

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

**Case (Tariff) No. 09 of 2020**

Damodar Valley Corporation (DVC) ..... Petitioner  
Versus  
Association of DVC HT Consumers of Jharkhand & Ors..... Respondents

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

**Date – 10<sup>th</sup> December, 2024**

1. DVC (hereinafter “Petitioner”) had filed petition for determination of ARR and category wise tariff schedule for the period from FY 2006-07 to FY 2011-12 for its distribution activity in the State of Jharkhand in Case No. 09 of 2020. The Commission vide its Order dated 31.10.2023 (Impugned Order) had finalized the retail supply tariff for FY 2006-12 by considering the entire ‘Other Income’ based on the audited accounts as Non-Tariff Income (NTI) towards its distribution business.
2. Aggrieved by the Order dated 31.10.2023, DVC had filed Appeal No. 845 of 2023 before the Appellate Tribunal for Electricity (‘the APTEL’) challenging the limited issue of computation of NTI as approved by the Commission in the Impugned Order.
3. Thereafter, the Hon’ble APTEL vide its Order dated 05.02.2024 disposed of Appeal No. 845 of 2023 & IA No. 2377 of 2023, remanding the matter back to the Commission for re-determination of the NTI, and then pass an order afresh in accordance with the law. The brief summary of aforesaid order is highlighted as hereunder:

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a) *However, the non-tariff income, as per the audited accounts, has been divided with respect to its distribution business in West Bengal and Jharkhand, and has not been segregated between generation, transmission, distribution and other businesses.*

b) *Hon’ble APTEL decides to set aside the impugned order and remand the matter back to Hon’ble JSERC to ascertain the break-up of the non-tariff income of the Appellant, as reflected in the*

*audited accounts for FY 2006-07 to FY 2011-12, between its generation, transmission, distribution and other businesses; and treat only the non-tariff income, relating to distribution business in Jharkhand, as its non- tariff income, and pass a fresh order, preferably within three months from the date of receipt of a copy of this order.*

*c) DVC has submitted that it would furnish the required information/documents, in the manner sought for by the Commission within two weeks of receipt of intimation.*

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4. In view of the aforesaid remand Order of the Hon'ble APTEL, the Commission has initiated the proceedings; The matter was listed for consideration on 13.02.2024, 29.02.2024, 21.03.2024, 02.04.2024; 16.04.2024; 10.05.2024; 24.05.2024 and 28.06.2024.

5. The Commission vide dated 23.07.2024 had passed a fresh Order in accordance with law as per direction of Hon'ble APTEL. The brief summary of aforesaid order is highlighted as hereunder.

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*a) In reply to data discrepancies the petitioner has failed to provide any such segregation of accounts in its submission dated 23.02.2024, 15.04.2024 and 05.07.2024, despite of the several directions by this Commission and the Hon'ble APTEL in this regard.*

*b) Furthermore, the Commission holds the opinion that Non-Tariff Income (NTI), as per the Electricity Act, 2003, and the JSERC Tariff Regulation, includes both income generated from the licensed business (i.e., the retail supply activity of petitioner's distribution business) aside from tariff income, as well as income generated from its other businesses.*

*c) Therefore, the Commission is of the view that the entire 'Other Income' based on the audited accounts, in absence of any segregation for the reasons set out herein before is liable to be*

*deducted from the ARR of the distribution/retail supply tariff of petitioner.*

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**Brief History and Case Proceeding Pertaining to Determination of ARR and Retail Tariff for FY 2006-07 to FY 2011-12**

6. The Hon'ble Central Electricity Regulatory Commission (hereinafter "CERC") vide its Order dated 06.08.2009 has re-determined the generation and transmission tariff of petitioner for the period from FY 2006-09. Aggrieved by the same, the petitioner had filed Appeal No. 146 of 2009 dated 25.08.2009 before the Hon'ble APTEL.
7. The Hon'ble APTEL vide its Interim Order dated 16.09.2009 allowed the WBERC and JSERC to fix the retail supply tariff for FY 2010-11 by considering the generation and unified T&D tariff approved by Hon'ble CERC vide its Order dated 06.08.2009 as the input cost, but to not pass any final orders in this regards.
8. Thereafter, the petitioner had filed petition dated 31.10.2009 for the determination of ARR and retail tariff for FY 2006-07 to FY 2010-11 before this Commission. However, since the matter was sub-judice before Hon'ble APTEL and in wake of the directions of the Hon'ble APTEL to not pass any final Order, therefore, the Commission kept the matter in abeyance till the final disposal of same by Hon'ble APTEL.
9. The Hon'ble APTEL vide its Judgement dated 10.05.2010 disposed of Appeal No. 146 of 2009 and upheld the Order dated 06.08.2009 directing petitioner to issue the refunds to its consumers arising out of implementation of the said Order. Furthermore, the petitioner was also directed to approach the SERCs for finalization of its retail tariff, relevant extract reproduced herein below:

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*"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 06.08.2009., 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 annum in line with Section 62(6) of the Electricity Act, 2003. Alternatively, the Appellant (DVC) may adjust the excess amount recovered, along with interest at the rate of 6% per annum, in 24 equal monthly prospective installments, starting from July 2010 by giving credit in the monthly bills of the consumers/licensees. 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”.*

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10. Thereafter, aggrieved by the Order dated 10.05.2010 of Hon'ble APTEL, petitioner on 18.06.2010 had filed a Civil Appeal No. 4881/ 2010 before the Hon'ble Supreme Court on dated 09.07.2010, the apex court ordered a partial stay limited to the directions of refund to consumers. Since the entire Judgement of the Hon'ble APTEL was not stayed by the apex court, the Commission initiated to process the tariff petitions of petitioner in terms of the directions in the Order dated 10.05.2010.
11. Consequently, the Commission had passed the provisional tariff Order dated 22.11.2012 as the matter was *sub-judice* before the Hon'ble Supreme Court in Civil Appeal No. 4881/2010 for:
  - (a) Estimation of ARR for FY 2006-07 to FY 2010-11 based upon the actual information submitted by petitioner;
  - (b) Projection of ARR for FY 2011-12 on the basis of past trends;
  - (c) Projection of ARR and determination of retail supply tariffs for FY 2012-13.
12. Furthermore, the Commission in para 4.13 of its provisional Order dated 22.11.2012 clarified that the cost of distribution and retail supply business has been determined based on the input cost of inter-state generation & unified T&D tariff as determined by the Hon'ble CERC by its Orders dated 06.08.2009 and 23.06.2011 for the period FY 2006-09 and FY 2009-13, respectively, the power purchase cost and any other cost incurred by petitioner for distributing the power to retail consumers.
13. The Commission vide Order dated 22.11.2012 had provisionally considered the NTI of petitioner as entire revenue collected through

delayed payment surcharge (DPS) for FY 2006-07 to FY 2012-13 and made the observations as shown hereunder-

*“The Commission has observed that the tariff petition filed by the petitioner has many data gaps and discrepancies. It is pertinent to mention that the inadequacy of data delays the determination of ARR by the Commission and thereby the tariff order which not only impacts the revenues of the Petitioner but is also is a hindrance in regulatory stability from the consumer's perspective. The Commission directs the Petitioner to maintain the data adequacy and consistency in the subsequent tariff petitions.”*

14. The provisional tariff order was applicable w.e.f. 1.11.2012 subject to the final outcome of the Civil Appeal No. 4881/2010 lying before the Hon'ble Supreme Court and ensuring of data adequacy and consistency in the subsequent tariff petitions by petitioner.
15. The petitioner has submitted the final True-up petition dated 28.02.2014 for determination of ARR from FY 2006-07 to FY 2012-13 along with the MYT proposal for the period from FY 2013-14 to FY 2015-16.
16. However, the Commission vide its Order dated 04.09.2014 had only determined the tariff for FY 2013-14 to FY2015-16 and did not undertake the true-up for FY 2006-07 to FY 2012-13 since the matter was sub-judice before the Hon'ble Supreme Court in C.A. No. 4881/2010.
17. Thereafter, Anjaney Ferro Alloys (a HT consumer of DVC) on 21.10.2014 had filed Appeal No. 293 of 2014 before Hon'ble APTEL, against the Commission's Order dated 04.09.2014 challenging non-determination of the final True-up of the ARR for FY 2006-07 to FY 2012-13 and however, the same was dismissed by the Hon'ble APTEL vide its Order dated 23.03.2016.
18. Aggrieved by the Order dated 23.03.2016, Anjaney Ferro Alloys filed Civil Appeal No. 7383/2016 before the Hon'ble Supreme Court, which was disposed of vide its judgment dated 26.10.2016, with directions to this Commission to undertake the true-up of previous years, subject to the final disposal of Civil Appeal No. 4881 of 2010 pending before it. The relevant extract of the Hon'ble Supreme Court's Judgement dated 26.10.2016 is extracted hereunder-

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*“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”.*

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19. Pursuant to the above directions of the apex court, the Commission initiated the process of final True-up of the period FY 2006-07 to FY 2013-14 and issued the Order dated 19.04.2017 (based on petitioner’s petition dated 28.02.2014).
20. The petitioner in its true-up petition dated 28.02.2014 contained not only revised amounts under various heads which were allowed in provisional tariff Order dated 22.11.2012 but also included claims under various new heads in it, including pension for distribution business, other costs (such as tariff filing & publication fee), Water and Pollution Cess etc. which were not considered by Hon’ble CERC in determination of the generation and Transmission tariff for the period under consideration.
21. The Commission in its Order dated 19.04.2017, w.r.t. NTI and submission made by petitioner observed as follows-

*5.52 The Petitioner, in its reply, submitted that apart from DPS, there is no other NTI attributable to the distribution business. The reply of the Petitioner is stated below:*

*“...DVC is a vertically integrated organization and has got generation, transmission and distribution activity in the entire Damodar Valley Area spread over in the state of Jharkhand and West Bengal. Therefore, DVC maintains its accounts which is integrated and covers all the aforesaid activities and also some other activities as mandated in DVC Act 1948. The accounting procedure followed by DVC is also approved and audited by Comptroller & Auditor General of India It is, however, confirmed that other than Delay Payment Surcharge (DPS), there is no other Non-Tariff Income (NTI) under the*

*distribution business of DVC and year-wise amount of DPS, as NTI has already been furnished to the Hon'ble Commission....”*

*5.53 The Commission has taken note of the fact that entire capital expenditure of the Petitioner is attributable to the generation and transmission business as the Petitioner does not claim any capital expenditure for the distribution business. Accordingly, the non-tariff income, other than the Delayed Payment Surcharge, may be attributable to the generation and transmission business.*

*5.54 However, the Commission also notes that non-tariff income attributable to the generation and transmission business ultimately impacts the end-use consumer as the costs (net of any revenue) for generation and transmission business become the input costs for distribution business which drive the retail tariffs applicable for the end-consumer. **Hence, the Commission directs the Petitioner to submit, within one month of notification of this Order, whether such non-tariff income has been accounted for in costs for the generation and transmission business of the Petitioner. Based on the justification provided by the Petitioner, the Commission may take an appropriate view on the same and pass suitable Orders to the effect.***

*5.55 Accordingly, at the moment, the Commission approves the non-tariff income pertaining to delayed payment surcharge as Rs.7.65 Cr, Rs.12.22 Cr, Rs.24.26 Cr, Rs.1.89 Cr & Rs.7.63 Cr, respectively for the aforementioned years based on actuals.*

22. Furthermore, Commission vide its Order dated 19.04.2017 had also computed the surplus for the period FY 2006-07 to FY 2014-15 for DVC command area of Jharkhand as Rs. (1,428.01) Crore. Aggrieved by the same, both petitioner and DVC HT Consumers Association filed Appeal No.163 of 2017 and Appeal No.198 of 2017, respectively, against the order dated 19.04.2017, which is at present pending before the Hon'ble APTEL.
23. Furthermore, the petitioner in response to the directives issued vide Commission's Order dated 19.04.2017, reiterated its status as a vertically integrated organization through its Letter No.

Comml/Tariff/JSERC/516 dated 17.05.2017, relevant portion extracted hereunder-

*“...DVC is a vertically integrated organization and has got generation, transmission and distribution activity in the entire Damodar Valley Area spread over in the state of Jharkhand and West Bengal. Therefore, DVC maintains its accounts which is integrated and covers all the aforesaid activities and also some other activities as mandated in DVC Act 1948. The accounting procedure followed by DVC is also approved and audited by Comptroller & Auditor General of India.*

*It is, however, confirmed that other than Delay Payment Surcharge (DPS), there is no other Non-Tariff Income (NTI) under the distribution business of DVC and year-wise amount of DPS, as NTI has already been furnished to the Hon'ble Commission...”*

*So far as electricity business of DVC is concerned it is to submit that the capital expenditure is made in respect of its generation and deemed unified inter-state transmission network only. As such DVC does not incur any capital expenditure for its distribution activity. Accordingly, non- tariff income for the distribution activity of DVC is only the delay payment surcharge. In the previous tariff orders of DVC dtd. 22.12.2012 & 04.09.2014 this Commission accepted the submission of DVC in this regard and considered only the delay payment surcharge (DPS) as non-tariff income after prudence check. In the instant tariff order dtd. 19.04.2017 also this Hon'ble Commission considered delay payment surcharge as non-tariff income as per the audited book of accounts of DVC.*

*DVC submits that since it is a vertically integrated organization, unified accounting for generation, transmission and distribution activity is maintained. DVC further submits that tariff regulation of the Hon'ble Central Commission for determination of generation and transmission tariff is based on some specific elements of fixed charges and energy charge. The said regulation does not have any provision to account for the non-tariff income. The only provision for late payment surcharge is available as per the tariff regulation of the Central Commission according to which late payment surcharge is levied as and when applicable. The entire*



*DPS as non-tariff income considered by this Hon'ble Commission in the distribution tariff of DVC is inclusive of that late payment surcharge for its generation activity as well.*

*DVC therefore submits before this Hon'ble Commission to kindly consider the delay payment surcharge (DPS) as non-tariff income so far as the distribution activity of DVC is concerned.”*

24. The Consumer Association had filed Case No. 07 of 2017 before this Commission praying for passing the benefit of Revenue surplus arising out of truing up for FY 2006-07 to FY 2014-15 of petitioner to its consumers. The relief sought was on the grounds that the Commission's order dated 19.04.2017 conducted a truing up for the FY 2006-07 to 2013-14, which resulted in a cumulative surplus of Rs.1428.01 Crores up to 31.03.2015. However, the Commission has not provided any mechanism for the recovery of this surplus.
25. The Commission rejected the afore-mentioned prayer vide its Order dated 19.01.2018 in Case No. 07 of 2017, considering the fact that the Appeals filed by petitioner and DVC HT consumers Association against the tariff Order dated 19.04.2017 are in pendency before the Hon'ble APTEL, therefore, the relief of refund of surplus as prayed by the Consumer Association cannot be allowed, relevant portion extracted hereunder-
- "18. 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.”*
26. In light of the afore-mentioned, it cannot be said that the true up order dated 19.04.2017 has attained finality since the same was pending adjudication before Hon'ble APTEL (APL No. 198/2017 and 163/2017) as well as contained directives for clarification on certain items of ARR such as non-tariff income (*ref.Para 5.50 to 5.55 of Order dated 19.04.2017*) etc. Also, the said order was also subject to final outcome of Civil Appeal No. 4881 of 2010. Moreover, at the time of passing of the

order dated 19.04.2017, some of the final tariff Orders for petitioner's generating stations for period under consideration were not issued by Hon'ble CERC. Accordingly, the Commission had approved the tariff for petitioner's own generating stations based on the provisional tariff approved by Hon'ble CERC for the generating and composite inter-state transmission system of petitioner.

27. Thereafter, as Hon'ble CERC had issued final tariff orders for the period under consideration, therefore the Commission vide its Order dated 18.05.2018 (*for true-up of FY 2015-16 and MYT for FY 2016-21*) revised the ARR based on the true-up fixed cost for FY 2006-07 to FY 2013-14, as approved by Hon'ble CERC for various stations.
28. The Hon'ble Supreme Court vide its Judgment dated 03.12.2018 dismissed the Civil Appeal No. 4881 of 2010 filed by petitioner.
29. The Commission vide its Order dated 28.05.2019 had undertaken the true-up for FY 2016-17, APR for FY 2017-18 & FY 2018-19 and ARR & Tariff for FY 2019-20. The submissions of petitioner & the Objectors in regard to the Non-Tariff Income was also duly considered. Therein, it was observed that the Revenue surplus attributable to FY 2006-15 period shall increase as carrying cost on the Revenue surplus amount was not passed onto the consumers. It would have been very difficult to refund/adjust the previous year's surplus if it was not gradually reduced. Hence, petitioner was directed **to propose a roadmap for adjustment** of the afore-mentioned surplus, clearly stating the period and manner of treatment of the said surplus within two months from the date of issuance of the said Order. (*ref. Pg. no. 113 of order dated 28.05.2019*)
30. Consequently, the petitioner vide its Letter No. Com1/Tariff/JSERC-Compliance/3057 dated 31.07.2019, submitted the Road Map for the treatment of Revenue Surplus till from FY 2006-07 to FY 2014-15 as per the directive of the Commission, wherein *inter-alia* proposed the following:
  - a) *"The Commission may take a final decision towards settlement of the Revenue Surplus for the period FY 2006-07 to FY 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 FY2006-07 to FY2011-12 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 dated. May 10, 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 further settlement with JBVNL after determination of category wise tariff for the past period FY 2006-07 to FY 2011-12 as proposed by the Petitioner.*
- d) *Submission of trueing up of tariff so determined by the Commission for FY2006- 07 to FY2011-12 after final settlement with the individual consumer's/ licensees. If there remain 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 FY 2006-07 to FY 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."*

31. The Commission vide its Order dated 30.09.2020 (*in the matter of true-up for FY 2018-19, APR for FY 2019-20 and ARR for FY 2020-2021*) while dealing with matter of Roadmap of Treatment of Revenue Surplus for FY 2006-07 to FY 2014-15, as submitted by petitioner, observed as under:

8.2 *The Commission doesn't find any merit in Petitioner's proposal Appeal No. 163 of 2017 and 281 of 2018 as no stay has been granted in the matter. Further, during the Public Hearing various stakeholders suggested for liquidation of past surplus without any further delay. The Commission agrees with the views of the Stakeholders and therefore without any further delay the matter needs to be decided.*

8.3 *The Commission has however observed that the Petitioner has proposed passing on the Surplus approved from FY 2006-07 to FY 2011-12 on one-to-one basis to its consumers based on the tariff that the Commission may approve. However, the Petitioner has not submitted any Petition for the same along with the category wise and consumer wise Billing Details for the respective years. In addition, the Commission has observed that the Petitioner has not submitted the proportion of Sales or Revenue attributable to JBVNL that has to be withheld as it is no longer a consumer of DVC. As interest of various stakeholders are to be taken care of in just and fair manner therefore a separate proceeding needs to be initiated so that views of all the stakeholders are taken before deciding the matter. Hence, the Commission directs the Petitioner to submit the detailed proposal as a separate Petition along with the requisite details such as the consumer wise and category Wise Billing Details for FY 2006-07 to FY 2011-12 for Determination of Category-wise Tariff and the quantum of Sales and Revenue attributable to JBVNL that may be withheld as JBVNL is no longer the consumer of DVC, within 1.5 months of issue of this Order.*

32. Accordingly, the petitioner had filed Case No. 09 of 2020 on 03.12.2020 for determination of ARR and Category-wise Tariff for the period FY 2006-07 to FY 2011-12 in compliance of Order dated 30.09.2020 wherein the petitioner was directed to submit the detailed proposal as a separate Petition along with the requisite details such as the Billing Details for FY 2006-07 to FY 2011-12 for determination of Category-wise Tariff and the quantum of Sales and Revenue attributable to JBVNL that may be withheld.

33. The petitioner in its petition dated 03.12.2020 in Case No. 09 of 2020, relying upon the order dated 19.01.2018 passed in Case No. 07 of 2017 had prayed to admit the ARR as submitted in Case No. 09 of 2020 for fresh computation of Tariff for FY 2006-07 to FY 2011-12, disregarding

the orders dated 19.04.2017 and 18.05.2018 in the overall interest of the consumers/licensees.

34. The Commission on 31.10.2023 passed the Order in Case No. 09 of 2020 for Determination of ARR and Category-wise Tariff for the period FY 2006-07 to FY 2011-12. Therein, the Commission had considered the entire 'Other Income' of petitioner based on its audited accounts as NTI against the distribution business.
35. The petitioner had aggrieved by the Order dated 31.10.2023 in the matter of determination of ARR and category-wise tariff for the period FY 2006-07 to FY 2011-12 challenged it in Appeal No. 845 of 2023 & IA No. 2377 of 2023 before the Hon'ble APTEL. The ground raised by petitioner was limited to the incorrect treatment of non-tariff income i.e., without segregating of such income in generation, transmission, and distribution activity, and without ascertaining whether it was confined solely to its distribution activities, as the entire income considered towards its distribution business.
36. The Hon'ble APTEL vide Order dated 05.02.2024 in Appeal No. 845 of 2023 & IA No. 2377 of 2023, has passed following order:

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*It is observed that in Para 5.19 of the impugned order records that Hon'ble JSERC had already admitted non-tariff income (delayed payment surcharge), vide order dated 18.05.2018; and, in the impugned order, it was admitting the non-tariff income as per the audited accounts, which have not been admitted earlier for FY 2006-07 to FY 2011-12. Table 15, thereunder, gives the break-up of the non-tariff income for FY 2006-07 to FY 2011-12, as approved by the Commission, in Crores. It is evident, from the said table, that the total non-tariff income, as reflected in the audited accounts, has been treated as non-tariff income of DVC's distribution business in West Bengal and Jharkhand.*

*Hon'ble JSERC's jurisdiction to determine the tariff is confined only to the retail supply business within Jharkhand. Consequently, Hon'ble JSERC lacked jurisdiction to include the non-tariff income of the Appellant arising from its generation, transmission and other businesses as its non-tariff income with respect of its distribution business.*

*The tariff of the Appellant, with respect to its generation and transmission business, is determined by the Hon'ble CERC; determination of the tariff for its distribution business in West Bengal falls within the jurisdiction of Hon'ble WBERC, and in Jharkhand within the jurisdiction of Hon'ble JSERC. Even if Hon'ble CERC had not taken the non-tariff income derived from the generation, transmission and other businesses, in determining its tariff, such an error could only have been corrected by the Hon'ble CERC itself; and the mere fact that it may have a bearing on the input cost, while determining the tariff of DVC's distribution business Jharkhand, would not confer jurisdiction on Hon'ble JSERC to reduce such non-tariff income from the annual revenue requirement of the Appellant for its distribution business in Jharkhand.*

*While it does appear that Hon'ble JSERC had addressed two letters calling upon the Appellant to furnish the break-up of its non-tariff income between its generation, transmission, other businesses, and its distribution business, the fact remains that, in the impugned order, Hon'ble JSERC has not faulted the Appellant on this score while treating the entire non-tariff income as non-tariff income relating to its distribution business. If Hon'ble JSERC was constrained, because of lack of information to treat the entire non-tariff income, as reflected in the audited accounts of the Appellant, as the non-tariff income arising from the distribution business of the Appellant, Hon'ble JSERC could well have recorded, in the impugned order, that its conclusions were as a result of the Appellant's failure to provide the information sought for. The impugned order does not record any such conclusions having been arrived at by Hon'ble JSERC for treating the entire non-tariff income of the Appellant, as the non-tariff income relating to their distribution business.*

*It appears, from Table 17 of the impugned order, that Hon'ble JSERC has divided the admissible non-tariff income, as reflected in the books of accounts, between the distribution business relating to the State of Jharkhand and the State of West Bengal, and has taken a percentage of 62.77% for FY 2006-07 (varies in 2007-08 to 2011-12) of the total non-tariff income as the non-tariff income of the distribution business of DVC in Jharkhand.*

*However, the non-tariff income, as per the audited accounts, has been divided with respect to its distribution business in West Bengal and Jharkhand, and has not been segregated between generation, transmission, distribution and other businesses.*

*Hon'ble APTEL decides to set aside the impugned order and remand the matter back to Hon'ble JSERC to ascertain the break-up of the non-tariff income of the Appellant, as reflected in the audited accounts for FY 2006-07 to FY 2011-12, between its generation, transmission, distribution and other businesses; and treat only the non-tariff income, relating to distribution business in Jharkhand, as its non- tariff income, and pass a fresh order, preferably within three months from the date of receipt of a copy of this order.*

*DVC has submitted that it would furnish the required information/documents, in the manner sought for by the Commission within two weeks of receipt of intimation.*

37. The Commission in light of the Order of Hon'ble APTEL, passed the remand Order dated 23.07.2024. The petitioner aggrieved by the remand Order dated 23.07.2024 in the matter of determination of ARR and category-wise tariff for the period FY 2006-07 to FY 2011-12 challenged it in Appeal No. 332 of 2024 & IA No. 1282 of 2024 before the Hon'ble APTEL. The ground raised by petitioner was limited to the incorrect treatment of non-tariff income i.e., without segregating of such income in generation, transmission, and distribution activity, and without ascertaining whether it was confined solely to its distribution activities, as the entire income considered towards its distribution business.

38. The Hon'ble APTEL vide its Order dated 15.10.2024 in IA No. 1282 of 2024, has passed following order:

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*45. Based on the above deliberations, the impugned order is stayed to the extent that it considers entire balance NTI, other than DPS, as NTI for distribution business and JSERC is directed, as observed in the impugned order, to calculate category wise tariff for the period under consideration, taking into account only delayed payment Surcharge (DPS) as non-tariff Income for Distribution Business, after apportioning it to Jharkhand area of sales vs total sales of DVC.*

Needless to state that the above directions are subject to the result of main appeal.

46. With the above directions, the IA is disposed of. After pleadings are complete, Registry to verify the same and then include the appeal in the 'List of finals' to be taken up from there, in its turn

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### **ORDER**

39. Based on the direction of Hon'ble APTEL this Commission has re-computed the ARR and category-wise tariff for the period FY 2006-07 to FY 2011-12 subject to final outcome of Appeal No 332 of 2024 as tabulated hereunder.

#### **SUMMARY OF ARR COMPONENTS (RS. CRORE) AS APPROVED BY THE COMMISSION.**

Particulars	UoM	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Own Generation Cost	Rs. Cr.	2,523.16	2,466.62	2,601.92	3,786.35	4,189.29	5,332.87
Power purchase cost	Rs. Cr.	35.42	84.92	82.10	753.11	600.04	555.00
T&D Cost	Rs. Cr.	164.32	173.19	173.73	Included in own generation cost		
Pension as allowed by CERC	Rs. Cr.	628.19	628.19	628.19			
Sinking fund contribution as allowed by CERC	Rs. Cr.	40.43	30.72	27.55			
Pension for distribution activity	Rs. Cr.	1.23	1.23	1.23			
Others Costs (incl. Of Tariff filing & Pub. Exp.)	Rs. Cr.	0.25	0.25	0.33	1.12	1.17	1.38
Income Tax	Rs. Cr.	33.76	20.43	21.19	-	-	-
Water and Pollution Cess	Rs. Cr.	2.76	2.27	1.84	2.79	2.75	2.06
Rebate on Sale of Power	Rs. Cr.	-	-	-	-	-	-
Interest on Temp Financial accommodation	Rs. Cr.	-	-	-	-	-	-
Legal Expenses	Rs. Cr.	-	-	-	-	-	-
<b>Total Cost</b>	<b>Rs. Cr.</b>	<b>3,429.52</b>	<b>3,407.82</b>	<b>3,538.07</b>	<b>4,543.86</b>	<b>4,793.74</b>	<b>5,891.80</b>
Less: Non-Tariff income	Rs. Cr.	7.65	12.22	24.26	1.89	7.63	28.54
Less: Admissible Non-Tariff income	Rs. Cr.	-	-	-	-	-	-
<b>Net Cost</b>	<b>Rs. Cr.</b>	<b>3,421.87</b>	<b>3,395.60</b>	<b>3,513.81</b>	<b>4,541.97</b>	<b>4,786.11</b>	<b>5,863.26</b>
Ratio of sales in Jharkhand area to total DVC area	Rs. Cr.	62.77%	59.71%	60.00%	58.35%	59.47%	58.86%
Allocation of cost to Jharkhand area in ratio of energy sales in Jharkhand area	Rs. Cr.	2,147.78	2,027.61	2,108.34	2,650.05	2,846.13	3,451.35
Add: Tariff filing & Publication Expense JSERC	Rs. Cr.	0.24	0.23	0.27	0.63	0.66	0.34
Add: Interest on working capital	Rs. Cr.	2.15	2.76	3.35	3.67	3.38	4.44



Particulars	UoM	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Add: Interest on security deposit	Rs. Cr.	-	-	-	-	-	1.02
<b>Total ARR for Jharkhand area</b>	<b>Rs. Cr.</b>	<b>2,150.17</b>	<b>2,030.60</b>	<b>2,111.96</b>	<b>2,654.35</b>	<b>2,850.17</b>	<b>3,457.15</b>
<b>Energy sold to consumers in Jharkhand</b>	<b>MU</b>	<b>6,761.61</b>	<b>7,394.85</b>	<b>7,740.31</b>	<b>8,094.00</b>	<b>8,549.41</b>	<b>8,899.12</b>
<b>Energy Sold to HV &amp; EHV Consumers &amp; licensees excluding JBVNL</b>	<b>MU</b>	<b>4,032.52</b>	<b>4,379.53</b>	<b>4,659.63</b>	<b>4,908.43</b>	<b>5,244.73</b>	<b>5,438.63</b>
<b>ARR recoverable from HV &amp; EHV Consumers &amp; licensees excluding JBVNL</b>	<b>Rs. Cr.</b>	<b>1,282.32</b>	<b>1,202.60</b>	<b>1,271.39</b>	<b>1,609.67</b>	<b>1,748.47</b>	<b>2,112.81</b>
<b>Average cost of supply for HV &amp; EHV consumers &amp; licensees excluding JBVNL</b>	<b>Rs./kWh</b>	<b>3.18</b>	<b>2.75</b>	<b>2.73</b>	<b>3.28</b>	<b>3.33</b>	<b>3.88</b>

### Category-wise Retail Supply Tariff for FY 2006-07 to FY 2011-12

#### CATEGORY-WISE TARIFF FOR FY 2006-07 AS APPROVED BY THE COMMISSION

Particulars	Existing Tariff (FY 2006-07)		Proposed Tariff (FY 2006-07)		Approved Tariff (FY 2006-07)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	2.37	365.00	2.78	365.00	2.30	365.00
<b>Industries (132kV)</b>	2.27	365.00	2.78	365.00	2.30	365.00
<b>Traction (132kV)</b>	2.43	365.00	2.78	365.00	2.30	365.00

#### CATEGORY-WISE TARIFF FOR FY 2007-08 AS APPROVED BY THE COMMISSION

Particulars	Existing Tariff (FY 2007-08)		Proposed Tariff (FY 2007-08)		Approved Tariff (FY 2007-08)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	2.41	365.00	2.09	365.00	1.87	365.00
<b>Industries (132kV)</b>	2.34	365.00	2.09	365.00	1.87	365.00
<b>Traction (132kV)</b>	2.45	365.00	2.09	365.00	1.87	365.00

#### CATEGORY-WISE TARIFF FOR FY 2008-09 AS APPROVED BY THE COMMISSION

Particulars	Existing Tariff (FY 2008-09)		Proposed Tariff (FY 2008-09)		Approved Tariff (FY 2008-09)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	2.43	365.00	2.01	365.00	1.86	365.00
<b>Industries (132kV)</b>	2.35	365.00	2.01	365.00	1.86	365.00
<b>Traction (132kV)</b>	2.45	365.00	2.01	365.00	1.86	365.00

**CATEGORY-WISE TARIFF FOR FY 2009-10 AS APPROVED BY THE COMMISSION**

Particulars	Existing Tariff (FY 2009-10)		Proposed Tariff (FY 2009-10)		Approved Tariff (FY 2009-10)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	2.98	365.00	2.66	365.00	2.43	365.00
<b>Industries (132kV)</b>	2.90	365.00	2.66	365.00	2.43	365.00
<b>Traction (132kV)</b>	2.96	365.00	2.66	365.00	2.43	365.00

**CATEGORY-WISE TARIFF FOR FY 2010-11 AS APPROVED BY THE COMMISSION**

Particulars	Existing Tariff (FY 2010-11)		Proposed Tariff (FY 2010-11)		Approved Tariff (FY 2010-11)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs./kWh)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	1.96	1.05	3.03	365.00	2.58	365.00
<b>Industries (132kV)</b>	1.95	1.05	3.03	365.00	2.58	365.00
<b>Traction (132kV)</b>	1.96	1.11	3.03	365.00	2.58	365.00

**CATEGORY-WISE TARIFF FOR FY 2011-12 AS APPROVED BY THE COMMISSION**

Particulars	Existing Tariff (FY 2011-12)		Proposed Tariff (FY 2011-12)		Approved Tariff (FY 2011-12)	
	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges	Energy Charges	Fixed/Demand Charges
	(Rs./kWh)	(Rs./kWh)	(Rs./kWh)	(Rs/kVA/Month)	(Rs./kWh)	(Rs/kVA/Month)
<b>Industries (33kV)</b>	2.11	1.57	3.16	365.00	3.03	365.00
<b>Industries (132kV)</b>	2.12	1.57	3.16	365.00	3.03	365.00
<b>Traction (132kV)</b>	2.10	1.61	3.16	365.00	3.03	365.00
<b>Industries (220kV)</b>	2.22	1.71	3.16	365.00	3.03	365.00

**TABLE 1: EXPECTED REVENUE FROM TARIFF FOR FY 2006-07 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
<b>Industries (33KV)</b>	66	2,345.90	471.71	2.30	365.00	186.94	538.43	1.12	724.24	3.09
<b>Industries (132KV)</b>	4	1,317.75	285.25	2.30	365.00	112.81	302.45	0.92	414.34	3.14
<b>Traction (132KV)</b>	9	368.87	146.00	2.30	365.00	59.23	84.66	0.15	143.74	3.90
<b>Total</b>	<b>79</b>	<b>4,032.52</b>	<b>902.96</b>	-	-	<b>358.98</b>	<b>925.53</b>	<b>2.19</b>	<b>1,282.32</b>	<b>3.18</b>

**TABLE 2: EXPECTED REVENUE FROM TARIFF FOR FY 2007-08 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
<b>Industries (33KV)</b>	75	2,658.76	482.24	1.87	365.00	207.33	497.94	1.80	703.47	2.65
<b>Industries (132KV)</b>	5	1,339.44	290.25	1.87	365.00	115.12	250.85	1.18	364.80	2.72

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
Traction (132KV)	9	381.33	146.50	1.87	365.00	63.13	71.42	0.21	134.33	3.52
<b>Total</b>	<b>89</b>	<b>4,379.53</b>	<b>918.99</b>	-	-	<b>385.58</b>	<b>820.21</b>	<b>3.19</b>	<b>1,202.60</b>	<b>2.75</b>

**TABLE 3: EXPECTED REVENUE FROM TARIFF FOR FY 2008-09 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
Industries (33KV)	83	2,734.15	504.07	1.86	365.00	214.88	508.79	1.89	721.78	2.64
Industries (132KV)	5	1,519.27	347.75	1.86	365.00	125.50	282.72	1.26	406.95	2.68
Traction (132KV)	9	406.21	152.00	1.86	365.00	67.31	75.59	0.25	142.66	3.51
<b>Total</b>	<b>97</b>	<b>4,659.63</b>	<b>1,003.82</b>	-	-	<b>407.70</b>	<b>867.10</b>	<b>3.40</b>	<b>1,271.39</b>	<b>2.73</b>

**TABLE 4: EXPECTED REVENUE FROM TARIFF FOR FY 2009-10 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
Industries (33KV)	88	2,914.42	517.98	2.43	365.00	232.35	707.08	1.44	937.99	3.22
Industries (132KV)	5	1,560.95	360.25	2.43	365.00	122.82	378.71	1.01	500.52	3.21
Traction (132KV)	9	433.06	152.00	2.43	365.00	66.32	105.07	0.22	171.16	3.95
<b>Total</b>	<b>102</b>	<b>4,908.43</b>	<b>1,030.23</b>	-	-	<b>421.49</b>	<b>1,190.86</b>	<b>2.67</b>	<b>1,609.67</b>	<b>3.28</b>

**TABLE 5: EXPECTED REVENUE FROM TARIFF FOR FY 2010-11 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
Industries (33KV)	96	2,885.69	554.16	2.58	365.00	218.78	743.83	10.82	951.79	3.30
Industries (132KV)	5	1,900.08	365.25	2.58	365.00	138.55	489.77	6.79	621.54	3.27
Traction (132KV)	9	458.96	153.00	2.58	365.00	58.73	118.30	1.89	175.14	3.82
<b>Total</b>	<b>110</b>	<b>5,244.73</b>	<b>1,072.41</b>	-	-	<b>416.05</b>	<b>1,351.91</b>	<b>19.50</b>	<b>1,748.47</b>	<b>3.33</b>

**TABLE 6: EXPECTED REVENUE FROM TARIFF FOR FY 2011-12 AS APPROVED BY THE COMMISSION**

Particulars	No. of consumers	Consumption (MU)	Connected Load (MVA)	Energy Charge (Rs./kWh)	Fixed Charges (Rs/kVA/Month)	Demand Charges (Rs. Cr.)	Variable Charges (Rs. Cr.)	Rebates (Rs. Cr.)	Total Billed Amt (Rs. Cr.)	ABR (Rs./kWh)
Industries (33KV)	95	2,993.20	568.41	3.03	365.00	282.24	905.89	12.16	1,175.97	3.93
Industries (132KV)	6	1,955.53	390.09	3.03	365.00	141.74	591.84	7.29	726.29	3.71
Tractio n (132KV)	9	476.50	153.16	3.03	365.00	62.57	144.21	1.97	204.82	4.30
Industries (220KV)	1	13.40	11.00	3.03	365.00	1.74	4.06	0.06	5.73	4.28
<b>Total</b>	<b>111</b>	<b>5,438.63</b>	<b>1,122.66</b>	<b>-</b>	<b>-</b>	<b>488.29</b>	<b>1,645.99</b>	<b>21.47</b>	<b>2,112.81</b>	<b>3.88</b>

40. The Commission has computed the Expected Revenue from Sale of Power in Jharkhand area at the approved Tariff in this Order. In accordance with the above, the Commission has approved the cumulative Revenue gap/(surplus) from FY 2006-07 to FY 2011-12 as summarized below.

**GAP/(SURPLUS) FROM EXPECTED REVENUE FROM SALE OF POWER AS APPROVED BY THE COMMISSION**

Particulars	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Revenue Realized	1,265.95	1,439.88	1,899.45	2,036.52	1,956.25	2,035.44
Expected Revenue from Sale of Power at approved Tariff	1,282.32	1,202.60	1,271.39	1,609.67	1,748.47	2,112.81
<b>Revenue Gap/(Surplus) during the Financial year</b>	<b>16.37</b>	<b>(237.28)</b>	<b>(628.06)</b>	<b>(426.84)</b>	<b>(207.78)</b>	<b>77.37</b>

**TARIFF SCHEDULE**

**Applicable from 01.04.2006**

**Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the

Licensee and shall not be recoverable in the ARR.

### **High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	2.30

### **High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	2.30

### **Traction Services at 132 kV**

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	2.30

### **Applicable from 01.04.2007**

#### **Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the Licensee and shall not be recoverable in the ARR.

### **High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	1.87

**High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	1.87

**Traction Services at 132 kV**

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	1.87

**Applicable from 01.04.2008****Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the Licensee and shall not be recoverable in the ARR.

**High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	1.86

**High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	1.86

**Traction Services at 132 kV**

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	1.86

**Applicable from 01.04.2009**

**Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the Licensee and shall not be recoverable in the ARR.

**High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	2.43

**High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	2.43

**Traction Services at 132 kV**

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	2.43

**Applicable from 01.04.2010**

**Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the

Licensee and shall not be recoverable in the ARR.

### **High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	2.58

### **High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	2.58

### **Traction Services at 132 kV**

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	2.58

### **Applicable from 01.04.2011**

#### **Ceiling Tariff**

The Tariffs approved below are Ceiling Tariffs and the Licensee is at liberty to Supply at lower and more competitive rates based on the requirement of the Consumers. However, this reduced recovery shall be attributable to the Licensee and shall not be recoverable in the ARR.

### **High Tension (HT) Industries at 33 kV**

**Applicability:** Applicable for consumers connected at 33 kV.

**Service Character:** 50 Cycles, 3 Phase at 33 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (33kV)	Rs./kVA/month	365.00	3.03

### **High Tension (HT) Industries at 132 kV**

**Applicability:** Applicable for consumers connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**



Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (132kV)	Rs./kVA/month	365.00	3.03

### High Tension (HT) Industries at 220 kV

**Applicability:** Applicable for consumers connected at 220 kV.

**Service Character:** 50 Cycles, 3 Phase at 220 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
HTS (220kV)	Rs./kVA/month	365.00	2.03

### Traction Services at 132 kV

**Applicability:** Applicable for use of railway traction connected at 132 kV.

**Service Character:** 50 Cycles, 3 Phase at 132 kV

**Tariff:**

Category	Fixed Charges		Energy Charges
	Unit	Rate	(Rs./kWh)
Traction	Rs./kVA/month	365.00	2.03

### Directive

41. The Commission in accordance with the Hon'ble APTEL judgement dated 10.05.2010, which has been upheld by the Hon'ble Supreme Court vide its Order dated 03.12.2018 hereby directs petitioner-DVC to:

- a) Report the consumer-wise principal amount to be refunded or to be recovered post implementation of the instant Tariff Order along with the Auditor's certificate providing the amount to be refunded within 30 days.
- b) Revise the electricity bills raised by DVC 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 annum in line with section 62 (6) of the Electricity Act, 2003. Alternatively DVC may adjust the excess amount recovered, along with the interest at rate of 6% per annum, in 24 equal monthly prospective installments of the consumers/ licensees.
- c) Submit the monthly compliance report providing the status of refund or recovery as the case may be.

Sd/-

**ATUL KUMAR**  
MEMBER (TECHNICAL)

Sd/-

**MAHENDRA PRASAD**  
MEMBER (LAW)