase/REC Expenses) | 413.40 | | 787.68 | |
| Tariff filling fees & publication expenses to CERC | | 5.00 | | 5.21 |
| Water cess | | 2.54 | | 0.16 |
| Less Non Tariff Income (NTI) | | 51.42 | 466.76 | |
| Interest on Temporary Financial Accommodation | | | 359.59 | |
| Investment on Cyber Security | | | | 3.12 |
| Total | 5,250.23 | 3,728.54 | 4,613.58 | 3,629.49 |
| Ratio of sales in Jharkhand part to total firm sale in entire DVC | 55.18% | 55.18% | 57.71% | 57.71% |
| ARR before IWC, Interest on SD & tariff filling fees in the licensed area of Jharkhand | 2,897.01 | 2,057.36 | 2,662.29 | 2,094.41 |
| Cost of Solar & Non Solar Power and REC Purchased to meet the solar & non solar RPO in the state of Jharkhand | 117.68 | | 84.29 | |
| Rebate on Sale of Power | | | | 30.35 |
| Interest on Working Capital | | 6.70 | | 97.01 |
| Interest on security deposit | | 1.99 | | 0.48 |
| Tariff Filing Fees & Publication Expenses in JSERC | | 0.78 | | 0.95 |
| Net ARR for Jharkhand | 3,014.69 | 2,066.83 | 2,776.92 | 2,192.85 |
| TOTAL ARR | | 5,081.51 | | 4,969.77 |



A 4 PUBLIC CONSULTATION PROCESS

- 4.1 The Petition filed by the Petitioner evoked responses from several stakeholders. The virtual Public Hearings were held by video conferencing on two days to ensure the maximum public participation and transparency wherein stakeholders put forth their comments and suggestions before the Commission in the presence of the Petitioner. The list of the attendees during the virtual public hearings is attached as **Annexure-1** to this Order.
- 4.2 In course of public hearings, the Commission also allowed persons/representatives of entities who had not submitted prior written representations but attended the public hearings to express their views via video conferencing, regarding the Petition filed by the Petitioner and also about ways and means to improve the services rendered by the Petitioner.
- 4.3 The written as well as comments and suggestion of the members of the public expressed during the Public Hearings along with the response thereon of the Petitioner and the views of the Commission are detailed hereunder:

Finalization of DVC's Retail tariff for the period FY 2006-09 and 2009-12

Public Comments/ Suggestions

- 4.4 The Stakeholder submitted that in reference to Tariff order dated May 28, 2019, the Commission had determined the revenue surplus of Rs 1,287 Crore for the FY 2006- 07 to FY 2011-12. Also Appeal Nos 163 of 2017 and 281 of 2018 are pending before Hon'ble APTEL in the matter. By doing so, the refund of the amount to consumers against such revenue surplus is getting delayed.
- 4.5 The Stakeholder requested Commission to initiate the process of determination of category wise retail tariff of DVC for FY 2006-07 to FY 2011-12 and thereafter revision of the bills preferred earlier by DVC as per the said approved tariff. The difference between the revised bills and actual payment realized recovery from /refund to the individual consumers/licensees (except JBVNL) may be done along with 6% yearly simple interest in terms of the Order of the Hon'ble Appellate Tribunal in the Judgement dated May 10, 2010 in the Appeal No.146 of 2009.

Petitioner's Response

- 4.6 The Petitioner in its reply vide letter no. Coml/Tariff/JSERC-Compliance/3057 dated July 31, 2019 stated that it has already submitted before this Commission the 'Road Map for



the treatment of Revenue Surplus for the period FY 2006-07 to FY 2014-15', wherein DVC has already proposed for determination of category-wise retail tariff for DVC's distribution and retail supply in Jharkhand for the FY 2006-12 period and revision of bills thereafter.

- 4.7 The Petitioner further submitted that petitioner has already settled its past dues with JBVNL up to September 2015 under the UDAY scheme of the Government of India, wherein Petitioner has waived off a substantial amount of principal dues. As such there remains no further claim of JBVNL on the revenue gap or surplus for the period from FY 2006-07 to FY 2014-15 and that up to September 2015. Yearly sale to JBVNL (erstwhile JSEB) constituted around 40% of the total distribution sale of petitioner in Jharkhand during the said period. Therefore, around 40% of the yearly revenue surplus of Rs. 1287.39 Crore as approved by this Hon'ble Commission for the period from FY 2006-07 to FY 2014-15 in the tariff order dated 18.05.2018 (ref. para 5.6, page 28 of the order) does not appear to qualify as unsettled amount and the same is no more eligible to be refunded by Petitioner.
- 4.8 The Petitioner further submitted that the carrying cost and resulting cumulative revenue surplus becomes overstated if around JBVNL's share of 40% is not deducted. Such overstated revenue surplus will ultimately result in DVC being subjected to payment of twice the amount payable to JBVNL, which will cause immense financial injury to petitioner. Further, this Commission approved the aforesaid revenue surplus for the period from FY 2006-07 to FY 2014-15 based on revenue billed (assessed) considering 100% collection efficiency.
- 4.9 The Petitioner submitted that the determination of revenue gap / surplus on the basis of revenue billed (assessed) instead of revenue actually realized during the relevant period and prospective gross settlement therefrom has the following implications:
- a. The bills preferred by petitioner were retrenched by many consumers during the period from FY 2006-07 to FY 2009-10 due to the various orders / Judgments passed by this Commission and the Hon'ble Appellate Tribunal. Moreover, due to then existing orders, Petitioner could not discontinue the power supply despite of unpaid dues. Therefore, determination of revenue gap / (surplus) on the basis of the revenue billed (assessed) will not be justified and impose serious financial burden on Petitioner pending realization of the billed amount.
 - b. Many consumers with outstanding dues accrued during the past period i.e. FY 2006-12 (due to different court orders) got disconnected on a future date due to



default in paying current bills. Therefore, recovery of the entire past dues accrued due to retrenched payment made by the consumer is no more possible. Under such circumstance determination of revenue surplus based on entire billed revenue will be injustice to the Petitioner.

- c. Disciplined and good consumers who paid the bills in full during FY 2006-12 and either left thereafter or still continuing will not get their correct share of refund, if any, if prospective gross settlement is adopted in place of one-to-one settlement through determination of tariff of petitioner with a direction for retrospective adjustment.
 - d. The consumers who have started taking power after FY 2011-12 will get undue benefit at the cost of the payments made by the earlier consumers.
 - e. Petitioner will be subjected to double deduction i.e.,
 - i. once due to non-payment / short payment of the billed amount by the consumers & licensees in the past, and
 - ii. next due to the prospective adjustment of revenue surplus as approved by this Commission at 100% collection efficiency i.e. based on revenue billed (assessed) which could not be realized in full due to legal embargo.
 - f. Consumers did not liquidate the outstanding dues accrued during the relevant period and as a result petitioner was forced to borrow from market to maintain cash flow and had to bear the cost of borrowing.
 - g. Consumers somehow managed to get supply from petitioner without paying the legitimate tariff in the past and thereafter will enjoy the reduced tariff (due to prospective adjustment of revenue surplus).
- 4.10 Because of the above facts, determination of revenue gap/surplus based on billed (assessed revenue) will mean the following to Petitioner:
- a. Unpaid outstanding dues will never be liquidated by the consumers,
 - b. Petitioner will have to pay an amount in the form of revenue surplus (along with compound interest) which it never possessed (received from the consumers) in past,
 - c. Petitioner will thus get penalized twice and will have to bear a serious financial burden without any valid ground and also not due to any inefficiency on the part of petitioner.



- 4.11 In view of this, the Petitioner has proposed for determination of tariff for the disputed period (i.e. FY 2006-07 to FY 2011-12) in a retrospective manner instead of prospective gross settlement. Any amount, derived to be refundable to the individual consumers other than JBVNL after retrospective application of the tariff to be determined by this Hon'ble Commission, will be refunded to the individual consumers. This is to mention here that the Hon'ble WBERC has also approved tariff for distribution and retail supply of electricity by petitioner in West Bengal for the period from FY 2006-07 to FY 2008-09 vide tariff order dated June 19, 2020 and for the period from FY 2009-10 to FY 2012-13 vide tariff order dated March 19, 2020.
- 4.12 The Petitioner further submitted that the Commission vide letter dated September 24, 2019 directed the Petitioner to file the petition for determination of tariff for FY 2006-07 to FY 2011-12. However, since the issues of "Roadmap for settlement of revenue surplus for 2006-07 to 2014-15" came up for hearing on 17th and 18th August 2020, petitioner humbly submits that said petition will be submitted as may further be directed by the Commission. Since the Appeal Nos. 163 of 2017 and 281 of 2018 in the matter of computation of ARR for the period from FY 2006-07 to FY 2014-15 are still pending before the Hon'ble Appellate Tribunal, the Petitioner has prayed before this Hon'ble Commission to further revise the distribution and retail tariff for the period FY 2006-07 to FY 2011-12 period based on the final judgments pronounced by the Hon'ble Appellate Tribunal in Appeal Nos. 163 of 2017 and 281 of 2018. The Petitioner therefore submitted that as requested by M/s BSL in line with other consumers of Petitioner the Commission may please direct the petitioner to submit proposal for determination of ARR and Tariff for the period 2006-07 to 2011-12.

Views of the Commission

- 4.13 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission has dealt the issue in detail in the Tariff Order on the Petition filed by the Petitioner for True up of FY 2018-19, APR for FY 2019-20 and ARR and Tariff for FY 2020-21.

Cost of Own Generation

Public Comments/ Suggestions

- 4.14 The Stakeholder has submitted that Annual Fixed Cost (AFC) for T&D system should be considered as per latest CERC Orders {ref. Order dated 09.08.2019 in Petition No. 150-



TT-2018 (Para 70, Pg. 47), Order dated 05.02.2020 in Petition No. 335-TT-2018 (Para 78, Pg. 48-49)}: Rs. 370.11 Crores for FY 2017-18. Instead, Petitioner has used ARR for FY 2013-14 i.e. Rs. 524.79 Crores, provided in CERC Order dated 29.09.2017 in Petition No. 547-TT-2014 (Para 132, Pg. 89-90).

Petitioner's Response

- 4.15 The Petitioner submitted that provisional tariff orders for FY 2014-19 period for Petitioner's entire T&D system was yet to be issued by CERC by the time Petitioner filed the petitions before the Commission. Since FY 2013-14 was the latest year for which AFC for entire T&D system was available, therefore, the Petitioner has considered the AFC for FY 2013-14 as per CERC's FY 2009-14 true-up order.
- 4.16 The Petitioner further submitted that it has filed FY 2014-19 true up petitions before CERC for T&D system, for which hearing was conducted and additional replies were also submitted by DVC. The Petitioner requested the Commission to consider T&D AFC as per FY 2014-19 true up orders to be issued by CERC. The Petitioner stated that the Commission in its order dated May 18, 2018, (para 7.38) has stated that fixed costs will be subjected to true-up based on final CERC orders.

Views of the Commission

- 4.17 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission is of the view that as CERC has determined the tariff for the period FY 2014-15 to FY 2018-19. Hence, there is no rationale in considering the tariff on the basis of FY 2013-14. The Commission has accordingly considered the revised tariffs as approved by CERC. However, the same shall be subject to trueing up.

Power Purchase Cost from KBUNL

Public Comments/ Suggestions

- 4.18 The stakeholder submitted that the fixed charges claimed by the Petitioner for KBUNL for FY 2017-18, i.e. Rs. 9.56 Crore, does not match with the bills submitted which shows the total expenses of Rs. 8.37 Crore. This claim merits disallowance.

Petitioner's Response

- 4.19 The Petitioner submitted that it has already furnished before the Commission its detailed justification along with copies of power purchase bills substantiating that the KBUNL



power purchase cost of Rs. 9.56 Crore for FY 2017-18 in its reply to the Commission's letter no. JSERC/Case (Tariff) No. 07 of 2019/135 dated July 18, 2019.

- 4.20 The Petitioner further submitted that the jurisdiction of Scheduling of KBUNL was under Bihar SLDC from its COD (March 18, 2017) till March 31, 2019. During this period, due to some operational inexpediency, Bihar SLDC never communicated the KBUNL DC to respective states except Bihar. Hence, the Petitioner could not avail energy from this station for the same period. However, KBUNL continued to raise bill for fixed charge for the above-mentioned period as it was declaring its DC to Bihar SLDC. The Petitioner stated that it has disputed those Bills and the matter is pending before CERC.
- 4.21 However, petitioner has recognized the provisional liability for the fixed charge bills raised during the same period amounting to Rs. 9.56 Crore in the Annual Accounts of FY 2017-18. Accordingly, petitioner has claimed the cost of Power Purchase in respect of KBUNL in its ARR for FY 2017-18. The Petitioner requested the Commission to consider its claim.

Commission's Analysis

- 4.22 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission has discussed KBUNL claim mismatch in detail in **Section A 5** of this Order

Recovery of P&G Fund

Public Comments/ Suggestions

- 4.23 The Stakeholder submitted that the Plant Availability Factor (PAF) shall apply on actual AFC (inclusive of Sinking Fund and Pension & Gratuity) – {ref. JSERC Order dated September 04, 2014 (Para 6.72 (Pg. 70)) pertaining to MYT Order for FY 2013-14 to FY 2015-16 for DVC, APTEL Judgment dated March 23, 2016, in Appeal No. 255 of 2014 (Para 13(k), Pg.56)}. The Stakeholder further submitted that the Petitioner has not prorated Sinking Fund and Pension & Gratuity on the basis of PAF.

Petitioner's Response

- 4.24 The Petitioner submitted that Hon'ble APTEL in its Judgment dated November 23, 2007, decided in favor of full recovery of P&G and Sinking Fund amounts from consumers through tariff. This Judgment was upheld by Hon'ble Supreme Court vide order dated July 23, 2018.



- 4.25 CERC in its Tariff Regulations provides for PAF-linked Capacity Charge computation based on five stipulated AFC components. Those AFC components don't include P&G or Sinking Fund.
- 4.26 For Working Capital computation, P&G, sinking fund, etc. are not considered as receivables by CERC and only the five stipulated AFC components are considered. Thus, recovery of P&G Fund and Sinking fund liabilities of DVC cannot be treated at par with normal elements of AFC viz. (a) Return on equity, (b) Interest on loan, (c) Depreciation, (d) O&M expenditure and (e) Interest on Working Capital etc.
- 4.27 CERC treats P&G, Sinking fund as additional elements of Fixed Charges (an example is the Order dated April 08, 2019 in Petition No. 331/MP/2018, where ash disposal expenses was treated as additional item in para-29). Such additional elements are not considered for computation of IWC. Recovery of additional elements are in full without factoring in PAFM/PAFY.
- 4.28 Hon'ble APTEL in Judgment dated March 23, 2016 in Appeal No. 255 of 2014 stated that no part of the CERC determined AFC is required to be re-determined by the State Commission. Other state Regulators like Chhattisgarh, Haryana also in their regulations and tariff orders did not link P&G / terminal liabilities to Availability.
- 4.29 The Commission in its Order dated April 19, 2017 did not link P&G and Sinking Fund with PAF/TAF. Hon'ble WBERC in its Order dated June 19, 2020, also followed the same approach. Considering the above, the Commission is requested to allow full recovery of the P&G and Sinking Fund as claimed by DVC.

Views of the Commission

- 4.30 The Commission has considered the submissions made by the Stakeholder and the Petitioner. The Commission is of the view that the Pension & Gratuity Fund, like any other component of the AFC should be recoverable based on the actual availability. In addition, the methodology is sub-judice before the APTEL in Appeal Nos. 163 of 2017 and 281 of 2018. Hence, the Commission has followed the same methodology as adopted in the previous Order dated May 28, 2019, while calculating the P&G Funds.



Interest on Temporary Financial Accommodation

Public Comments/ Suggestions

- 4.31 The Stakeholder has submitted that there is no provision for Interest on Temporary Financial Accommodation in JSERC Regulations.
- 4.32 Shortage in cash flow faced by the Petitioner is on account of inefficient collection from JBVNL {ref. Para 27, Pg. 5-6 of the FY 2017-18 True Up Petition}
- 4.33 The Petitioner receives sufficient funds towards Working Capital (in accordance to the JSERC Order dated November, 2012 pertaining to ARR for FY 2012-13) and JSERC Supply Code 2015 (Security Deposit (Para 8.2.8)) alongside Receivables. Moreover, Petitioner also has sufficient Working Capital provision on account of its integrated power business of Generation, Transmission and Distribution

Petitioner's Response

- 4.34 The Petitioner submitted that Temporary Financial Accommodation is required to fund the deferred / delayed payment by the consumers and there are multiple APTEL Judgments supporting such claim (e.g. APTEL Judgment in Appeal No. 117 of 2008 between Reliance Infrastructure Ltd. vs. MERC – para 47; Appeal No. 153 of 2009 between North Delhi Power Ltd. vs. DERC – para 25; Appeal No. 177 & 178 of 2012 between BSES Rajdhani Power Ltd. vs. DERC).
- 4.35 WBERC in its Tariff Regulations also provides for such component.
- 4.36 The Temporary Financial Accommodation is used to fund the deferred / delayed payment for all firm consumers of Petitioner (including JBVNL). Since the entire Delayed Payment Surcharge (including that from JBVNL) is deducted from the ARR to arrive at the Net ARR for Jharkhand distribution activity of Petitioner, hence the entire Temporary Financial Accommodation (including that due to JBVNL) is claimed as part of the ARR by the Petitioner.
- 4.37 The Petitioner requested to allow its claim for Temporary Financial Accommodation in line with that already approved in the tariff order dated May 28, 2019.

Views of the Commission

- 4.38 The Commission has considered the submissions made by the Stakeholder and the Petitioner. The Commission is of the view that the Petitioner be allowed the Interest on



Temporary Financial Accommodation on the principal amount of the Delayed Payment Surcharge. It is observed that the DPS amount is charged at 18% p.a. whereas the interest rates for accommodating such shortfall is at the rate of the Interest on Working Capital for that year. Hence, the Commission has approved the interest at the rate of the Interest on Working Capital for that year on the principal amount outstanding on which DPS was charged for improving the liquidity of the Petitioner.

Interest on Working Capital

Public Comments/ Suggestions

4.39 The Stakeholder has submitted that in case of interest on working capital there is no need to deviate from the Commission's approach adopted in the previous orders.

Petitioner's Response

4.40 The Petitioner submitted that CERC determines Working Capital only for the generation and transmission activities of Petitioner and not for distribution activity. In order to manage its distribution activities, the Petitioner submitted that it has to maintain (a) separate manpower to deal with various technical / non-technical issues, safety / security requirements related to power supply, (b) repair and maintenance work related to consumer power supply, (c) arrangements for data communication, meter reading, billing, collection, (d) IT-based monitoring and data acquisition systems, etc. Therefore, the Petitioner submitted that additional rolling fund is required for these activities as these are not served by Normative O&M or Normative Working Capital requirements by CERC.

4.41 The Petitioner submitted that if the working capital requirements for distribution activity are not considered, it will remain unrecovered and will put financial stress on Petitioner. Therefore, the Petitioner requested the Commission to consider Petitioner's claim of Working Capital and Interest thereon.

Views of the Commission

4.42 The Commission has considered the submissions made by the Stakeholder and the Petitioner. The Commission for approving IoWC has considered its earlier approach for reasons brought out in its earlier Tariff Orders. The detailed computation in this regard is dealt with in subsequent sections of this Order.



Non Tariff Income

Public Comments/ Suggestions

- 4.43 The Stakeholder has submitted that actual non-tariff income as per audited accounts should be considered. It further submitted that the Commission has allowed Non-Tariff Income under several heads for JBVNL (ref. JBVNL Order on True-up for FY 2016-17 & FY 2017-18, APR for FY 2018-19 and ARR for FY 2019-20 dated February 28, 2019) and for JUSCO (ref. JUSCO Order on True up for FY 2016-17 and FY 2017-18, dated June 19, 2020 and JUSCO Audited Accounts of FY 2018-19).
- 4.44 The Stakeholder further submitted that the income from Power Trading Businesses shall also form part of NTI.

Petitioner's Response

- 4.45 The Petitioner has submitted that the Commission in different Tariff Orders of Petitioner has already settled that only the Delayed Payment Surcharge accounts for non-tariff income so far as the distribution activity of the Petitioner is concerned. The Commission order references:
- a. Para 5.33, 5.34, 6.28 to 6.30 and 7.31 to 7.33 of Order dt. November 22, 2012, (for 2006-07 to 2012-13).
 - b. Para 6.69 of Order dt. September 04, 2014 (for 2013-14 to 2015- 16).
 - c. Para 5.50 – 5.55 and 6.45-6.46 of Order dt. April 19, 2017.
- 4.46 Item-wise justifications for the different heads of income (except Delayed Payment Surcharge) as per petitioner's audited annual accounts were already provided to the Commission vide Petitioner's letter no. Coml./Tariff/JSERC/Addl. Info 19-20/1977 dt. May 23, 2019. The Petitioner submitted that it has explained that the other heads of income are not incidental to the distribution activity of Petitioner and are not to be considered as Non-Tariff Income.
- 4.47 The Petitioner further submitted that WBERC in order dt. August 24, 2015, (para 3.8.6 and 4.10), May 25, 2015 and June 19, 2020 also considered only the Delayed Payment Surcharge as the Non-Tariff Income. Further, CERC in Tariff Regulations 2019 has not included even the delayed payment surcharge from Generation / Transmission business under 'Non-Tariff Income'.



- 4.48 Therefore, the Petitioner requested the Commission to consider only the Delayed Payment Surcharge as Non-Tariff Income as claimed by DVC.
- 4.49 Regarding separate accounts for Distribution business of DVC, Hon'ble APTEL in Judgment dt. November 23, 2007, recognizes DVC's T&D system as a single inseparable entity and considered to be "deemed unified inter-state transmission network" (para 111). Further, Hon'ble Supreme Court in order dt. July 23, 2018, (para 55) says activity-wise separate accounts is not necessary to be maintained by DVC. Accordingly, DVC does not maintain separate accounts for its distribution activity.

Views of the Commission

- 4.50 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission has adopted same approach as considered in its previous Order dated May 28, 2019.

T&D Losses

Public Comments/ Suggestions

- 4.51 The Stakeholder has submitted that T&D Loss is controllable. The Commission should maintain T&D loss levels of Petitioner at originally approved value as per past order / past approach.

Petitioner's Response

- 4.52 The Petitioner has submitted that Hon'ble APTEL in Judgment dated November 23, 2007 recognizes Petitioner's T&D system as a single inseparable entity and considered to be "***deemed unified inter-state transmission network***" (para 111).
- 4.53 The Petitioner further added that the State Commission in Tariff Regulations, 2015 specifies target of distribution loss only and not T&D loss and Petitioner's T&D loss has never crossed the 5% distribution loss target. Further, the Commission in its Order dated May 28, 2019 approved T&D loss for FY 2017-18 to FY 2019-20 at 3.23% based on actual figures for FY 2016-17, and also said that actual loss is not finalized (para 6.5) and shall be subject to truing up (para 6.36).
- 4.54 Petitioner has submitted actual T&D losses for FY 2017-18 and FY 2018-19, and has provided justification for the same (vide letter no. Coml./Tariff/JSERC/Addl. Info 18-19/145, dated March 17, 2020). The Petitioner further submitted that the main reason for increase of loss from FY 2016-17 level was the increase of proportion of sale at lower



voltage (LT and 33 kV) in the overall sales mix of DVC from FY 2016- 17 to FY 2018-19 and that the change of sales mix is beyond the control of Petitioner.

- 4.55 The Petitioner submitted that its projection of T&D loss for FY 2019-20 and FY 2020-21 has been based on the actual figures for FY 2017-18 and FY 2018-19. DVC has put its best endeavor to contain the T&D loss. The Petitioner therefore requested the Commission to consider actual T&D loss for FY 2017-18 and FY 2018-19 and projected T&D loss for FY 2019-20 and FY 2020-21 as claimed by DVC.

Views of the Commission

- 4.56 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission has approved T&D loss along with reasons in the subsequent sections of this Order.

RPO Obligation

Public Comments/ Suggestions

- 4.57 The Stakeholder has submitted that Petitioner should consider RPO of TSL and TSUISL while computing DVC's RPO requirements.

Petitioner's Response

- 4.58 While computing the RE purchase requirements to fulfil RPO, DVC deducts firm sale to all Licensees and applies the % RPO target on the firm energy sale to retail consumers only. Licensee sales are deducted by DVC for RPO computation, because otherwise RPO will be charged twice on same energy which will increase the retail tariff. The Commission in its past orders has approved DVC's approach of RPO computation (para 6.59 – 6.63 of order dt. May 28, 2019). DVC follows similar approach while submitting yearly fulfilment of its Renewable Purchase Obligation (RPO) before the Hon'ble WBERC in respect of distribution activity in the West Bengal part of DVC also.

Views of the Commission

- 4.59 The Commission has gone through the submissions of the Stakeholder and the Petitioner. The Commission is of the view that in order to have simplicity and uniformity in the process of fulfilling RPO by all Distribution Licensee across the State, the first Licensee who sells power to any consumer including a distribution licensee must comply with the RPO Target. Therefore, the Petitioner is required to comply with the RPO targets including sales to other Distribution Licensee. The Commission shall allow the cost of meeting the



same as and when the Petitioner complies with the same. Further, the issue is discussed in detail in subsequent sections of this Order.



A 5 TRUE-UP FOR FY 2017-18

- 5.1 The Commission carried out truing up for FY 2016-17, performed Suo-motu Annual Performance Review (APR) for FY 2017-18, APR for FY 2018-19 and ARR & Tariff for FY 2019-20 vide its previous Order dated May 28, 2019.
- 5.2 The Petitioner submitted that the Petition for True-up for FY 2017-18 has been prepared based on the Audited Accounts taking into consideration the provisions of the Tariff Regulations, 2015 and the methodology adopted by the Commission in its earlier Orders.
- 5.3 The Commission based on the provisions of the Tariff Regulations, 2015 has now carried out True-up for the FY 2017-18 taking into following;
 - a) Audited (Statutory) accounts for the FY 2017-18.
 - b) Tariff Regulations, 2015.
 - c) Methodology adopted by the Commission in its earlier Orders.
- 5.4 The component-wise description of the Petitioner's submission and the Commission's analysis on the same is provided in the foregoing paragraphs.

Supply Points, Connected Load and Energy Sales

Petitioner's Submission

- 5.5 The Petitioner submitted the actual category-wise number of supply points, connected load and energy sales in the Damodar Valley area falling within the State of Jharkhand for FY 2017-18.

Commission's Analysis

- 5.6 The Commission after scrutinizing the latest information submitted by the Petitioner, the Audited Accounts made available for the aforementioned year and after carrying out prudence check, approves the actual number of supply points, connected load and energy sales as submitted by the Petitioner for FY 2017-18 which is as summarised below:

Table 4: Supply Points, Connected Load and Sales in Jharkhand submitted by the Petitioner and Approved by the Commission

| Consumer Category | FY 2017-18 | | | | | |
|-------------------|---------------|----------------------|------------------|---------------|----------------------|------------------|
| | Petition | | | Approved | | |
| | Supply Points | Connected Load (MVA) | Consumption (MU) | Supply Points | Connected Load (MVA) | Consumption (MU) |
| LT (Domestic) | | | | | | |
| LT (Commercial) | 4 | - | 43.08 | 4 | - | 43.08 |
| 33 kV | 140 | 1,433.09 | 7,813.74 | 140 | 1,433.09 | 7,813.74 |
| 132 kV | 9 | 331.50 | 1,401.73 | 9 | 331.50 | 1,401.73 |
| 132 kV (Traction) | 3 | 72.63 | 336.38 | 3 | 72.63 | 336.38 |
| 220 kV | 2 | 285.00 | 1,389.18 | 2 | 285.00 | 1,389.18 |
| Total | 158 | 2122.21 | 10984.10 | 158 | 2122.21 | 10984.10 |

Transmission & Distribution Losses and Energy Requirement

Petitioner's Submission

- 5.7 The Petitioner submitted that as it is supplying power in bulk to the WBSEDCL and JBVNL and since majority of HT consumers falling in the Damodar valley area are at 33 kV and above voltage, it incurs very low Transmission & Distribution (T&D) losses. The Petitioner submitted a T&D loss of 3.35% for FY 2017-18 as against the approved loss of 3.23% vide the Commission's previous Order dated May 28, 2019.
- 5.8 Further, in addition to the energy sold in the Jharkhand area, the Petitioner also submitted the actual sales in the West Bengal area and the energy wheeled from its inter-state transmission system for the purposes of computation of the energy requirement for the entire Damodar Valley area.
- 5.9 Based on the total energy sales in the Damodar Valley area, the T&D losses and the energy wheeled from the system, the Petitioner submitted the actual energy requirement for FY 2017-18.

Commission's Analysis

- 5.10 As regards the T&D Losses for Control Period from FY 2016-17 to FY 2020-21, Clause 5.23 of the Tariff Regulations, 2015, provides as below:

"5.23 The Licensee shall file the distribution loss trajectory for the entire Control Period in the Business Plan commensurate with the capital investment plan for each year of the control period for approval of the Commission after verification and evaluation of the same.



The Licensee shall be allowed to operate at below 5% audited distribution loss without any incentive/ penalty mechanism.”

- 5.11 The Commission has therefore approved actual T&D Losses as submitted by the Petitioner.
- 5.12 Based on the approved energy sales for Jharkhand area, approved T&D losses, the actual energy sales within West Bengal area and energy wheeled through DVC system, the energy requirement for the FY 2017-18 has been summarized in the following table.

Table 5: Energy Requirement submitted by the Petitioner and approved by the Commission (MU)

| Particulars | FY 2017-18 | |
|--|-----------------|-----------------|
| | Petition | Approved |
| Energy sales within the state of Jharkhand | 10984.10 | 10984.10 |
| Energy sales within the state of West Bengal | 8050.68 | 8050.68 |
| Total energy sales in DVC Area | 19034.78 | 19034.78 |
| Energy wheeled | 712.74 | 712.74 |
| Overall Utilization | 19747.53 | 19747.53 |
| T&D loss (MU) | 683.71 | 683.71 |
| T&D loss (%) | 3.35% | 3.35% |
| Total Energy Requirement for DVC | 20431.24 | 20431.24 |

Energy Availability from Own Generating Stations for Distribution Function

Petitioner's Submission

- 5.13 The Petitioner submitted that it generates power from its own stations to meet part of the power requirements for its consumers in the State of Jharkhand and West Bengal. The generating stations include both thermal and hydel stations.
- 5.14 The Petitioner also submitted the actual generation available from own generating stations during the period FY 2017-18.

Commission's Analysis

- 5.15 The Commission has considered the submission made by the Petitioner on energy availability from its own generating stations. Based on the availability certificate and the power purchase submitted, the Commission approves the energy availability from own generation. The energy availability from own generation as per the submission of the Petitioner and approved by the Commission is summarised below:

Table 6: Energy Availability from Own Generating Stations submitted by the Petitioner and Approved by the Commission (MU)

| Particulars | FY 2017-18 | |
|-----------------------------|-----------------|-----------------|
| | Petition | Approved |
| BTPS 'B' | 493.55 | 493.55 |
| CTPS U#1 to 3 | 278.44 | 278.44 |
| DTPS U# 4 | 832.29 | 832.29 |
| MTPS U#1 to 3 | 3108.21 | 3108.21 |
| MTPS U#4 | 810.34 | 810.34 |
| HYDEL | 265.63 | 265.63 |
| Sub Total | 5788.45 | 5788.45 |
| MTPS U#5 & 6 | 1067.03 | 1067.03 |
| MTPS U#7&8 | 1303.43 | 1303.43 |
| CTPS U# 7&8 | 0.00 | 0.00 |
| DSTPS U # 1 & 2 | 4333.77 | 4333.77 |
| KTPS U# 1 & 2 | 1431.95 | 1431.95 |
| RTPS U # 1 & 2 | 1177.13 | 1177.13 |
| BTPS 'A' | 2730.60 | 2730.60 |
| Sub Total | 12043.91 | 12043.91 |
| Total Own Generation | 17832.36 | 17832.36 |

Power Purchase from Central Sector Generating Stations (CSGSs) and Other Sources

Petitioner's Submission

- 5.16 The Petitioner submitted that it is also purchasing power from CSGS and other sources viz. NTPC, NHPC, PTC & other sources (excluding net power purchased under Unscheduled Interchange mechanism) to meet the energy requirements in the DVC area.
- 5.17 Further, during FY 2017-18, the Petitioner also purchased and sold power through the Unscheduled Interchange (UI) mechanism.

Commission's Analysis

- 5.18 The Commission has determined the balance energy requirement to be met through purchase of power from Own Generation, CSGS and other sources after meeting the energy requirement from own generation.
- 5.19 The following table summarizes the station-wise net power purchase as submitted by the Petitioner and as approved by the Commission for FY 2017-18.



Table 7: Station-wise Net Power Purchase submitted by the Petitioner and Approved by the Commission (MU)

| Particulars | FY 2017-18 | |
|---------------|----------------|----------------|
| | Petition | Approved |
| NHPC | | |
| Rangit | 32.90 | 32.90 |
| Teesta- V | 233.63 | 233.63 |
| NTPC | | |
| FSTPS I & II | 44.29 | 44.29 |
| FSTPS III | 208.32 | 208.32 |
| KHTPS I | 21.90 | 21.90 |
| KHTPS II | 47.17 | 47.17 |
| TSTPS I | 45.39 | 45.39 |
| PTC | | |
| Chukha | 180.16 | 180.16 |
| Kurichu | 40.78 | 40.78 |
| Tala | 160.09 | 160.09 |
| MPL | 884.83 | 884.83 |
| Solar | 64.37 | 64.37 |
| Net UI | 126.97 | 126.97 |
| Total | 2090.81 | 2090.81 |

Energy Balance

5.20 Based on the energy requirement and energy availability from Own Generation, T&D losses, power purchase from CSGS's and other sources, the energy balance for FY 2017-18 as submitted by the Petitioner and as per Commission's analysis is summarized in the following table:

Table 8: Energy Balance submitted by the Petitioner and Approved by the Commission (MU)

| Particulars | FY 2017-18 | |
|--|-----------------|-----------------|
| | Petition | Approved |
| A. Energy Requirement | | |
| Energy sales within the state of Jharkhand | 10984.10 | 10984.10 |
| Energy sales within the state of West Bengal | 8050.68 | 8050.68 |
| Total energy sales in DVC Area | 19034.78 | 19034.78 |
| Energy wheeled | 712.74 | 712.74 |
| Overall Utilization | 19747.53 | 19747.53 |
| T&D loss (MU) | 683.71 | 683.71 |
| T&D loss (%) | 3.35% | 3.35% |
| Total Energy Requirement for DVC | 20431.24 | 20431.24 |
| B. Energy Availability | | |
| <i>Own Generation-Firm sources</i> | | |
| Thermal | 33115.73 | 33115.73 |
| Hydel | 265.63 | 265.63 |
| Sub Total | 33381.36 | 33381.36 |



| Particulars | FY 2017-18 | |
|---|-----------------|-----------------|
| | Petition | Approved |
| Net Power Purchase (including UI) | 2055.13 | 2055.13 |
| Energy received for Wheeling | 543.75 | 543.75 |
| Less: Energy sold to other licensees & exchange | 15549.00 | 15549.00 |
| Total Energy Available for DVC | 20431.24 | 20431.24 |

Cost of Own Generation

Petitioner's Submission

- 5.21 The Petitioner submitted that DVC constituted under the DVC Act, 1948, is a PSU as envisaged under Section 79 (1) (a) of the Electricity Act, 2003, and the tariff for generation of electricity is to be decided by the CERC. Accordingly, cost of generation for DVC as a whole from own stations has been taken as approved by the CERC in its relevant Orders.
- 5.22 Further, the effect of variation in Fuel Price Adjustment (FPA) in energy charges has also been built in the own cost of generation in accordance with the formula prescribed by the CERC.

Commission's Analysis

- 5.23 The Commission has taken note that the CERC has issued final Tariff Orders for the following stations:

Table 9: CERC Orders considered for approval of Fixed Charges of Own Generating Stations

| Station | Date of CERC Order |
|-----------------|---------------------------|
| BTPS 'B' | 19.05.2017 |
| CTPS U# 1,2,3 | 23.09.2016 |
| DTPS U # 3,4 | 20.07.2017 |
| MTPS U#1 to 3 | 31.08.2016 |
| MTPS U#4 | 20.09.2016 |
| MHS | 20.09.2016 |
| PHS | 20.09.2016 |
| THS | 23.09.2016 |
| T&D System | 09.08.2019 and 05.02.2020 |
| MTPS U#5 & 6 | 16.03.2017 |
| MTPS U# 7 & 8 | 03.10.2016 |
| CTPS U# 7 & 8 | 17.02.2017 |
| DSTPS U # 1 & 2 | 17.03.2017 |
| KTPS U # 1 & 2 | 28.02.2017 |
| RTPS U # 1 & 2 | 28.09.2017 |
| BTPS 'A' U # 1 | 30.05.2018 |



5.24 The Commission after scrutinizing the information made available by the Petitioner and after perusal of the above CERC Orders has adopted the fixed charges for own power generation from thermal & hydel stations for DVC for FY 2017-18 as approved by CERC in its relevant Tariff Orders. The Commission has verified the ECR Computation and approves the Energy Charge Rate as submitted by the Petitioner.

5.25 The Commission shall take into consideration any changes in the cost of own generation/T&D business and revise the ARR to the extent of changes in the input cost, due to issuance of Final/ True-up Orders of Petitioner's generating stations and the T&D business by the CERC for FY 2017-18 as and when such orders are issued and the Decommissioning of the Generating units of CTPS and BTPS'B'. The schedule of Decommissioning of the Units is summarised below:

Table 10: Schedule of Decommissioning of Generating Units

| Generating Station | Decommissioning of Units | Date of Decommissioning | No. of Days in Commercial Operation |
|--------------------|--------------------------|-------------------------|-------------------------------------|
| BTPS (1-3) | Unit 1 & 2 | 30-07-2017 | 120 |
| CTPS (1-3) | Unit 2 | 30-07-2017 | 120 |

5.26 The AFC of own power generating stations as adopted by the Commission from the aforementioned CERC Orders for the period FY 2017-18 has been summarized in the following table. The Commission has adopted the methodology used in its previous Order dated May 28, 2019 for calculation of Fixed Charges for own generating stations.

Table 11: Fixed Charges approved by the Commission (Rs. Crore)

| Station | Normative Availability (NAPAF) | Actual Yearly Plant Availability Factor (PAFY) | Annual Fixed Charge (AFC) (Rs. Crore) | Recoverable fixed charges as per CERC formula (Rs. Crore) | Share of firm consumer | Recoverable Fixed charge from Firm Consumers (Rs. Crore) |
|------------------|--------------------------------|--|---------------------------------------|---|------------------------|--|
| | A | B | C | D=Min (C,C*B/A) | E | F = D*E |
| BTPS 'B' | 75% | 60.07% | 155.15 | 124.26 | 100.00% | 124.26 |
| CTPS U # 1,2,3 | 75% | 24.99% | 103.46 | 34.47 | 100.00% | 34.47 |
| DTPS U # 4 | 74% | 60.96% | 109.51 | 90.22 | 100.00% | 90.22 |
| MTPS U#1 to 3 | 83% | 75.70% | 346.15 | 315.70 | 100.00% | 315.70 |
| MTPS U#4 | 85% | 71.99% | 149.29 | 126.44 | 100.00% | 126.44 |
| MHS* | 80% | 80.00% | 33.27 | 16.64 | 100.00% | 16.64 |
| PHS* | 80% | 80.00% | 24.88 | 12.44 | 100.00% | 12.44 |
| THS* | 80% | 80.00% | 9.26 | 4.63 | 100.00% | 4.63 |
| T & D System | 98.00% | 99.30% | 370.11 | 373.13 | 100.00% | 373.13 |
| SUB-TOTAL | | | 1267.38 | 1097.93 | | 1097.93 |
| MTPS U#5 & 6 | 85% | 66.12% | 463.58 | 360.61 | 43.97% | 158.56 |



| Station | Normative Availability (NAPAF) | Actual Yearly Plant Availability Factor (PAFY) | Annual Fixed Charge (AFC) (Rs. Crore) | Recoverable fixed charges as per CERC formula (Rs. Crore) | Share of firm consumer | Recoverable Fixed charge from Firm Consumers (Rs. Crore) |
|--------------------|--------------------------------|--|---------------------------------------|---|------------------------|--|
| | A | B | C | D=Min (C, C*B/A) | E | F = D*E |
| MTPS U# 7 & 8 | 83% | 67.98% | 1041.11 | 852.70 | 25.55% | 217.88 |
| CTPS U # 7 & 8 | 85% | 88.26% | 538.07 | 538.07 | 0.00% | 0.00 |
| DSTPS U # 1 & 2 | 83% | 83.45% | 1132.67 | 1132.67 | 70.10% | 793.99 |
| KTPS U # 1 & 2 | 83% | 73.65% | 1198.12 | 1063.15 | 25.47% | 270.78 |
| RTPS U # 1 & 2 | 83% | 25.17% | 1398.37 | 424.06 | 55.95% | 237.27 |
| BTPS 'A' | 83% | 74.08% | 729.81 | 651.38 | 99.01% | 644.92 |
| SUB-TOTAL | | | 6501.74 | 5022.65 | | 2323.40 |
| GRAND TOTAL | | | 7769.11 | 6120.58 | | 3421.33 |

*The Petitioner has proposed to recover the total AFC charges through capacity charges, while the Commission has approved the recovery as per the CERC Tariff Regulations, 2014.

5.27 The Commission has considered the ARR approved for T&D business as per the latest CERC Order dated August 09, 2019, while approving the Power Purchase Cost for FY 2017-18.

5.28 The Commission has approved the Energy Charge Rate for own generating stations for FY 2017-18 as submitted by the Petitioner after performing due-diligence of the relevant documentary evidence submitted. The Energy Charges approved by the Commission for FY 2017-18 for own generating stations is summarised below:

Table 12: Energy Charges submitted by the Petitioner and Approved by the Commission (Rs. Crore)

| Particulars | FY 2017-18 | |
|-----------------------------|----------------|----------------|
| | Petition | Approved |
| BTPS | 115.52 | 115.52 |
| CTPS | 74.02 | 74.02 |
| DTPS | 243.22 | 243.22 |
| MTPS U# 1 to 3 | 776.01 | 776.01 |
| MTPS U# 4 | 204.76 | 204.76 |
| MTPS U# 5 & 6 | 259.09 | 259.09 |
| MTPS U# 7 & 8 | 299.89 | 299.89 |
| CTPS U # 7 & 8 | 0.00 | 0.00 |
| DSTPS U # 1 & 2 | 951.09 | 951.09 |
| KTPS U # 1 & 2 | 273.86 | 273.86 |
| RTPS U # 1 & 2 | 299.39 | 299.39 |
| BTPS 'A' | 436.22 | 436.22 |
| Hydel* | 0.00 | 25.21 |
| Total Energy Charges | 3933.07 | 3958.28 |

*The Petitioner has proposed to recover the total AFC charges through capacity charges, while the Commission has approved the recovery as per the CERC Tariff Regulations, 2014.



Power Purchase Cost from Central Sector Generating Stations (CSGSs) and Other Sources

Petitioner's Submission

- 5.29 The Petitioner submitted the actual power purchase cost from CSGS and other sources (including RE sources) during FY 2017-18 has been based on the actual power purchase bills received from the generators.
- 5.30 The Petitioner also claimed Rs 105.65 Crore and Rs 0.16 Crore towards Transmission Charges and towards ERPC Fund respectively.

Commission's Analysis

- 5.31 The Commission has gone through the submissions of the Petitioner and observes that the Petitioner has claimed an amount of Rs. 9.56 Crore towards Total Energy Cost for KBUNL for FY 2017-18 in spite of no power purchased from the same for FY 2017-18. The Commission accordingly sought Petitioner's reply on the same. The Petitioner in its reply has submitted that the same is provision made against disputed Fixed Charges towards KBUNL. The Commission is of the view that power purchase expenses are to be allowed based on actual payment made by the Petitioner and not on the provisioning of expenses. Accordingly, the Commission has not allowed this amount of Rs 9.56 Crore in this Order.
- 5.32 Based on the total energy requirement, the Commission has allowed purchase of energy from CSGS, other sources (other than own sources) and from own generating stations as proposed by the Petitioner.
- 5.33 Besides, the Petitioner has segregated the cost of RPO into West Bengal and Jharkhand based on the RPO requirements stipulated by the respective State Regulatory Commissions for FY 2017-18. Accordingly, the Commission also finds it prudent to segregate the cost of RPO for FY 2017-18 as per the RPO requirements stipulated by the respective Commissions and actual RPO compliance by the Petitioner.
- 5.34 Based on the RPO Compliance submitted by the Petitioner, the Commission has approved the expenses below for purchase of Renewable Energy Certifications (RECs) towards RPO Compliance for Sales in Jharkhand.



Table 13: Expenses towards RECs for Jharkhand submitted by the Petitioner and approved by the Commission (Rs. Crore)

| Particulars | FY 2017-18 | |
|-----------------|------------|----------|
| | Petition | Approved |
| Solar (REC) | 0.00 | 0.00 |
| Non-Solar (REC) | 24.47 | 24.47 |

5.35 The Commission, in its previous Order dated May 28, 2019, directed the Petitioner as below:

“6.19 The Commission has not considered that the quantum of Hydro Power purchased for RPO Compliance for FY 2017-18 i.e., 619.51 MU as per the National Tariff Policy, 2016. The Commission has also not considered the RPO compliance for energy sold to Other Distribution Licensees as the same shall be met by the respective Licensee either through RE purchase or through purchase of RECs.”

5.36 The Commission, observes that there should be no differentiation among consumers when it comes to RPO Compliance as the Licensee that purchases power from DVC partially pays for the RPO Compliance of the other Consumers of DVC as the same is in built in the Tariff. The Commission, therefore is of the view that in order to rectify this anomaly and in order to maintain consistency across all Discoms within the State of Jharkhand, **the Commission directs the Petitioner to comply with all pending RPO compliance including RPO corresponding to Sales to other Licensees from FY 2016-17 onwards.** Any REC Purchase on this regard shall be approved by the Commission on actuals in the upcoming years.

5.37 Thus, the net Power Purchase Cost from Central Sector Generating Stations (CSGSs) and Other Sources (including RE sources and excluding purchase from own generating stations) approved is summarised below:

Table 14: Source-wise Power Purchase Cost submitted by Petitioner and approved by the Commission (Rs. Crore)

| Particulars | FY 2017-18 | | | | | | | |
|--------------|--------------|------------|-------------|------------|--------------|------------|-------------|------------|
| | Petition | | | | Approved | | | |
| | Quantum (MU) | Fixed Cost | Energy Cost | Total Cost | Quantum (MU) | Fixed Cost | Energy Cost | Total Cost |
| NHPC | | | | | | | | |
| Rangit | 32.90 | 6.62 | 6.53 | 13.15 | 32.90 | 6.62 | 6.53 | 13.15 |
| Teesta- V | 233.63 | 29.21 | 33.59 | 62.80 | 233.63 | 29.21 | 33.59 | 62.80 |
| NTPC | | | | | | | | |
| FSTPS I & II | 44.29 | 4.75 | 2.61 | 7.35 | 44.29 | 4.75 | 2.61 | 7.35 |



| Particulars | FY 2017-18 | | | | | | | |
|--------------------|----------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|
| | Petition | | | | Approved | | | |
| | Quantum (MU) | Fixed Cost | Energy Cost | Total Cost | Quantum (MU) | Fixed Cost | Energy Cost | Total Cost |
| FSTPS III | 208.32 | 36.85 | 52.13 | 88.98 | 208.32 | 36.85 | 52.13 | 88.98 |
| KHTPS I | 21.90 | 2.63 | 4.93 | 7.56 | 21.90 | 2.63 | 4.93 | 7.56 |
| KHTPS II | 47.17 | 5.80 | 10.28 | 16.07 | 47.17 | 5.80 | 10.28 | 16.07 |
| TSTPS I | 45.39 | 5.15 | 8.33 | 13.47 | 45.39 | 5.15 | 8.33 | 13.47 |
| KBUNL | 0.00 | 0.00 | 0.00 | 9.56 | 0.00 | 0.00 | 0.00 | 0.00 |
| PTC | | | | | | | | |
| Chukha | 180.16 | 0.00 | 43.40 | 43.40 | 180.16 | 0.00 | 43.40 | 43.40 |
| Kurichu | 40.78 | 0.00 | 8.85 | 8.85 | 40.78 | 0.00 | 8.85 | 8.85 |
| Tala | 160.09 | 0.00 | 34.58 | 34.58 | 160.09 | 0.00 | 34.58 | 34.58 |
| MPL | 884.83 | 150.08 | 177.61 | 327.69 | 884.83 | 150.08 | 177.61 | 327.69 |
| Solar | 64.37 | 0.00 | 68.63 | 68.63 | 64.37 | 0.00 | 68.63 | 68.63 |
| Contingency | 126.97 | 0.00 | 48.41 | 48.41 | 127.77 | 0.00 | 48.41 | 48.41 |
| Total | 2090.81 | 241.08 | 499.85 | 750.49 | 2091.60 | 241.08 | 499.85 | 740.93 |

5.38 The Commission also approves Rs 105.65 Crore and Rs 0.16 Crore towards Transmission Charges and towards ERPC Fund respectively.

5.39 The Commission has also noted that the Petitioner has not submitted the rolling quarterly forecast of the quantum of short term power to be purchased by the Petitioner for the Commission's Approval. Hence, **the Commission directs the Petitioner to submit the rolling quarterly forecast of the quantum of short term power to be purchased as per Regulation 5.20 of the Tariff Regulations, 2015 on regular basis.**

Tariff Filing and Publication Expenses (CERC)

Petitioner's Submission

5.40 The Petitioner has claimed Rs. 5.21 Crore, towards Tariff Filing and Publication Expenses (CERC) for FY 2017-18.

Commission's Analysis

5.41 The Commission has approved the amount claimed by the Petitioner towards Tariff Filing and Publication Expenses (CERC) for FY 2017-18 based on the audited accounts and submission of the requisite receipts of such payments of fee.



Water Cess and Pollution Cess

Petitioner's Submission

5.42 The Petitioner has claimed Rs. 0.16 Crore towards Water Cess and Pollution Cess for FY 2017-18.

Commission's Analysis

5.43 The Commission has approved the amount claimed by the Petitioner towards Water Cess and Pollution Cess for FY 2017-18 based on the Audited Accounts.

Interest on Temporary Financial Accommodation

Petitioner's Submission

5.44 The Petitioner has claimed Rs 359.59 Crore towards Interest on Temporary Financial Accommodation for FY 2017-18 stating that the cost of temporary financial accommodation was required to avoid any financial injury to the utility due to delayed payment by the purchaser of electricity in retail mode needs to be compensated in the interest of the consumers as well.

Commission's Analysis

5.45 The Commission is of the view that the Petitioner be allowed the Interest on Temporary Financial Accommodation on the principal amount of the Delayed Payment Surcharge. It is observed that the DPS amount is charged at 18% p.a. on the average Principal Payment Outstanding whereas the interest rates for accommodating such shortfall is 12.60%. However, as per the submissions made by Petitioner, it is observed that the amount claimed for Interest on Temporary Financial Accommodation is higher than the Delayed Payment Surcharge claimed. The Commission has approved the interest of 12.60% on the average principal amount outstanding on which DPS was charged for improving the liquidity of the Petitioner.

Table 15: Interest on Temporary Financial Accommodation submitted by the Petitioner and Approved by the Commission (Rs. Crore)

| Particulars | FY 2017-18 | |
|--|---------------|---------------|
| | Petition | Approved |
| DPS | 466.76 | 466.76 |
| Principal Payment Outstanding (DPS/18%) | 2593.09 | 2593.09 |
| Interest on Temporary Financial Accommodation | 359.39 | 326.73 |



Non-Tariff Income

Petitioner's Submission

5.46 The Petitioner has claimed Rs. 466.76 Crore towards Non-Tariff Income for FY 2017-18.

Commission's Analysis

5.47 The Commission in line with its earlier approach has approved the Non-Tariff Income as proposed by the Petitioner considering the values as per the Audited Accounts and the reconciliation statement submitted by the Petitioner.

Investment on Cyber Security

Petitioner's Submission

5.48 The Petitioner has submitted that it has incurred an amount of Rs. 3.12 Crore towards Cyber Security.

Commission's Analysis

5.49 The Commission has observed that the Petitioner has incurred an expense of Rs. 3.12 Crore towards Investment in Cyber Security, which is a part of the Fixed Asset of the Petitioner. Since, the Commission does not approve the Fixed Assets of the Petitioner, the same has not been approved to be recovered from the Distribution Business by this Commission.

Allocation of Costs for DVC as a whole to Jharkhand Area

Petitioner's Submission

5.50 The Petitioner has submitted that the input costs including own generation cost, Power Purchase Cost, Other Input Cost, etc. cannot be segregated into the cost pertaining to Jharkhand and West Bengal area as DVC operates as a single entity. Thus, the Petitioner has submitted that, for the purpose of computing retail tariffs pertaining to Jharkhand area, the input cost of DVC be bifurcated in the ratio of the energy sales in Jharkhand area to the total sales in the Damodar Valley area.

Commission's Analysis

5.51 The Commission has allocated the expenses of DVC as a whole to Jharkhand area by following the methodology approved in the previous Order dated May 28, 2019. The



following table summarizes the input cost allocated to the Jharkhand area for the period FY 2017-18 as submitted by the Petitioner and as approved by the Commission.

Table 16: Cost Allocation for Jharkhand submitted by the Petitioner and approved by the Commission (Rs. Crore)

| Particulars | FY 2017-18 | | |
|---|-----------------|-----------------|-----------------|
| | MYT Order | Petition | Approved |
| Cost of Own Generation | 8,609.25 | 7,554.07 | 7,379.61 |
| Power Purchase Cost (Including Transmission Charges and Excluding Renewable Energy Purchase/REC Expenses) | 413.40 | 787.68 | 778.12 |
| CERC Tariff filling fees & publication expenses | 5.00 | 5.21 | 5.21 |
| Water Cess & other State Cesses | 2.54 | 0.16 | 0.16 |
| Less: Non Tariff Income (NTI) | 51.42 | 466.76 | 466.76 |
| Interest on Temporary Financial Accommodation | | 359.59 | 326.73 |
| Investment on Cyber Security | | 3.12 | |
| Total ARR of DVC (Distribution) | 8,978.77 | 8,243.07 | 8,023.06 |
| Ratio of Sales in Jharkhand | 55.18% | 57.71% | 57.71% |
| ARR Apportioned to Jharkhand | 4,954.37 | 4,756.70 | 4,629.74 |

Interest on Working Capital (IoWC)

Petitioner's Submission

5.52 The Petitioner has submitted that the Interest on Working Capital has been determined in accordance with the applicable provisions of the Tariff Regulations, 2015, according to which, the Interest on Working Capital shall be as given below:

“6.30 Working capital for the Retail Supply of Electricity for the Control Period shall consist of:

- a) One-twelfth of the amount of Operation and Maintenance expenses for retail supply business for such financial year; plus*
- b) Maintenance spares at 1% of Opening GFA for retail supply business; plus*
- c) Two months equivalent of the expected revenue from sale of electricity at the prevailing tariffs; minus*
- d) Amount held as security deposits under clause (a) and clause (b) of subsection(1) of Section 47 of the Act from consumers and Distribution System Users net of any security held for wheeling business; minus*
- e) One month equivalent of cost of power purchased, based on the annual power procurement plan.*

6.31 Rate of interest on working capital shall be equal to the base rate of SBI plus 350 bps as applicable on the 1st April of the relevant financial year. ”



5.53 Accordingly, the Petitioner has claimed the Interest on Working Capital required for DVC for Jharkhand Area to be Rs. 97.01 Crore for FY 2017-18.

Commission’s Analysis

5.54 As per the Tariff Regulations, 2015, Interest on Working Capital shall be calculated on the basis of the following:

“Working capital for the Retail Supply of Electricity for the Control Period shall consist of:

a) One-twelfth of the amount of Operation and Maintenance expenses for retail supply business for such financial year; plus

b) Maintenance spares at 1% of Opening GFA for retail supply business; plus

c) Two months equivalent of the expected revenue from sale of electricity at the prevailing tariffs; minus

d) Amount held as security deposits under clause (a) and clause (b) of subsection (1) of Section 47 of the Act from consumers and Distribution System Users net of any security held for wheeling business; minus

e) One month equivalent of cost of power purchased, based on the annual power procurement plan.”

5.55 However, since the O&M cost and other expenses of the Petitioner are included in the cost of generation of power from its own stations, applying the aforementioned methodology as per the Tariff Regulations, 2015 is not possible. Hence, the Commission has approved Interest on Working Capital as per the methodology adopted by the Commission for calculation of Interest on Working capital in its previous Order dated May 28, 2019.

Table 17: Interest on Working Capital as submitted by the Petitioner and as approved by the Commission for FY 2017-18 (Rs. Crore)

| Particulars | FY 2017-18 | |
|---|--------------|-------------|
| | Petition | Approved |
| Revenue from Sales in Jharkhand | | 4751.80 |
| Working Capital Requirement in Jharkhand Area (at 1% of Revenue from sale of power) | | 47.52 |
| Interest Rate (%) | | 12.60% |
| Interest on Working Capital for Jharkhand Area | 97.01 | 5.99 |



Interest on Consumer Security Deposit

Petitioner's Submission

5.56 The Petitioner submitted an amount of Rs. 0.48 Crore towards Interest on Consumer Security Deposit.

Commission's Analysis

5.57 The Regulation 6.28 of the Tariff Regulations, 2015, allows the Petitioner to recover the interest on security deposits through the ARR. The Commission has approved the Interest on Consumer Security Deposit as submitted by the Petitioner based on scrutiny of the Audited Accounts for FY 2017-18.

Rebate on Sale of Power

Petitioner's Submission

5.58 The Petitioner has claimed Rs 30.35 Crore towards Rebate on Sale of Power within Jharkhand Area for FY 2017-18.

Commission's Analysis

5.59 The Commission has approved the amount as submitted by the Petitioner considering the actual value as per the Reconciliation submitted by the Petitioner in its reply to the Commission's queries vide its letter no. Coml./Tariff/JSER/Addl. Info. 17-18- 3226 dated August 13, 2019.

Tariff Filing and Publication Expenses (JSERC)

Petitioner's Submission

5.60 The Petitioner submitted an amount of Rs. 0.95 Crore towards Tariff Filing and Publication Expenses in JSERC.

Commission's Analysis

5.61 The Commission has approved the Tariff Filing and Publication Expenses in JSERC as submitted by the Petitioner after considering the payment receipts submitted by the Petitioner.

Summary of ARR approved by the Commission

5.62 Based on the above, the Commission has approved ARR for FY 2017-18 vis-à-vis that approved in the MYT Order and the ARR claimed by the Petitioner which is as summarised below:

Table 18: Summary of ARR submitted by the Petitioner and approved by the Commission (Rs. Crore)

| Station/item | FY 2017-18 | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | MYT Order | | Petition | | Approved | |
| | Energy Cost | Fixed Cost | Energy Cost | Fixed Cost | Energy Cost | Fixed Cost |
| Cost of Own Generation | 4,836.83 | 3,772.42 | 3,933.07 | 3,621.00 | 3,958.28 | 3,421.33 |
| Power Purchase Cost (Including Transmission Charges and Excluding Renewable Energy Purchase/REC Expenses) | 413.40 | | 787.68 | | 431.22 | 346.89 |
| Tariff filling fees & publication expenses to CERC | | 5.00 | | 5.21 | | 5.21 |
| Water cess | | 2.54 | | 0.16 | | 0.16 |
| Less Non Tariff Income (NTI) | | 51.42 | 466.76 | | | 466.76 |
| Interest on Temporary Financial Accommodation | | | 359.59 | | | 326.73 |
| Investment on Cyber Security | | | | 3.12 | | - |
| Total | 5,250.23 | 3,728.54 | 4,613.58 | 3,629.49 | 4,389.50 | 3,633.56 |
| Ratio of sales in Jharkhand part to total firm sale in entire DVC | 55.18% | 55.18% | 57.71% | 57.71% | 57.71% | 57.71% |
| ARR before IWC, Interest on SD & tariff filling fees in the licensed area of Jharkhand | 2,897.01 | 2,057.36 | 2,662.29 | 2,094.41 | 2,532.98 | 2,096.76 |
| Cost of Solar & Non Solar Power and REC Purchased to meet the solar & non solar RPO in the state of Jharkhand | 117.68 | | 84.29 | | 84.29 | |
| Rebate on Sale of Power | | | | 30.35 | | 30.35 |
| Interest on Working Capital | | 6.70 | | 97.01 | | 5.99 |
| Interest on security deposit | | 1.99 | | 0.48 | | 0.48 |
| Tariff Filing Fees & Publication Expenses in JSERC | | 0.78 | | 0.95 | | 0.95 |
| Net ARR for Jharkhand | 3,014.69 | 2,066.83 | 2,776.92 | 2,192.85 | 2,617.27 | 2,134.53 |
| TOTAL ARR | | 5,081.51 | | 4,969.77 | | 4,751.80 |

Revenue from Sale of Power in Jharkhand Area

Petitioner's Submission

5.63 The Petitioner submitted that the revenue billed from sale of power in Jharkhand is Rs. 5285.19 Crore for FY 2017-18.

Commission's Analysis

5.64 The Commission asked the Petitioner to submit the break-up of the revenue (category-wise) along with the basis as per the Audited Accounts queries sent vide letter no. JSERC/Case (Tariff) No. 7 of 2019/135 dated July 18, 2019. Based on the documentary evidence provided by the Petitioner, the Commission approves the revenue as submitted by the Petitioner for FY 2017-18.

Revenue Gap/(Surplus) and its Treatment

5.65 The Commission has approved the revenue gap/(surplus) based on the Audited Accounts and scrutiny of the Petition as summarised below:

Table 19: Revenue Gap/(Surplus) approved by the Commission for FY 2017-18 (Rs. Crore)

| Particulars | FY 2017-18 |
|---|------------|
| ARR Approved | 4751.80 |
| Revenue Realised | 5285.19 |
| Gap/(Surplus) Created | -533.39 |
| Opening Gap/(Surplus) | 0 |
| Gap/(Surplus) Addition | -533.39 |
| Interest Rate (%) | 12.60% |
| Carrying/Holding Cost on Opening Gap/(Surplus) | 0 |
| Carrying/Holding Cost on Gap/(Surplus) Addition | -33.60 |
| Closing Gap/(Surplus) | -566.99 |

5.66 The Commission has approved the treatment of the surplus approved in the subsequent **Section A 6** of this Order.



A 6 REVENUE GAP AND ITS TREATMENT

Petitioner's Submission

6.1 The Petitioner has submitted vide its Letter No. Coml/Tariff/JSERC-Compliance/3057 dated July 31, 2019, the Roadmap of Treatment of Revenue Surplus for FY 2006-07 to FY 2014-15. The Petitioner has proposed the following:

- a. The Commission may take a final decision towards settlement of the Revenue Surplus for the period 2006-07 to 2014-15 based on the final outcome in the Appeal Nos. 163 of 2017 and 281 of 2018 pending before the Hon'ble Appellate Tribunal,
- b. Determination of category wise retail tariff by the Commission for the period 2006-07 to 2011-12 and thereafter revision of the bills preferred earlier by DVC as per the said approved tariff. Resulting differential amount i.e., the difference between the revised bills and actual payment realized, recovery from / refund to the individual consumers/licensees (except JBVNL) may be done along with 6% yearly simple interest in terms of the order of the Hon'ble Appellate Tribunal in the judgment dtd. 10.05.2010 in the Appeal No. 146 of 2009.
- c. DVC and JBVNL has already settled the past dues accrued up to September 2015 as a full and final settlement under the UDAY scheme of the Government of India. Hence, there remains no further scope of any settlement with JBVNL after determination of category wise tariff for the past period FY 2006-07 to 2011-12 as proposed by the Petitioner.
- d. Submission of truing up of tariff so determined by the Commission for the period 2006-07 to 2011-12 after final settlement with the individual consumers / licensees. If there remains any unadjusted dues of any consumer for the said period, presently disconnected, DVC will approach Commission to adjust such differential amount in the prospective tariff.
- e. DVC started preferring the electricity bills as per the approved retail tariff by the Commission from November 2012 onwards. Therefore, for the period FY 2012-13 to FY 2014-15 the revenue gap / surplus as already determined by the Commission may be adjusted in the prospective tariff.
- f. The Commission may graciously be pleased to direct DVC to submit the ARR and category wise distribution / retail tariff for the period FYs 2006-07 to 2011-12 for



approval towards final settlement of dues of the individual consumers and licensees with retrospective effect after the final judgment is pronounced by the Hon'ble Tribunal in Appeal Nos. 163 of 2017 and 281 of 2018.

Commission's Analysis

6.2 The Commission observes that during the pendency of the True up Petition for FY 2017-18, the Petitioner has filed Petition for True up of FY 2018-19, APR for FY 2019-20 and ARR and Tariff for FY 2020-21. The Commission is therefore of the view that it would be prudent to adjust the consolidated Gap/Surplus after approving the True up of FY 2018-19, APR for FY 2019-20 and ARR and Tariff for FY 2020-21. The Commission therefore has not adjusted the Surplus for FY 2017-18 separately in this Order and shall be dealt in the Petition filed by the Petitioner for True up of FY 2018-19, APR for FY 2019-20 and ARR and Tariff for FY 2020-21.



A 7 DIRECTIVES

Quarterly Forecast for Short Term Power Purchase

7.1 The Commission directs the Petitioner to submit the rolling quarterly forecast of the quantum of short term power to be purchased as per Regulation 5.20 of the Distribution Tariff Regulations, 2015.

RPO Compliance for Sales to Other Licensees

7.2 The Commission directs the Petitioner to comply with all pending RPO compliance including RPO corresponding to Sales to other Licensees from FY 2016-17 onwards.

Other Directives issued by the Commission in the previous Tariff Order dated May 28, 2019 and the compliance submitted by the Petitioner on the Directives issued will be discuss in detail in the Order for Truing-up for FY 2018-19, APR for FY 2019-20, ARR & Tariff for FY 2020-21.

This Order is signed and issued by the Jharkhand State Electricity Regulatory Commission on September 29, 2020.

Date: 29.09.2020

Place: Ranchi

Sd/-
(Pravas Kumar Singh)
MEMBER (Legal)

Sd/-
(Rabindra Narayan Singh)
MEMBER (Engg.)



ANNEXURES

Annexure-1: List of participating members of public in the public hearing

| Sr. No. | Name | Address/Organization |
|---|-----------------------|--|
| Date & Time: August 17 & 18, 2020, 2:30 PM | | |
| 1. | Anjan Kumar Dey | DVC |
| 2. | Manik Chandra Rakshit | DVC |
| 3. | Subrata Ghosal | DVC |
| 4. | Amit Kumar Sil | DVC |
| 5. | Subrata Ganuly | DVC |
| 6. | Arunava Mitra | DVC |
| 7. | Arun Patra | DVC |
| 8. | Debi Prasad Puitandi | DVC |
| 9. | Sauvik Dhara | DVC |
| 10. | Srikanta Pandit | DVC |
| 11. | Debshankar Ghosh | DVC |
| 12. | Satish Kumar | DVC |
| 13. | Suman Kumar Bose | DVC |
| 14. | Subodh Dutta | DVC |
| 15. | Abhijeet Charkraborty | DVC |
| 16. | Subir Bhadra | DVC |
| 17. | Ashok Kumar Jha | DVC |
| 18. | Rajesh Kumar | DVC |
| 19. | Sudhir Das | DVC |
| 20. | Amit Sharma | DVC |
| 21. | RS Sharma | DVC |
| 22. | Anuj Kumar | DVC |
| 23. | Prava Kumar Das | DVC |
| 24. | Arnab Mitra | DVC |
| 25. | Sandip Pal | DVC |
| 26. | Rajib Goswami | DVC |
| 27. | Debshish Dey | DVC |
| 28. | Anirban Banopadhyay | DVC |
| 29. | Sandep Neogi | DVC |
| 30. | Hari Budhia | Association of DVC HT Consumers of Jharkhand |
| 31. | Pramod Agarwal | Association of DVC HT Consumers of Jharkhand |
| 32. | Bhushan Rastogi | Association of DVC HT Consumers of Jharkhand |
| 33. | Shreemant Dhuri | Association of DVC HT Consumers of Jharkhand |
| 34. | Sandip Saraogi | Association of DVC HT Consumers of Jharkhand |
| 35. | Amarjeet Singh Saluja | Association of DVC HT Consumers of Jharkhand |
| 36. | Abhishedk Kanodia | Association of DVC HT Consumers of Jharkhand |
| 37. | Amit Agarwal | Association of DVC HT Consumers of Jharkhand |



| Sr. No. | Name | Address/Organization |
|----------------|---------------------|------------------------------|
| 38. | Jeetendra Agarwal | Bistupur, Jamshedpur |
| 39. | Pulak Chatterjee | Dhanbad |
| 40. | A N Choudhary | TSUISL |
| 41. | V P Singh | TSL |
| 42. | Rakesh | Shree Bholey Alloys |
| 43. | Rishi Nandan | JBVNL |
| 44. | Binod Agarwal | Shivam Iron & Steel Co. Ltd. |
| 45. | Ravi Prakash Tiwari | Dy. Director (HR), DVC |
| 46. | Anita Das | JBVNL |