

**SOUTH INDIAN CEMENT MANUFACTURERS' ASSOCIATION
(SICMA)**

Statement of Objections

on

**Petitions (O.P. No. 75 & 76 of 2022) for determination of
Additional Surcharge to be levied on Open Access
consumers as per provisions of the Electricity Act, 2003
and National Tariff Policy, 2016 for the H1 of the Financial
Year 2023-24**

filed by

**Southern Power Distribution Company of Telangana Ltd
(TSSPDCL)**

&

**Northern Power Distribution Company of Telangana Ltd
(TSNPDCL)**

January, 2023

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SUBMISSION TO THE STATEMENT OF OBJECTIONS BY THE OBJECTOR

1 STATEMENT OF OBJECTIONS

The distribution licensees namely Southern Power Distribution Company of Telangana Limited and Northern Power Distribution Company of Telangana Limited (hereinafter referred to as the 'DISCOMS' or 'TS DISCOMS' or 'Petitioners' or 'Distribution Companies' or 'Licensees') have filed the Petition for determination of Additional Surcharge to be levied on Open Access consumers as per provisions of the Electricity Act, 2003 (hereinafter referred to as the 'Act') and National Tariff Policy, 2016 (hereinafter referred to as the 'Tariff Policy, 2016') for the First Half (H1) of the Financial Year 2023-24.

The Statement of Objections is herein being filed on behalf of the SOUTH INDIAN CEMENT MANUFACTURERS' ASSOCIATION (SICMA)', an Association registered under the Telangana Societies Registration Act 2001 at Hyderabad, its members being major Cement Manufacturers across South India (hereinafter called the 'Objector'). The main function of SICMA is to promote and protect the interests of its members in relation to the commerce & industries of India and in particular, the commerce & industries connected with cement. The members of the association are availing power supply from the licensees across the State of Andhra Pradesh, predominantly at 132/220 KV voltage and few of them avail supply at 33 KV voltage. They are also procuring power through Open Access.

SICMA has been working pro-actively to facilitate issues related to open access for its members and in facilitating a competitive power market in the country. The electricity cost accounts for about 25-30% of the overall cost of industries and therefore has a significant bearing on the financial viability of these industries. In the past, owing to severe power crises in the erstwhile Andhra Pradesh, the industrial consumers were compelled by force and not by choice to look out for other options of competitive power purchase and the current framework of power purchase through open access route has been helpful in this regard. Another set of industrial consumers had also taken a decision to install captive units and procure power from such units through open access provided under the existing framework of the Act. All such consumers are open access consumers as defined under Section 2(15) of the Act, operating in the area of supply of TS DISCOMS. It is pertinent to mention here that all consumers availing open access

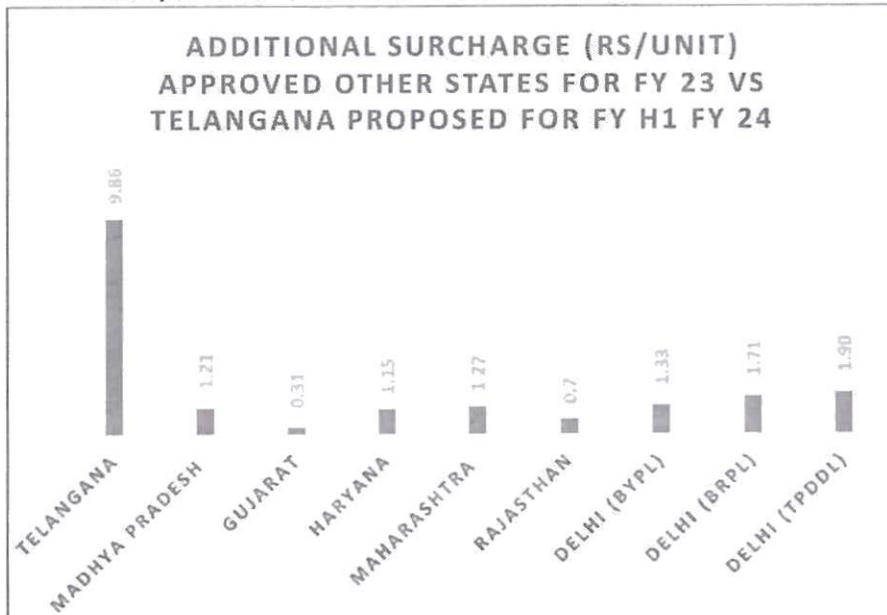
through a captive generating plant are exempted from any surcharge in terms Clause 39(2)(d)(ii) of the Act.

The Objector strongly objects to the claim of Additional Surcharge from the Open Access consumers during H1 of FY 2023-24 (herein after referred to as the 'Petitions') and prays that the same may be rejected in limine, in the interest of justice and equity.

The Submission to the Statement of Objections on the Additional Surcharge Petitions of the TS DISCOMS, namely, TSSPDCL and TSNPDCL for H1 of FY 2023-24 are narrated below:

1.1 ADDITIONAL SURCHARGE PROPOSED FOR H1 OF FY 2023-24 IS HIGHLY UNCOMPETITIVE

- a) It is humbly submitted that the proposed Additional Surcharge Rate of Rs. 9.86/unit in the instant petitions is highly uncompetitive as compared to other states. A brief comparison with other states is shown below:



***The relevant orders of the other States are attached as Annexure-A**

- b) Furthermore, it is apparent from the past submissions that the Telangana Discoms are claiming arbitrary inflated number pertaining to Additional Surcharge. Despite of the fact that Hon'ble TSERC with its wisdom, is consistently approving a lower value pertaining to Additional Surcharge. Notably, the Additional Surcharge claimed by the Petitioners in the instant petition is 7 times of the approved value for H2 of FY23.

Particulars (In Rs/kWh)	As per ASC Order H2 2021-22 dated 24.12.2021	As per ASC Order H1 2022-23 dated 22.03.2022	As per ASC Order H2 2022-23 dated 27.09.2022	As per ASC Petition H1 2023-24
Claimed by the Petitioner	2.34	4.06	6.81	9.86
Determined Additional Surcharge by the Commission	2.38	3.48	1.38	-
Approved Additional Surcharge by the Commission	0.95	1.15	1.38	-

* ASC = Additional Surcharge

- c) Further, the National Tariff Policy (NTP) notified by Ministry of Power on 28th January 2016 stipulates the following:

"Clause 8.5.4: The additional surcharge for obligation to supply as per section 42(4) of the Act should become applicable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets would be recovered through wheeling charges".

- d) Despite clear provision allowing levy of Additional Surcharge only when existing power purchase commitments has been and continues to be stranded due to Open Access, there is an inverse trend of increasing Additional Surcharge with decreasing Open Access sales. The same trend is represented in tabular form below:

Particulars	Units	ASC Order	ASC Order	ASC Order	ASC
		H2	H1	H2	Petition
		2021-22	2022-23	2022-23	H1
OA Sales	MU	844.11	645.9	370.34	213.29
Claimed by the Petitioner	(Rs./unit)	2.34	4.06	6.81	9.86
Determined Additional Surcharge by the Commission	(Rs./unit)	2.38	3.48	1.38	-
Approved Additional Surcharge by the Commission	(Rs./unit)	0.95	1.15	1.38	-

- e) This inverse increasing trend of increasing Additional Surcharge with decreasing Open Access sale is divergent to the essence of National Tariff policy and is anti-competitive. The relevant extract in support from Tariff Policy has been reproduced below:

8.5 Cross-subsidy surcharge and additional surcharge for open access

8.5.1 National Electricity Policy lays down that the amount of cross-subsidy surcharge and the additional surcharge to be levied from consumers who are permitted open access should not be so onerous that it eliminates competition which is intended to be fostered in generation and supply of power directly to the consumers through open access.

- f) Additionally, it is submitted that the Hon'ble Commission, in its Order dated 24.12.2021, in O.P.s No. 48, 49, 50 and 51 of 2021 & I.A.s No. 21, 22, 23 and 24 of 2021 pertaining to Additional Surcharge for H1 and H2 of FY 2021-22 for Telangana Discoms had recognized the importance of promoting competition as enshrined in the Electricity Act, and had duly limited the final approved Additional

Surcharge, in the interest of all the stakeholders. The relevant extract of the Order is reproduced below:

"4.2.9 As per the above computations, the AS for H2 of FY 2021-22 works out to Rs.2.38 / kWh. The preamble of the Electricity Act, 2003 emphasises, amongst others, taking measures conducive to development of electricity industry, promoting competition therein, protection of interest of consumers and rationalisation of electricity tariffs, as the objectives. The Commission has to do a balancing act in fulfilment of the mandate of the Electricity Act, 2003. The DISCOMs are entitled to the AS computed as above but at the same time such AS, being significantly higher than the present levels of AS, could hinder the very competition that the Electricity Act, 2003 advocates. Therefore, in the interest of all the stakeholders, the Commission decides to allow AS of Rs.0.96/kWh (~40% of Rs.2.38 / kWh)."

(Emphasis supplied)

- g) A similar approach is followed in Order dated 22.03.2022 passed by Hon'ble Commission with regards to O.P. No 61 & 62 for H1 of 2022-23. The relevant extract is reproduced below:

4.1.10 As per the above computations, the Additional Surcharge for H1 of FY 2022-23 works out to Rs.3.48/kWh. The preamble of the Electricity Act, 2003 emphasises, amongst others, "for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and rationalisation of electricity tariffs". The Commission has to do a balancing act in fulfilment of the mandate of the Electricity Act, 2003. TS Discoms are entitled to the Additional Surcharge computed as above but at the same time such Additional Surcharge, being significantly higher than the present level of Additional Surcharge, could hinder the promotion of competition that the Electricity Act, 2003 advocates. Therefore, in the interest of all the stakeholders, the Commission decides to allow Additional Surcharge of Rs.1.15/kWh (i.e., ~ 33% of Rs.3.48/kWh).

(Emphasis supplied)

- h) Hence, the Objector humbly prays that the Hon'ble Commission may allow only a competitive Additional Surcharge after a through prudence check.

1.2 DISTRIBUTION COST

- a) It is apparent from the instant submissions that the Petitioners have submitted the Distribution Cost per unit at the rate of Rs. 1.17/unit assuming the Distribution ARR for LT as well as HT Consumers.
- b) The Objector is consistently raising this issue before Hon'ble TSERC by its past submissions. The Hon'ble TSERC with its wisdom has acknowledged the same in its latest order dated 27.09.2022 pertaining to H2 of FY 2022-23.

Objector's Past Submission in this regard:

But it is humbly submitted that this is an incorrect approach and rather the distribution cost be attributed to only HT consumer. As per the applicable APERC Terms and Conditions of Open Access to Intra-State Transmission and Distribution Network Regulation No. 2 of 2005 (Clause 8: Phasing of Open Access), the Hon'ble Commission allowed the open access to consumers having contracted capacity of 1 MW or more than 1 MW.

Hence, adhering to the regulation, it can clearly be derived that the mentioned distribution cost is for open access consumer connected at voltage level greater than 11 KV. Accordingly, the loading of distribution cost pertaining to LT network on HT consumers is not ethical

Even the Hon'ble Commission in its past order regarding H1 of 2022-23 has approved the Additional Surcharge to be levied on Open Access Consumers by allowing the composite claim of Distribution Charges (Including HT as well as LT consumers) without any providing any rationale for the same. It is depicting a picture that Hon'ble Commission is allowing the Discoms to recover the LT network charges twice. First is from LT consumer in the form of tariff and second is from HT consumer in the form of Additional Surcharge.

However, while analysing the past methodology the Objector finds out that Hon'ble Commission in its two Tariff Orders clearly determined the voltage wise distribution charges to be levied on the Open Access consumers.

- *Tariff Order - RST & Cross Subsidy Surcharge for FY 2022-23 dated 23.03.2022 (Chapter 8, Page no 192) – Attached as **Annexure A***
- *Aggregate Revenue Requirement (ARR) and Wheeling Tariffs for Distribution Business for 4th Control Period (FY 2019-20 to FY 2023-24) dated 29.04.2020 (Chapter 5, Page no 59) – Attached as **Annexure B***
- *Tariff Order - RST & Cross Subsidy Surcharge for FY 2022-23 dated 23.03.2022 (Annexure 14, Page no 283) – same is reproduced below*

It is humbly submitted that the Objector has considered the Distribution Cost per unit at the rate of Rs. 0.23/unit (for 33 kV i.e., HT>11 kV) as approved in the RST order dated 23.03.2022 for FY 2022-23 against the petitioner's claim of Rs. 1.05/unit. The same from the RST order dated 23.03.2022 is reproduced below:

ANNEXURE 14: CALCULATION OF VOLTAGE WISE DISTRIBUTION CHARGES FOR FY 2022-23

Particulars	TSSPDCL		TSNPDCL	
	Charge (Rs./kVA/month)	Rs./kWh	Charge (Rs./kVA/month)	Rs./kWh
11 kV	231.52	0.64	316.54	0.83
33 kV	19.95	0.24	15.62	0.23
132 kV and above	110.51	0.20	116.51	0.20

The same methodology has been followed in the last Hon'ble Commission order dated 22.03.2022 with respect to H1 of FY 2022-23. The relevant extract is reproduced below:

4.1.5 The TS Discoms have claimed the distribution charges of Rs.1.08/kWh by considering the total distribution cost of Rs.7363.41 crore as approved for FY 2021-22 in the Amendment Order dated 01.03.2021 and dividing the same by the power purchase quantum of 68225.31 MU, purported to be for whole year of FY 2021-22. **The Retail Supply Tariffs determined in the Commission's Order dated 27.03.2018 were continued for FY 2021-22 in the absence of separate Orders on determination of ARR for FY 2021-22. Therefore, the distribution cost and the quantum of energy shall have to be considered as per the Order dated 27.03.2018.**

Therefore, the Commission has worked out the distribution charges of Rs.0.87/kWh by considering the total distribution cost of Rs.5019.19 crore and dividing the same by the power purchase quantum of 57631.27 MU, the same as approved in Order dated 27.03.2018.

Hon'ble TSERC acknowledgement of the same in its Additional Surcharge order dated 27.09.2022 corresponding to H2 of FY 2022-23

"Distribution charges

4.1.7. The Commission finds merit in the submission of the stakeholders not to consider LT distribution cost for additional surcharge calculation. Hence the Commission has worked out the distribution charges of Rs.0.18/kWh by considering distribution cost other than LT i.e., 11 KV and 33 kV as detailed below:

Table 20: Approved Distribution Cost

Distribution cost as per fourth MYT Distribution Tariff Order read with its amendment order dt 01.03.2021 by considering ARR less NTI. [voltage-wise apportionment is LT Rs.6167.15 crore, 11 kV Rs.1164.55 crore and 33 kV Rs.78.51 crore]	(a)	Rs.7410.21 cr
Actual scheduled capacity for FY 2021-22 (34,112.65 MU for H1 and 36015.42 MU for H2)	(b)	70128.07 MU
Total Distribution charges as per Tariff Order	(c)=a/b	Rs.1.06/kWh
Distribution charges other than LT (i.e., 11 kV and 33 kV) as per MYT Distribution Tariff Order read with its amendment order	(d)	Rs.1243.05 cr
Percentage of other than LT distribution cost (i.e., for 11 kV and 33 kV) in total distribution cost as per MYT Distribution Tariff Order	(e)=d/a	16.77%
Distribution charges as per Tariff Order considered by Commission for AS calculation	(f)=e*c	Rs 0.18/kWh

- c) Following the same methodology as approved by the Hon'ble TSERC in its latest order dt. 27.09.2022 pertaining to H2 of FY 2022-23, the Objector has worked out the allowable distribution cost corresponding to H1 of FY 2023-24. The relevant computation is shown below:

Allowable Distribution Cost as per Objector's Assessment			
Distribution cost as per fourth MYT Distribution Tariff Order read with its amendment order dt. 01.03.2021 by considering ARR less NTI. (Rs.8317.78 Crores Approved for FY 22-23)	(a)	Rs. Crores	4,158.89
Actual scheduled capacity for Apr-22 to Sept-22	(b)	MUs	35,288.87
Total Distribution charges as per Tariff Order	(c)=a/b	Rs./kWh	1.18
Distribution charges other than LT (i.e., 11 kV and 33 kV) as per MYT Distribution Tariff Order read with its amendment order	(d)	Rs. Crores	1,395.29
Percentage of other than LT distribution cost (i.e., for 11 kV and 33 kV) in total distribution cost as per MYT Distribution Tariff Order*	(e)=d/a	%	16.77%
Distribution charges as per Tariff Order considered by Commission for AS calculation	(f)=e*c	Rs./kWh	0.20

*Note: Percentage of other than LT distribution cost (i.e., for 11 kV and 33 kV) in total distribution cost as per MYT Distribution Tariff Order at 16.77%, i.e., same as that approved by the Hon'ble TSERC in the Additional Surcharge Order for H2 of FY23.

- d) The Hon'ble Commission is therefore requested to consider the distribution cost as per Objector's Assessment for the computation of Additional Surcharge.

Particulars	Petitioner's Claim	Objector's Assessment
Distribution Cost	Rs. 1.17/kWh	Rs. 0.20/kWh

1.3 DUBIOUS FIXED CHARGES PAID AND RECOVERY OF DEMAND CHARGES

- a) It is well known principle that full Fixed Charges shall be recoverable only at normative plant availability and be allowed on prorated basis below the level of normative plant availability. The Objector is unable to comment on the veracity of fixed charges due to the following reasons:

I. Ambiguity in Linkage of Fixed Charges Paid with Plant Availability

The Petitioners have claimed Rs. 5589.64 Crores under the head of Fixed Charges paid without providing any clarity about the linkage of plant availability with fixed charges paid.

Furthermore, it is submitted that the Actual Fixed Costs as a part of Actual Power Purchase Cost, ought to be subjected to strict prudence check in terms of Regulation 12 of the Tariff Regulations:

"12.1 The Distribution Licensee shall be allowed to recover the cost of power it procures, including from State generators, independent power producers, Central generating stations, non-conventional energy generators, and others, for supply to consumers, based on the Commission-approved Power Procurement Plan of the Distribution Licensee covering each year of the Control Period:

Provided that where the procurement is for sale to consumers permitted open access by the Nodal Agency under the Open Access Regulation or purchase for trading, the Distribution Licensee shall provide an Allocation Statement as referred to in clause 5 clearly specifying the costs that are attributable to the sales made to such consumers, utilities, etc.

12.2 Except in the case of Retail Supply Business insofar as for the first Control Period is concerned:

a. The Commission shall adopt the Sales Forecast, the Distribution loss trajectory and the Power Procurement Plan approved as part of the Resource Plan for the purpose of determining the Power Purchase Requirement of the Distribution Licensee for the Control Period;

b. The power procurement plan will not generally require any revisions during the Control Period, and the Commission-approved category-wise power procurement forecast shall be applied for estimating the Distribution Licensees' power procurement requirement for each year of the Control Period;

c. While approving the cost of power procurement, the Commission shall determine the quantum of electricity to be procured, consistent with the power procurement plan, from various sources of supply, in accordance with the principle of merit order schedule and dispatch, based on a ranking of-all approved sources of supply in the order of variable cost or price."

It is humbly submitted that Hon'ble Commission may direct the Petitioner to furnish Actual Monthly/Half-yearly Plant Availability Factor for each of the Power Plants from which Long-Term Power Procurement is being carried out.

II. No break up of Fixed Charges elements provided for various generating stations, in order to confirm that no charge on the account of DPS or any non-fixed cost is considered.

III. Absence of reconciliation statement with the relevant Audited Account report

The Objector while verifying the submitted claims has observed that only audited accounts pertaining to TSSPDCL for respective quarters are available in public domain. The relevant finding from the audited accounts is reproduced below:

Q1 Audited Accounts for TSSPDCL

23 - POWER PURCHASE COST

Particulars	Q1 of 2022-23	Q1 of 2021-22	FY 2021-22
	₹ (in Crore)	₹ (in Crore)	₹ (in Crore)
Purchase of Power - Fixed Cost	2,097.71	2,049.01	8,910.20
Purchase of Power - Variable Cost	5,202.41	3,390.63	16,353.17
Transmission Charges	824.82	587.58	3,066.60
Other Power Purchase Costs	34.81	14.33	(300.29)
Total	8,159.75	6,041.55	28,029.68

Q2 Audited Accounts for TSSPDCL

23 - POWER PURCHASE COST

Particulars	Q2 of 2022-23	Q1 of 2022-23	Q2 of 2021-22	FY 2021-22
	Purchase of Power - Fixed Cost	1,856.85	2,097.71	7.60
Purchase of Power - Variable Cost	4,440.44	5,202.41	6,270.77	16,353.17
Transmission Charges	922.77	824.82	586.53	3,066.60
Other Power Purchase Costs	44.36	34.81	24.00	(300.29)
Total	7,264.42	8,159.75	6,888.90	28,029.68

The Petitioners have not even furnished any reconciliation statement for the available audited accounts which is quite necessary to verify the claim.

Hence, it is prayed that Hon'ble Commission may direct the TS Discoms to provide relevant reconciliation statement and TSNPDCL audited reports towards corresponding quarters in order to check the veracity of the said claims.

IV. No clarity about the Fixed Charges paid towards the NCE power procurement

- b) Furthermore, it is submitted that the Hon'ble TSERC in its Retail Supply Tariff Order for FY 2022-23 dated 23.03.2022 has not considered any capacity allocation from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd for FY 2022-23 in line with the earlier directives of the Commission in RST Orders for FY 2017-18 and FY 2018-19. The relevant extract of the RST order dt. 23.03.2022 for FY 2022-23 is reproduced below:

Table 4-15 Power procurement cost from Central Generating Stations for FY 2022-23

Source	Claimed				Approved			
	Quantity in MU	Fixed Cost Rs.crore	Variable Cost Rs.crore	Total Rs.crore	Quantity in MU	Fixed Cost Rs.crore	Variable Cost Rs.crore	Total Rs.crore
Thermal								
NTPC Ramagundam Stage I & II	2683.01	188.60	690.63	879.22	2718.15	181.22	699.16	880.38
NTPC Ramagundam Stage III	721.42	57.15	182.20	239.35	729.22	53.89	184.17	238.06
NTPC Talcher TPS II	1638.93	117.79	284.28	402.07	1598.29	110.39	277.23	387.62
NTPC Simhadri Stage I	2251.89	478.57	707.56	1186.13	3672.35	356.75	1153.88	1510.63
NTPC Simhadri Stage II	1298.23	230.24	398.51	628.75	1765.35	245.11	541.91	787.02
NTPC Kudgi	1017.12	319.88	348.05	667.92	1751.40	294.24	599.31	893.55
NLC TPS II Stage I	395.60	27.08	104.54	131.63	385.93	28.10	101.99	130.09
NLC TPS II Stage II	710.07	50.12	187.82	237.95	692.64	52.26	183.21	235.47
NNTPP	402.72	68.24	88.03	156.28	392.73	78.22	85.84	164.06
TSTPP Unit 1	3499.63	790.92	794.42	1585.33	3412.84	711.82	774.72	1486.54
NTECL Vallur TPS	834.63	135.00	245.48	380.48	0.00	0.00	0.00	0.00
NLC Tamil Nadu Power Ltd.	1068.60	188.57	283.77	472.34	0.00	0.00	0.00	0.00
Sub Total	16521.83	2652.16	4315.29	6967.45	17116.91	2112.01	4601.41	6713.42
Nuclear								

- c) Further, the Objector has considered the Interest on Pension Bonds to the tune of Rs. 627.51 Crores (i.e. approved Rs.1255.01 Crores for FY23) in accordance with the latest approved TS Genco MYT Order dt. 22.03.2022 for FY 2019-20 to FY 2023-24 as against the Petitioner's claim of Rs. 653.72 Crores.
- d) In line with the Hon'ble Commission directives and latest TS GENCO Order, the Objector has worked out the allowable Fixed Charges paid:

(All Figures in Crores)

Name of the Generating Station	Petitioner's Claim	Objector's Assessment
	Apr'22 to Sep'22	Apr'22 to Sep'22
CGS		
NPC Kaiga - I& II	-	-
NPC-MAPS	-	-
NPC-Kudankulam	-	-
NLC ST-I	1.77	1.77
NLC ST-II	2.86	2.86
NNTPS	40.34	40.34
NTPC(SR) I & II	87.35	87.35
NTPC(SR) ST III	19.78	19.78
NTPC-Simhadri -I	229.90	229.90
NTPC-Simhadri -II	162.11	162.11
NTPC-Talcher-ST II	68.78	68.78
NTPC KUDIGI I	164.17	164.17
NTECL - VALLURU	71.59	-
NLC Tamilnadu Power Ltd	77.38	-
CGS Total	926.03	777.06
APGPCL ST-I	-	-
APGPCL ST-I & II	-	-
APGPCL Total	-	-
IPPs		
M/s Thermal Powertech 570MW	530.03	530.03
Thermal Powertech 269.45 MW	159.33	159.33
TOTAL IPPs/MPPs	689.37	689.37
KTPS V (D)	179.90	179.90
KTPS VI	260.90	260.90
RTS-B	275.97	275.97
Kakatiya Stage-I	43.11	43.11
Kakatiya Stage-II	180.30	180.30
KTPS Stage VII	360.06	360.06
BTPS	646.82	646.82
Interest on Pension bonds	653.72	627.51
TSGENCO-Hydel	665.40	665.40
Thermal Incentive 2021-22	-	-
TSGENCO-TOTAL	3266.17	3239.95
SINGARENI CCL U1&U2	708.08	708.08
Chhattisgarh SPDCL	-	-
Total Fixed Cost Excluding NCEs	5589.64	5414.46

- e) The Hon'ble Commission is requested to reevaluate the approach and direct the Petitioner to submit element wise break up of Fixed charges paid in order to check the veracity of claim.
- f) The veracity of above shown data needs to be verified by the Hon'ble Commission to avoid any loading of inefficiency of Discom on state Consumers in the form of Additional Surcharge.

1.4 INTER-STATE TRANSMISSION CHARGES AND SLDC CHARGES

a) The Objector is actively raising this issue before Hon'ble TSERC through its past submissions. The Past Submission in this regard is briefed below:

a) *Conceptually, Interstate Transmission charges (ISTS Charges) are paid by the Discoms on the account of accessing ISTS system for Open Access as notified by NLDC.*

b) *Consumer availing interstate Open Access also pays against the cost of ISTS system for the power availed. A snip of payment schedule of an Open access consumer is presented below for reference purpose only:*

9. Payment Schedule: Payment Due Date: 24/12/2021

(i) Transmission Charges			
Trans. Systems	Rates (Rs./MWh)	MWh	Total (Rs.)
(a) Intra-State			
UPPTCL	242.1	144	34862
(b) Inter-State (ISTS Charges)			
ISTS Charges (Madhya Pradesh)	448	144	64512
Total Of (i)			99374
(ii) Operating Charges			
RLDC/SLDC	Rates (Rs./Days)/ (Rs./MWh)	No Of Days/ Mwh	Total (Rs.)
WRLDC	1000	1	1000
NRLDC	1000	1	1000
Uttar Pradesh SLDC	1000	1	1000
Total Of (ii)			3000
(iii) Non-Refundable Application Fee (if not paid earlier)			5000
Grand Total (i + ii + iii)			107374

c) *This payment against the ISTS system paid by open access consumer results in the benefit to state in the form of reduced POC charges.*

d) *The said benefit is as per the CERC (Sharing of ISTS charges and Losses) Regulation 2020 which provides reimbursement of such ISTS charges paid by the consumers availing STOA, back to the state where the entity is located. The relevant extract is reproduced below:*

"11. Transmission charges for Short Term Open Access

(1) Short Term Open Access Rate (in paise/kWh) shall be published for each billing month by the Implementing Agency which shall be calculated State-wise as under:

Transmission charges of the State for the billing month (in rupees) / (7200 X the quantum, in MW, of Long-Term Access plus Medium-Term Open Access of the State for the corresponding billing period)

(2) Transmission charges for Short Term Open Access shall be payable by generating stations and embedded entities located in the State, as per the last published Short Term Open Access Rate for the State, along with other charges or fees as per Open Access Regulations, 2008 and the Transmission Deviation charges, if any, as per these regulations.

(3) Transmission charges for Short Term Open Access paid by an embedded intra-State entity during a month shall be reimbursed in the following billing month to the State in which such entity is located."

- e) *Despite this, it is observed that the Open access consumer are double levied by inter-state transmission charges first at the time of availing Open Access and second at the time of paying Additional Surcharge, which is violative and unjustified in nature of the set principle. Even if the benefit is passed in the future ARR, this impact has already made open access infeasible for the state consumers.*
- f) *The Objector request the Hon'ble Commission may reevaluate the view of allowing such inclusion of ISTS charges in the determination of Additional Surcharge.*
- b) The Hon'ble TSERC in its instant order dated 27.09.2022 pertaining to Additional Surcharge Order for H2 of FY 2022-23 has accepted the Discom's submission. The Discom's replies and Hon'ble TSERC view are reproduced below for reference:

"TSDISCOMs' Replies

3.5.13 TSDISCOMs understands that the ISTS cost paid by the consumer availing ISTS system, benefits in reduction of POC charges for the state. However, the same benefits have been passed on to the consumer through APR filed by TSTRANSCO.

Commission's View

3.5.14 The Commission is in agreement with the replies given by the TSDISCOMs."

- c) The Objector submits that the TS Discoms' benefits in reduction of POC charges for the state have been passed on to the consumer through APR filed by TSTRANSCO does not accrue until the final order is issued and such benefit does not pass directly to Open Access Consumers.

1.5 PROPOSED ADDITIONAL SURCHARGE IS HIGHER THAN APPROVED ACoS

- a) The TS Discoms has proposed an additional surcharge at a rate of Rs. 9.86/unit for H1 of FY 2023-24. The Hon'ble Commission in its last RST order FY 2022-23 dated 23.03.2022 has approved voltage wise cost of supply. It can be clearly pointed out that the approved cost of supply for HT categories (33 kV and 132 kV) is far less than the proposed additional surcharge. The same from the RST order is reproduced below:

5.18 The CoS computed for each consumer category is as shown below

Table 5-1 Cost of Service for FY 2022-23 (Rs./kWh)

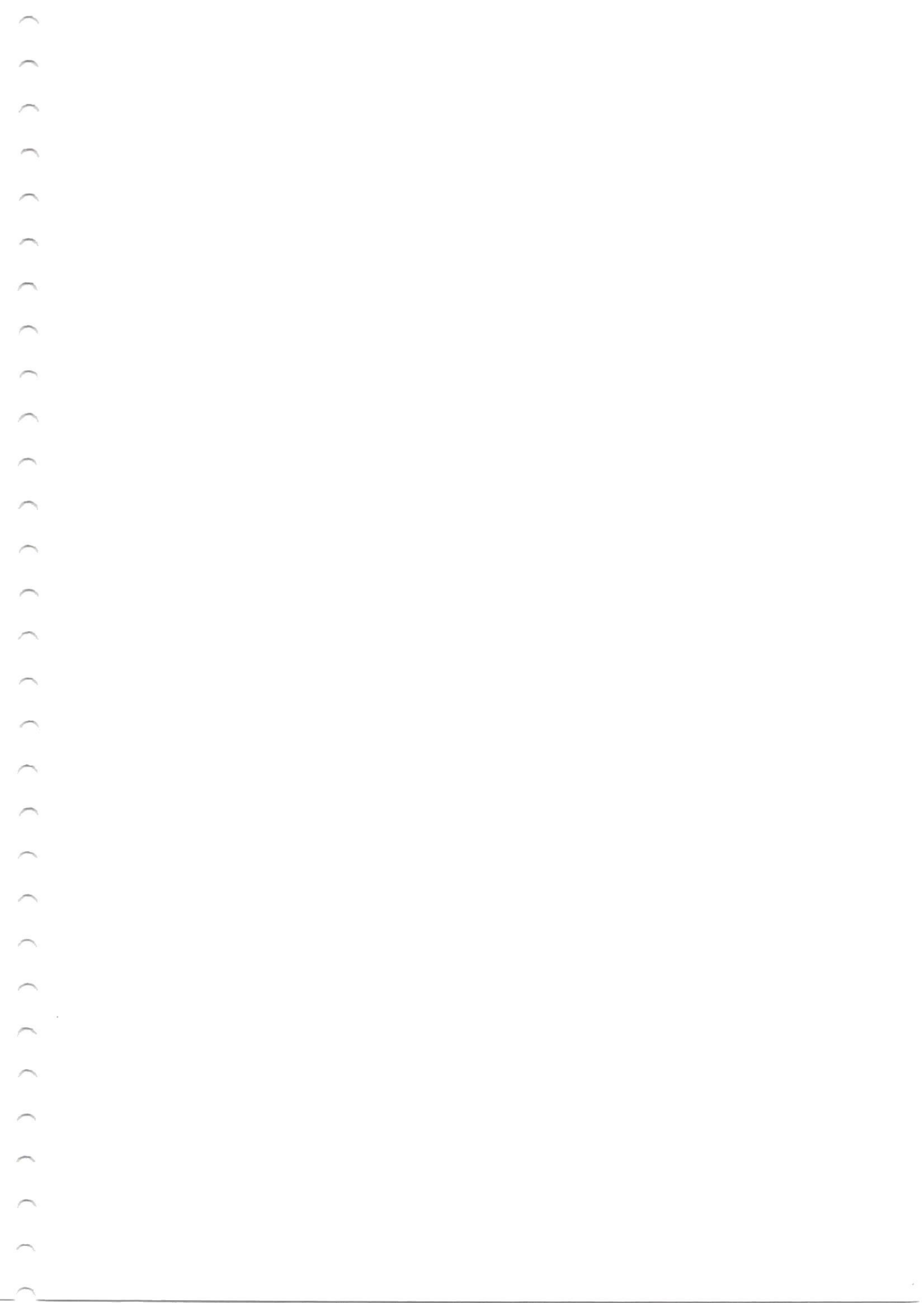
Consumer Category	Claimed		Approved		
	TSSPDCL	TSNPDCL	TSSPDCL	TSNPDCL	State
LT Categories					
LT-I Domestic	7.82	7.82	6.82	7.76	7.10
LT-II Non-Domestic Commercial	7.20	7.20	6.53	7.46	6.76
LT-III Industrial	7.05	7.05	6.59	7.46	6.77
LT-IV Cottage Industries		10.00	6.43	9.76	8.05
LT-V Agricultural	8.20	8.06	8.38	8.34	8.36
LT-VI Street Lighting	10.00	10.00	6.40	9.74	7.74
LT-VII General Purpose	8.77	8.77	7.43	9.74	8.52
LT-VIII Temporary Supply	8.77	8.77	9.31	11.65	9.45
LT-IX Electric Jams	9.77	9.77	6.16	NA	6.16
HT Categories					
HT-I Industrial			7.64	9.13	7.90
33 kV			5.76	5.96	5.77
132 kV		4.96	5.01	5.29	5.05

- b) Even the total sum of Additional surcharge proposed, CSS as approved in RST order FY 2022-23 dated 22.03.2022 and voltage wise wheeling charges approved for FY 2022-23 is far more than the approved ACoS. A comparison between the approved Average Cost of Supply and Open charges for HT category eligible for Open Access in tabular form is shown below:

(All Figures in Rs./kWh)

TSSPDCL	Approved CoS	Total Charges	Proposed Additional Surcharge	Approved CSS	Approved Wheeling Charges
HT Industry		(D = A+B+C)	(A)	(B)	(C)
11 kV	7.64	12.47	9.86	1.97	0.64
33 kV	5.76	11.84	9.86	1.74	0.24
132 kV	5.01	11.59	9.86	1.53	0.20

- c) From the analysis presented in above table, it can be clearly pointed out that claim proposed by Discoms in its instant petitions is highly abrupt and against the consumer interest.
- d) It is humbly requested that the Hon'ble Commission may conduct a thorough prudence check over the proposed claim



1.6 ADDITIONAL SURCHARGE FOR H1 OF FY 2023-24 AS PER OBJECTOR'S ASSESSMENT

- a) Based on the data available, the Objector has computed the allowable Additional Surcharge for H1 of FY 2023-24, as follows:

Additional Surcharge as per Objector's Assessment

	Additional Surcharge	Unit	As per Objector's Assessment
{A}	Long term available capacity	MW	8,651.85
{B}	Capacity stranded due to open access	MW	78.10
{C}	Fixed Charges paid	Rs. crore	5,414.46
{D}={C}÷{A}	Fixed Charges per MW	Rs. crore/MW	0.63
{E}={D}x{B}	Fixed Charges for stranded capacity	Rs. crore	48.87
{F}	Transmission charges paid	Rs. crore	1,724.50
{G}	Actual Energy scheduled	MU	35,288.87
{H}={F}÷{G}	Transmission charges per unit	Rs./kWh	0.49
I	Distribution Charges as per Objector's Assessment	Rs./kWh	0.20
{J}={H}+{I}	Total transmission and distribution charges per unit	Rs./kWh	0.69
{K}	Energy consumed by open access consumers from the DISCOM	MU	1,922.68
{L}={K}x{J}	Transmission and distribution charges to be paid by open access consumers	Rs. crore	131.97
{M}	Demand charges recovered by the DISCOM from open access consumers	Rs. crore	194.93
{N}={M}-{L}	Demand charges to be adjusted	Rs. crore	62.96
{O}=MAX[(E)-{N}],0]	Net stranded charges recoverable	Rs. crore	-
{P}	Open access sales	MU	213.29
{Q}={O}÷{P}	Additional Surcharge computed	Rs./kWh	-


- b) The Objector humbly submits that there is no need for imposing additional surcharge on Open Access Consumers as the Demand charges to be adjusted i.e. Rs. 62.96 Crores is already being in excess as compared to the computed Fixed Charges for stranded capacity i.e. Rs. 48.87 Crores.

PRAYERS

The Objector most respectfully prays that this Hon'ble Commission may be pleased to:

- A. Consider the above Objection Statement filed by the Objector;
- B. Consider the Distribution Cost as submitted by the Objector in accordance to Hon'ble TSERC order dt. 27.09.2022 for the computation of Additional Surcharge;
- C. May allow the Transmission charges duly considering the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020;
- D. May Conduct a Prudence check over the Fixed Charges Paid and Demand Charges recoveries from Open Access Consumers;
- E. May direct the Discoms to provide a reconciliation with the audited accounts and the Fixed cost component of power purchase may be accordingly allowed subject to prudence check;
- F. May disallow the claim of Additional surcharge due to Discrepancies in computation and absence of reconciliation statement with audited accounts for the claim proposed by the Petitioners;
- G. Consider the methodology/approach/computation to work out the Additional Surcharge, if any, attributable to the open access consumers as assessed by the Objector;
- H. May approve null Additional Surcharge as assessed by the Objector;
- I. Pass necessary orders as may be deemed appropriate in the facts and circumstances of the case in the interest of competition, as has been enshrined in the Electricity Act;

For SOUTH INDIAN CEMENT
MANUFACTURERS' ASSOCIATION


Authorised Signatory

Objector

Date: 11th January, 2023

Place: Hyderabad

ANNEXURE – A

**Additional Surcharge
approved by other SERC's
for FY 2022-23**

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MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION

5th Floor, Metro Plaza, Bittan Market, Bhopal - 462 016



AGGREGATE REVENUE REQUIREMENT FOR FY 2022-23 to FY 2026-27 AND RETAIL SUPPLY TARIFF ORDER FOR FY 2022-23

Petition No. 04/2022

PRESENT:

**S.P.S. Parihar, Chairman
Mukul Dhariwal, Member
Gopal Srivastava, Member (Law)**

IN THE MATTER OF:

Determination of Aggregate Revenue Requirement (ARR) for Control Period for FY 2022-23 to FY 2026-27 and Retail Supply Tariff for FY 2022-23 based on the ARR & Tariff Petition filed by the Distribution Licensees namely Madhya Pradesh Poorv Kshetra Vidyut Vitaran Company Limited (East DISCOM), Madhya Pradesh Paschim Kshetra Vidyut Vitaran Company Limited (West DISCOM), Madhya Pradesh Madhya Kshetra Vidyut Vitaran Company Limited (Central DISCOM), and M.P. Power Management Company Limited (MPPMCL).



3.29 The Petitioners have thus claimed the Additional Surcharge of Rs. 1.54 per unit on the power drawn by the Open Access consumers from the date of issuance or applicability of this Retail Supply Tariff Order by the Commission.

Commission's Analysis

3.30 The Commission has considered the submission made by the Petitioners and stakeholders in light of the provisions specified in Clause 5.8.3 of the National Electricity Policy, Clause 8.5 of the Tariff Policy, 2016, Section 42(4) of the Electricity Act, 2003, and determined Additional Surcharge. The Additional Surcharge determined by the Commission shall be levied in addition to Cross Subsidy Surcharge determined by the Commission in accordance with the Tariff Policy, 2016.

3.31 The Commission has observed that as per the present methodology being adopted for determination of additional surcharge, the charges may vary substantially over the years and hence the Open Access consumers may not be able to plan their procurement optimally. Therefore, in order to bring regulatory certainty in terms of Additional Surcharge being determined, the Commission has adopted a simpler approach.

3.32 As per the new approach the Commission has computed the Additional Surcharge by considering the average per unit fixed charge of the Thermal power plants. Computation of the Additional Surcharge is shown in the table below:

Table 137 : Determination of Additional Surcharge for FY 2022-23

Sr. No.	Particulars	Reference	Unit	Amount
1	Fixed Cost of Thermal Generating Sources for FY 2022-23	A	Rs. Crore	10,879.41
2	Total Available MU from Thermal Generating Stations for FY 2022-23	B	MUs	90,278.96
3	Wt. Avg. Per Unit FC of Thermal Generating Stations for FY 2022-23	C=A/B	Rs. /kWh	1.21
4	Total Projected Backdown/RSD Volume for FY 2022-23	D	MUs	8,208.84
5	Projected Open Access Volume for year for FY 2022-23 based on actual of previous year	E	MUs	514.40
6	Fixed Cost pertaining to Backdown/RSD capacity for FY 2022-23	F=E*C/10	Rs. Crore	61.99
7	Per Unit Additional Surcharge (to be applicable on OA Consumers)	G=F/E	Rs./kWh	1.21

3.33 The Commission has thus determined the Additional Surcharge of Rs. 1.21 per unit in accordance with the applicable Regulations from the date of applicability of this Retail Supply Tariff Order.

**GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

CORAM:

Shri Anil Mukim, Chairman

Shri M. M. Gandhi, Member

Shri S. R. Pandey, Member

Order No. 03 of 2022

In the matter of:

“Additional Surcharge payable by Open Access consumers for the period of 1st October, 2022 to 31st March, 2023.”

1. The Commission vide order dated 12.03.2014 in Petition No. 1302 of 2013 decided the applicability and methodology of Additional Surcharge to the Open Access consumers, after consultation with all the Stakeholders. GUVNL and four State Owned DISCOMs had filed an Appeal being Appeal No. 140 of 2014 before the Hon’ble APTEL against the said order dated 12.03.2014 read with Corrigendum dated 17.04.2014 on the limited aspects of the methodology for computing the Additional Surcharge decided therein which was disposed vide Order dated 01.10.2018 with a liberty to the Petitioners to file a Petition before the Commission for revision in methodology for computation of determination of Additional Surcharge for the future period and with a direction that such Petition may be considered on its merits by the Commission. In pursuance to the said order, GUVNL and four State Owned DISCOMs filed Petition No. 1771 of 2018 for revision to be undertaken in the formula for computation of Additional Surcharge applicable for the future period. Meanwhile Federation of Kutch Industries Associations and Federation of Gujarat filed Petition No. 1747 of 2018 seeking determination, adjudication, regulation and clearer statutory enunciation of the methodology regarding Additional Surcharge. The Commission vide Order dated 30.08.2022 on the said Petitions revised methodology for calculation of Additional Surcharge payable by Open Access Consumers and directed GUVNL to submit the data duly certified by SLDC and Chartered Accountant for each 6 monthly period of October to March and April to September within 90 days of completion of the 6 months period. The Commission decided that the said order shall be effective for calculation of the



4. This Additional Surcharge of Rs. 0.31/kWh shall be applicable to the consumers of four State Owned DISCOMs i.e. DGVCL, MGVCL, PGVCL and UGVCL who avail power through Open Access from any source other than their respective DISCOM.
5. We order accordingly.

Sd/-

(S. R. PANDEY)
Member

Sd/-

(MEHUL M. GANDHI)
Member

Sd/-

(ANIL MUKIM)
Chairman

Place: Gandhinagar

Date: 22/09/2022

Annexure A

Calculation of Additional Surcharge based on data for the period 1 st October, 2021 to 31 st March 2022: Applicable for the period from 1 st October, 2022 to 31 st March 2023.				
Sr No	Particulars	Nomenclature	Unit	Value
1	Available Energy for the six monthly period under consideration	A	MUs	68158
2	Scheduled Energy for meeting the requirement of general body of consumers	B	MUs	55967
3	Energy supplied to general body of consumers out of Sr. No. 2 net off of lower of (i) normative T&D losses approved by the Commission for the year pertaining to data at Sr. No. 1 & 2 above, and (ii) latest trued up T & D losses for the four State Discoms as a whole.	$C = B*(1-15.18\%)$	MUs	47472
4	Stranded Generation	$D = A-B$	MUs	12191
5	Fixed Cost actually paid to conventional energy Generators against the capacity tied up on long term basis	E	Rs. Cr	5980
6	Fixed Cost attributable to Stranded Capacity	$F = D*E/A$	Rs. Cr	1070
7	Open Access Scheduled Energy at DISCOM periphery	G	MUs	69
8	Stranded capacity directly attributable to open access customers	H	MUs	69
9	Balance stranded energy to be apportioned between open access customers and general body of consumers on the proportionate basis	$I=D-H$	MUs	12122
10	Stranded balance energy apportioned to open access customers in proportion to open access quantum	$J=(G*I)/(C+G)$	MUs	18
11	The aggregate quantum of stranded energy attributable to Open Access	$K=H+J$	MUs	86
12	Fixed cost on per unit basis corresponding to available Energy	$L=E/A*10$	Rs./Unit	0.88
13	Stranded fixed cost attributable to open access users	$M=K*L/10$	Rs. Cr	7.57
14	Demand charges recovered from open access consumers	N	Rs. Cr.	77
15	Network related cost paid by open access consumers through demand charges	$O=N*7.14\%$	Rs. Cr.	5.47
16	Stranded fixed cost recoverable from open access users	$P=M-O$	Rs. Cr.	2.11
17	Additional Surcharge on per unit basis to be levied from open access customers	$Q=P/H$	Rs/Unit	0.31

**Cross Subsidy Surcharge and Additional Surcharge for Distribution
Open Access Consumers applicable for FY 2021-22**

Cross Subsidy Surcharge w.e.f 1st April, 2021

Sr. No.	Particulars	Cross Subsidy Surcharge (Rs./kWh)
1.	HT industry	1.02
2.	Bulk Supply (other than DS)	0.81
3.	Railways (Traction) /DMRC	0.67
4.	LT Industry	0.73
5.	NDS (HT)	1.14

Additional Surcharge on the energy drawn by open access consumers through open access is @ 1.15/kWh with effect from April 1, 2020 shall continue till the Commission determine additional surcharge afresh.

Open Access Charges

A. Cross Subsidy Surcharge:

Consumer Category	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
HT Category - EHV (66kV and Above)					
HT I (A) (i): HT - Industry	1.67	1.67	1.68	1.60	1.60
HT I (B): HT - Industry (Seasonal)	2.20	2.23	2.26	2.66	2.75
HT II (A): HT - Commercial	2.92	2.89	2.88	2.83	2.82
HT III (A): HT - Railways/Metro/Monorail Traction	1.42	1.44	1.44	1.50	1.48
HT IV: HT - Public Water Works (PWW)	1.33	1.37	1.38	1.34	1.36
HT V(A): HT - Agriculture Pumpsets	-	-	-	-	-
HT VI: HT - Group Housing Societies (Residential)	0.73	0.74	0.75	0.26	0.27
HT IX(B): HT - Public Services- Others	2.03	1.98	1.94	1.70	1.62
HT Category - HT (33kV, 22kV and 11 kV)					
HT I (A) (i): HT - Industry	1.71	1.71	1.70	1.72	1.72
HT I (B): HT - Industry (Seasonal)	2.04	2.06	2.07	2.29	2.34
HT II (A): HT - Commercial	2.69	2.65	2.61	2.57	2.52
HT III (A): HT - Railways/Metro/Monorail Traction	1.68	1.71	1.72	1.72	1.71
HT IV: HT - Public Water Works (PWW)	1.48	1.51	1.53	1.56	1.60
HT V(A): HT - Agriculture Pumpsets	-	-	-	-	-
HT V(B): HT - Agriculture Others	0.14	0.05	0.07	0.13	0.16
HT VI: HT - Group Housing Societies (Residential)	1.40	1.46	1.47	1.49	1.52
HT VIII(B): HT - Temporary Supply Others (TSO)	2.86	2.83	2.81	2.65	2.59
HT IX(A): HT - Public Services-Govt. Edu. Institutions and Hospitals	1.86	1.87	1.87	1.88	1.90
HT IX(B): HT - Public Services- Others	1.86	1.87	1.87	1.88	1.90
HT X: HT – Electric Vehicle Charging Station	1.66	1.67	1.68	1.52	1.56

B. Additional Surcharge: -

Additional Surcharge shall be applicable to Captive Users of Group Captive Power Plants, in addition to Open Access consumers

Particulars	Per Unit Additional Surcharge (to be applicable on OA Consumers) Rs/kWh	Per Unit Additional Surcharge (to be applicable on OA Consumers) Rs/Kvah
FY 2020-21	1.31	1.28
FY 2021-22	1.29	1.26
FY 2022-23	1.27	1.24
FY 2023-24	1.23	1.20
FY 2024-25	1.20	1.18

C. Wheeling Charges and Wheeling Losses for HT: -

Particulars	Wheeling Charges for HT (Rs/Kwh)	Wheeling Charges for HT (Rs/Kvah)	Wheeling loss for HT
FY 2020-21	0.58	0.57	7.5%
FY 2021-22	0.57	0.56	
FY 2022-23	0.57	0.55	
FY 2023-24	0.55	0.54	
FY 2024-25	0.54	0.53	

D. Transmission Loss & Transmission Charges: -

MERC Order in Case No 327 of 2019 filed by Maharashtra State Electricity Transmission Company Limited for Determination of Multi-Year Tariff for Intra-State Transmission System for the 4 th MYT Control Period from FY 2020-21 to FY 2024-25 dated 30.3.2020 has determined the Transmission Charges and Transmission loss.

i) Transmission Charges: -

Particulars	Transmission Tariff (Short term/Short term Collective/ Renewable Energy (Rs/Kwh)	Transmission Tariff (Short term/Short term Collective/ Renewable Energy (Rs/Kvah)	Transmission Tariff (Long term/Medium Term) Rs/KW/Month
FY 2020-21	0.41	0.40	266
FY 2021-22	0.41	0.40	263
FY 2022-23	0.41	0.40	260
FY 2023-24	0.40	0.39	256
FY 2024-25	0.39	0.38	250

ii) Transmission Loss: -

Particulars	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Intra-State Transmission Loss (%)	3.18	3.18	3.18	3.18	3.18

E. Application Processing Fee:

Open Access Capacity	Processing Fee per Application	G.S.T. (18%)	TOTAL
For Load up to 1 MW	Rs. 14,500/-	Rs. 2,610/-	Rs. 17,110/-
For load more than 1 MW and up to 5 MW	Rs. 22,000/-	Rs. 3,960/-	Rs. 25,960/-
For load more than 5 MW and up to 20 MW	Rs. 44,000/-	Rs. 7,920/-	Rs. 51,920/-
For load more than 20 MW	Rs. 75,000/-	Rs. 13,500/-	Rs. 88,500/-

F. Operating Charges:

For Open Access Capacity <= 5 MW	:	Rs. 14,500 / Month.
For Open Access Capacity > 5 MW	:	Rs. 28,000 / Month.



RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR
Petition No. RERC 2011/22, 2012/22, 2013/22

In the matter of approval of Aggregate Revenue Requirement, Tariff Petition and Investment Plan of Jaipur Vidyut Vitran Nigam Ltd. (JVVNL), Ajmer Vidyut Vitran Nigam Ltd. (AVVNL) and Jodhpur Vidyut Vitran Nigam Ltd. (JdVVNL) for FY 2022-23.

Coram: **Dr. B. N. Sharma, Chairman**
Shri Hemant Kumar Jain, Member
Dr. Rajesh Sharma, Member

Petitioners: Jaipur Vidyut Vitran Nigam Ltd., Jaipur (2011/22)
Ajmer Vidyut Vitran Nigam Ltd., Ajmer (2012/22)
Jodhpur Vidyut Vitran Nigam Ltd., Jodhpur (2013/22)

Date of Hearing: 22.06.2022, 23.06.2022, 24.06.2022,
21.07.2022 & 23.08.2022

Date of Order: **01.09.2022**

ORDER

Section-1: Background

- 1.1 ARR and Tariff Order for FY 2021-22 was issued by the Rajasthan Electricity Regulatory Commission on 24.11.2021. The three distribution companies namely, Jaipur Vidyut Vitran Nigam Ltd. (JVVNL), Ajmer Vidyut Vitran Nigam Ltd. (AVVNL) and Jodhpur Vidyut Vitran Nigam Ltd. (JdVVNL), collectively called Discoms sought multiple extensions for filing ARR & Tariff petition and Investment Plan for FY 2022-23. Accordingly, the Commission on the request of Discoms has allowed extension in time, to file Petition.
- 1.2 Thereafter, JVVNL, AVVNL and JdVVNL had filed petitions for approval of Aggregate Revenue Requirement (ARR), Tariff and Investment Plan for FY 2022-23 on 30.03.2022, 31.03.2022 and 31.03.2022 respectively under section 62 & 64 of Electricity Act, 2003 read with RERC (Terms and Conditions for Determination of Tariff) Regulations, 2019 and amendment thereof and Investment Approval Regulation, 2006.
- 1.3 As per Section 64(2) of the Electricity Act, 2003 which requires that applicant

Table 115: Additional Surcharge

	Open Access Aggregated over each time block	Total Open Access	Back-down due to Open Access Aggregated over 96 Time Blocks	Back-down due to Open Access	Effective Fixed Cost	Additional Surcharge
	MW	MU	MW	MU	Rs. / kWh	Rs. Cr.
Total	14936365	3734	12309353	3077	0.86	261
Additional Surcharge Recoverable per unit considering same open access scenario for the next year (Rs./kWh) (Total Additional Surcharge/Total Open Access*10)						0.70

4.4.9 In view of the foregoing discussion, the Commission hereby allows Additional Surcharge at Rs. 0.70/unit to be recoverable from all the Open Access consumers except CPPs to the extent they consume the electricity generated by them for their own use.

4.4.10 The above additional Surcharge shall be levied and collected with effect from the date of this Order and remain in force till additional surcharge is re-determined by the Commission.

4.5 Revenue Deficit

Submission of Discoms

4.5.1 Discoms in their petition have shown a combined deficit of Rs. 4686 Crore for FY 2022-23. The Discoms submitted that they have taken various initiatives to improve overall efficiency such as Loss Reduction, Feeder Segregation, Billing efficiency, Network Strengthening, Cost Optimisation, Vigilance Drives, Focus on customer service and other efficiency improvement measures.

4.5.2 The Govt. of Rajasthan has participated in Revamped Distribution Sector Scheme (RDSS) of Govt. of India, where one of the mandatory criteria is that the DISCOMs will have ensured that no new Regulatory Assets have been created in latest tariff determination cycle and first evaluation would take place in FY 2022-23. Under RDSS, Govt. of Rajasthan shall have the responsibility "To facilitate/enable approval of tariff for the DISCOM in time every year as per regulations and finance Regulatory Assets and financial losses".

4.5.3 With regards to Commission query on non-creation of Regulatory Assets as per



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.

F.17(17)/Engg./DERC/2017-18/OA/5842

In the Matter of: Determination of Open Access Charges and related matters

ORDER
(Date of Order: 22.12.2021)

The Delhi Electricity Regulatory Commission has determined additional surcharge as average fixed cost per unit for respective distribution licensees based on the projections given in the Tariff Order for the months from October-April. The additional surcharge during the months of May to September has been kept 50% (fifty percent) of average fixed cost per unit.

Now, the Delhi Electricity Regulatory Commission has issued the Tariff Order for FY 2021-22 for Tata Power Delhi Distribution Limited (TPDDL), BSES Rajdhani Power Limited (BRPL), BSES Yamuna Power Limited (BYPL) revising the power purchase cost.

Accordingly, the Delhi Electricity Regulatory Commission in exercise of the powers vested under Regulation 12 and Regulation 17 of Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005, hereby makes the amendment in its Order dated 1.6.2017 (hereinafter referred to as "the Principal Order") for determination of Open Access charges and related matters.

1.0 Short title and commencement:

1. This Order may be called as Open Access Charges and related matters (Fifth Amendment) Order, 2021.
2. This Order shall be applicable from the date of issue and shall remain in force till it is revised.

2.0 Amendment of Clause 2.3 of Principal Order:

The Annexure-3 of Clause 2.3 of the Principal Order on 'Additional Surcharge' shall be substituted as under: -

"Annexure-3"

Additional Surcharge

Sl. No.	Description	Power Purchase (MUs)	Fixed Cost (Rs. Crore)	Fixed cost Rs. per unit	Additional Surcharge (Paisa per unit)	
					October-April	May-September
1	TPDDL	9663	1833.85	1.898	189.8	94.9
2	BRPL	11813	2017	1.707	170.7	85.4
3	BYPL	8065	1071	1.328	132.8	66.4

Sd/-
(Dr. A.K. Ambasht)
Member

Sd/-
(Justice Shabihul Hasnain 'Shastri')
Chairperson