



केन्द्रीय विद्युत विनियामक आयोग
CENTRAL ELECTRICITY REGULATORY COMMISSION



[MOST IMMEDIATE – BY HAND ONLY]

No. 15/9(1)/2011/APTEL-TA/FOR/CERC

Dated: 15th April, 2013

The Registrar
Appellate Tribunal for Electricity
7th Floor, Core-4, SCOPE Complex
Lodhi Road
New Delhi – 110 003.

Subject: Compliance of the directions of the Hon'ble Appellate Tribunal for Electricity in OP No. 1 of 2011 vide order dated 15th February, 2013

Sir,

This is in reference to the order dated 15th February, 2013 in O.P. No.1 of 2011 of the Hon'ble APTEL on the above subject. APTEL directed the State Electricity Regulatory Commissions (SERCs) and Joint Electricity Regulatory Commissions (JERCs) in Paras 3, 4 and 5 of the order to send information to the Secretary, Forum of Regulators (FoR). APTEL also directed the Secretary, FoR to submit the consolidated Report along with the explanation submitted by the State Commissions to the Registrar, Appellate Tribunal for Electricity on or before 15th April 2013 and serve the copies to the learned Amicus Curiae Counsel.

2. The FOR Secretariat sought information as directed from the SERCs and JERCs. The matter was also discussed in the 35th Meeting of FOR held during 15th – 17th February, 2013 wherein the SERCs and JERCs were requested to send the information to the FOR Secretariat.

3. Twenty Five (25) SERCs and JERCs have sent the information as on 15/4/2013. The consolidated Report along with the explanation in respect of Paras 3 and 4 is enclosed as Annexure-I and in respect of Para 5 is enclosed as Annexure-II. The set of the communications received from SERCs and JERCs is also enclosed as Annexure-III.

And

It is requested that this may please be brought to the notice of the Hon'ble APTEL.

Yours faithfully,


(Rajiv Bansal)

Secretary, CERC/ FoR

Encl: As above (4 copies).

Copy to:
Amicus Curiae Counsel (4 copies)

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Status of compliance of Hon'ble APTEL's order dated 15th February, 2013 in OP No. 1 of 2011

(Para 3 and 4: Explanation for non furnishing of information etc.)

I. Hon'ble APTEL vide order dated 15th February, 2013 in OP No. 1 of 2011 at Para 3 (a) and 4 (a) directed as under:

"3 (a) Most of the directions issued by this Tribunal in its order dated 11.11.2011 in OP No.1 of 2011 have been followed by almost all the State Commissions. However, no information has been received from Nagaland and Jharkhand State Commissions.

*4 (a) State Commissions of **Jharkhand and Nagaland** are directed to furnish their explanation as to why the requisite information was not submitted to the Secretary, FoR after the Order of this Tribunal dated 3-1-2013."*

The submission made by Jharkhand Commission is reproduced below:

"The format attached with the CERC's letter no. 15/9(1)/2011/APTEL-AT/(FOR)/CERC dated 10th January, 2013, whereby information regarding compliance of directions given by APTEL through its Judgment dated 11.11.2011 was sought, was misplaced in the office. This Commission, therefore, made a request for the format telephonically and was able to get the same through e-mail message dated 31st January, 2013. Thereafter, the requisite information was first collected in respect of Jharkhand State Electricity Board, the main distribution licensee of the State, and dispatched to CERC vide our letter No. JSERC/80/888 dated 6th Feb, 2013. Subsequently, the relevant data regarding the remaining licensees also was collected and the compiled information was forwarded vide letter no. JSERC/80/913 dated 20th Feb, 2013."

No reply has been received from Nagaland Commission. It may be however, relevant to point out that Nagaland Commission is a single member Commission and the Chairperson, NERC demitted office on 31st December, 2012 after completion of his tenure.

II. Hon'ble APTEL in OP No. 1 of 2011 vide order dated 15th February, 2013 at 4 (b) directed as under:

"4 (b) State Commissions, who have not framed the MYT Regulations in accordance with provisions of Section 61 of the Electricity Act 2003, are directed to frame these regulations immediately so that the MYT framework be implemented at least w.e.f 1-4-2014, and report compliance."

The submissions made by the Commissions of Goa & UTs and Uttar Pradesh are reproduced below:

1. Goa & UTs

"The utilities under the jurisdiction of JERC are in the nascent stage of Regulatory framework. They do not have sufficient past data required for framing MYT orders. However, in view of the directions of ATE, JERC is to process framing of MYT Regulation."

2. Uttar Pradesh

"As per Regulation 2.1 on 'Filing of Annual Revenue Requirement and Tariff Application' of the UPERC (Terms and Conditions of Determination of Distribution Tariff) Regulations, 2006, the Commission has to conduct the benchmarking studies to determine the desired performance standards for each distribution licensee. Further, on completion of the benchmarking studies, the Commission shall make necessary changes in the tariff regulations to implement Multi Year Tariff Framework and define the control period for such framework."

III. Hon'ble APTEL in OP No. 1 of 2011 vide order dated 15th February, 2013 at Para 3 (d) and 4 (c) directed as under:

"3 (d) The distribution utilities of following States have filed delayed ARR and tariff petitions resulting in the delayed issuance of Tariff order for the year 2012-13.

(i) Chhattisgarh, (ii) Karnataka, (iii) Maharashtra, (iv) Delhi, (v) Himachal Pradesh, (vi) Mizoram, (vii) Manipur, (viii) Kerala, (ix) Uttar Pradesh, (x) West Bengal, (xi) Gujarat, (xii) Assam, (xiii) Arunachal Pradesh, (xiv) Goa, (xv) All the Union Territories (Chandigarh, Puducherry, Dadra Nagar & Haveli, Daman & Diu, Andaman & Nicobar, Lakshadweep)

4 (c) State Commissions, referred to in Para 3(d) above, are directed to furnish the particulars regarding the action taken by them against the utilities who have not filed the ARR & Tariff Petitions for FY 2012-13 within time period stipulated under the Act and the Regulations and also to offer explanation as to why such State Commissions did not initiate suo-moto action in the event of non-filing of tariff petitions by the utilities."

Out of the above named State Commissions, Gujarat and Karnataka Commissions have not made the submissions. The submissions made by the other State Commissions are reproduced below:

1. Arunachal Pradesh:

"Since the deemed licensee (Department of Power, Government of Arunachal Pradesh) has now filed the tariff petitions and which are already being processed by the Commission, *so no suo-moto action in this regard is initiated.*"

2. Assam:

"The Commission repeatedly asked the utilities to submit the ARR and Tariff petitions for FY 2012-13. Even then, the petitions were not submitted and *the Commission decided to initiate suo-motu action on 24.07.2012 and suo-motu orders were issued on 28.02.2013.*"

3. Delhi:

"A Public Interest Litigation was filed before the Hon'ble High Court of Delhi, wherein the Court vide its Order dated 22 December 2010 directed that even if the tariff is determined, the same shall not be given effect to without leave of this High Court.

The Hon'ble High Court of Delhi in its Order dated 23rd May, 2011 directed that the Commission shall proceed afresh by following the due procedure and determine the tariff in compliance to its directions; the Commission issued the Tariff order for the True up of FY 2008-09, 2009-10 and APR for FY 2011-12 on 28.08.2011.

Subsequently, all the Power Utilities sought extension of time to file the ARR for the second MYT Period being FY 2012-13 to 2014-15, and the MYT Petitions were filed by them in February 2012 and accordingly further action was initiated by the Commission. Thus, *due to pending litigation and late receipt of orders, no tariff order could be issued for 2010-11 while tariff order for 2011-2012 was delayed.* Tariff order for 2012-13 was delayed since MYT petitions for 2012-13 to 2014-15 had also to be decided."

4. Chhattisgarh

"Jindal Steel and Power Ltd. (JSPL) and Bhilai Steel Plant (BSP-SAIL) failed to file petition in stipulated time but CSERC did not initiate any suo-motu action for reasons given below:

- (i) **In respect of JSPL:** M/s JSPL was supplying power to its consumer at a tariff which cannot exceed the tariff approved for the State discom i.e. Chhattisgarh State Power Distribution Company Limited (CSPDCL) for similar category of consumers i.e., the Commission has fixed maximum ceiling and M/s JSPL has given an undertaking that in the process of supplying power at such rate if any loss occurs then JSPL will bear the same.
- (ii) **In respect of BSP:** BSP was supplying power to its own employees township with an undertaking that in the process of supplying power at a tariff approved by the Commission if any loss occurs then BSP will bear the same."

5. Himachal Pradesh

"Although the State Distribution Utility for FY 2012-13 had made delayed filing of ARR/Tariff Petition, yet the *HP Electricity Regulatory Commission had issued the Tariff Order on 24.4.2012 i.e. well in the beginning of the financial year and therefore no action was necessitated against the Utility because delays had been due to information gaps.*"

6. Goa & UTs

"The Commission has provided the date of filing of ARR Petition and date of issue of Tariff Order for 2012-13 for various Union Territories in its jurisdiction. However, no particulars have been provided regarding the action taken by them against the utilities who have not filed the ARR and Tariff Petitions for FY 2012-13 within time period stipulated under the Act and the Regulations and neither any explanation has been offered as to why the Commission did not initiate suo-motu action in the event of non-filing of tariff petitions by the utilities."

7. Manipur & Mizoram

"The Commission granted the request for extension of time for filing the ARR and Tariff petition for 2012-13 by Electricity Department, Manipur and Power & Electricity Department, Mizoram. *The Commission found difficulty in taking up Suo- moto proceeding for determination of tariff for the following reasons:*

- (i) No audited data were furnished in the last petitions for FY 2010-11 and 1st truing up has not been carried out.
- (ii) The actual development on T&D Losses, expenditure, power purchase and subsidiary components during the last year 2010-11 and the current year 2011-12 were not available by that time."

8. Kerala

"KSEB filed ARR and ERC petition for 2012-13 vide letter dated 31/12/2011. Then the Commission directed the Board to submit the proposals for bridging the revenue gap and accordingly, the Board filed the Tariff petition on 30/3/2012. *Hence, no action for suo-motu determination of tariff was taken by the Commission.*"

9. Maharashtra

"The Maharashtra Commission is empowered under the proviso to Regulation 4.1 of the MERC (Multi Year Tariff) Regulations, 2011 to exempt the determination of tariff of a generating company or a transmission licensee or distribution licensee or category of transmission licensee or distribution licensee under the Multi Year Tariff framework. Subsequent to the orders issued by the Commission granting deferment in applicability of MYT Regulations, 2011 to various utilities like MSEDCL, BEST and RInfra-D, various utilities filed business plan for approval. However, the approval of business plan may be on the basis of deferment allowed by the Commission to all the licensees/ generating companies. The Commission vide order dated 16th August, 2012 issued the tariff order for MSEDCL for FY 2012-13. In case of RInfra, the Commission vide order dated 2nd September, 2011 directed to file true up for FY 2009-10, FY 2010-11 and Annual Revenue Requirement for FY 2011-12. The Commission had partially true up the expenses for FY 2010-11 and approved ARR for FY 2011-12."

10. Uttar Pradesh

"The petitions of the State owned licenses for FY 2012-13 were filed on 21st February, 2012 (delayed by almost 5 months). As no true up has been done as yet since FY 2000-01 and also audited accounts were not available even for FY 2008-09, *the Commission not having sufficient data could not embark on a suo-motu proceedings.*"

11. West Bengal

"As per WBERC (Terms and Conditions of Tariff) Regulations, 2011 the due date of submission of tariff petition by the distribution licenses for the third control period comprising of the financial year 2011-12, 2012-13 and 2013-14 under Multi Year Tariff (MYT) framework was 29.05.2011. But because of some difficulties, the distribution licenses prayed for extension of time for submission of tariff petitions which was considered by the Commission and extended the period upto 15.07.2011 in general. All the distribution licensees except WBSEDCL submitted their tariff petition within the extended due date. WBSEDCL however prayed for further extension of time which was considered and allowed by the Commission.

In pursuance to the order in IA No 62 of 2011 in Appeal No 173 of 2010 of Hon'ble Appellate Tribunal of Electricity dated 04.04.2011, the Commission was to re-determine the tariff order of WBSEDCL for the year 2010-11. The re-determined tariff order of WBSEDCL for the year 2010-11 was issued on 30.12.2011. After that WBSEDCL submitted their MYT application for the 3rd control period comprising the year 2011-12, 2012-13 and 2013-14 on 30.03.2012. *Thus the question of action taken against the*

distribution utilities for non-submission of filing tariff petition within the time frame as per the regulations does not arise."

IV. Hon'ble APTEL in OP No. 1 of 2011 vide order dated 15th February, 2013 at Para 3 (e) and 4 (d) directed as under:

"3 (e) Following State Commissions did not pass Tariff Orders for FY 2012-13 within 120 days from date of submission of the completed Tariff petitions:

(i) Delhi, (ii) Uttar Pradesh, (iii) West Bengal, (iv) Punjab

4 (d) State Commissions mentioned at para 3(e) above are directed to explain as to why they could not pass the Tariff Order within 120 days from the date of submission of completed ARR & Tariff Petitions as stipulated in the Act."

The submissions made by the above State Commissions are as under:

1. Delhi

"The Commission received MYT petition from the utilities in months of January and February 2012 which were admitted subject to clarifications/ additional information. The last additional information was received in the month of June 2012, following which the Commission issued the tariff schedule on 26/6/2012. Hence the tariff determination exercise was completed between 125 to 140 days from the date of Admission of the respective ARR and true up petitions."

2. Punjab

"PSPCL filed the ARR and Tariff petition on 30/11/2011 which was taken on record on 1/12/2011. Then the Commission wrote to the Government of Punjab (GoP) seeking their views on the ARR. GoP responded vide letter dated 13/6/2012. PSERC determined the ARR and Tariff for 2012-13 and again solicited the views of GoP regarding its intention to extend subsidy to any class of consumers. GoP replied vide letter dated 11/7/2012 and the Commission issued the Tariff Order on 16/7/2012."

3. Uttar Pradesh

"The Commission admitted the petitions on 25th June, 2012. Clause 2.3.1 of the UPERC Distribution Tariff Regulation, 2006 provides as under:

"2.3 Additional Information Requirement for the admission of the petition:

1. The Commission, after the petition has been filed, may require the distribution licensee to furnish any further information, particulars, documents, public records etc. as the Commission may consider appropriate to enable the Commission to assess the petitioner's calculations, assumptions and assertions. **The period of 120 days as provided in section 64 (3) of the Electricity Act 2003 will be counted from the date of acceptance of ARR complete in all respects to the reasonable satisfaction of the Commission and thereupon its admittance by the Commission."**

Hence as per Regulations, the Tariff Orders were to be issued by 23rd October, 2012 (120 days from the date of admittance), and the Tariff Orders were issued on 19th October, 2012, well before the stipulated date."

4. West Bengal

"The Commission was in a process of amending the West Bengal Electricity Regulatory Commission (Terms and Conditions Tariff) Regulations, 2011 in order to consider various suggestions, comments from different stakeholders, to cover the issues came out during legal proceedings relevant for determination of tariff for different licensees of the State and the amended regulations was finalized on August 2012.

Thus it took appreciable time to start the workings of Multi Year Tariff Order for the third control period for the years 2011-12 to 2013-14 after finalization of the amendments to the Tariff Regulations. However, the Multi Year Tariff petitions for the years 2011-12 to 2013-14 of all the utilities in the State have been accepted by the Commission and MYT order on ARR and Tariff orders for the FY 2011-12 and 2012-13 have since been issued."

V. Hon'ble APTEL in OP No. 1 of 2011 vide order dated 15th February, 2013 at Para 3 (f) and 4 (e) directed as under:

"3 (f) Following State Commission have reported delay in issuance of Truing up Orders for FY 2010-11:

(i) Delhi, (ii) Punjab, (iii) Rajasthan, (iv) Uttar Pradesh (v) West Bengal

4 (e) State Commissions mentioned in para 3(f) above are required to furnish an explanation as to why they have not issued Truing up Order for FY 2010-11."

The submissions made by the above named State Commissions are reproduced as under:

1. DERC

"True up for 2010-11 was filed by all the Power Utilities along with the MYT petition for FY 2012-13 to 2014-15; and the True up order was issued along with the ARR order."

2. Punjab

"The Punjab State Electricity Board was unbundled on 16/4/2010 into Punjab State Power Corp. Ltd. (PSPCL) and Punjab State Transmission Corp. Ltd. (PSTCL). At the time of issue of Tariff Order for 2012-13, the transfer scheme was provisional and was yet to be finalized by GoP. Consequently, the opening balance sheet of PSPCL and PSTCL were also provisional. True up for 2010-11 could be undertaken only after the final actual figures as per audited accounts for 2010-11 are made available by PSPCL and PSTCL."

3. Rajasthan

"With the tariff petition for FY 12-13, the Discoms did not submit their APR/True up proposals as audited accounts for FY 10-11 were not finalized by Discoms. The Commission vide its order dated 8/9/2011 & 8/8/2012 asked the Discoms to get accounts finalized and submit the same along with next APR/tariff proposals. Now the accounts of Discoms have been finalized and Commission vide its D.O. letter dated 18/3/2012 has once again directed Discoms to file petitions for true up of ARR for FY 11 & FY 12 latest by 15th April 2013 failing which the Commission would proceed suo motu for determination of true up and also initiated action against Discoms u/s 142 of the Electricity Act, 2003 for non compliance of directions of the Commission."

4. Uttar Pradesh

"As the audited accounts were not made available by the state owned licensees the True Up could not been done for FY 2010-11.

Further in compliance to the Hon'ble APTEL's Order dated 15.10.2010 in Appeal No. 121 of 2010, the Commission is currently doing the True Up from FY 2000-01 to FY 2007-08. The Sate Distribution licensees are shortly going to file the True Up petitions for FY 2008-09 and FY 2009-10."

5. West Bengal

"The Commission was in a process of amending the West Bengal Electricity Regulatory Commission (Terms and Conditions Tariff) Regulations, 2011 in order to consider various suggestions, comments from different stakeholders, to cover the issues came out during legal proceedings relevant for determination of tariff for different licensees of the State and the amended regulations was finalized on August 2012.

After finalization of the amendments to the Tariff Regulations on August, 2012, the Commission processed the petitions for Annual Performance Review (APR) as well as Truing up for 2010-11 of different utilities and issued order for the FY 2010-11 for all the utilities."

Annexure - II

**Status of compliance of Hon'ble APTEL's order dated 15th February, 2013 in OP No. 1 of 2011
(Para 5: information regarding filing of ARR and Tariff Petitions for FY 2013-14 and issuance of Tariff order for FY 2013-14)**

[Status update regarding Regulatory Commissions of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Haryana, Jammu & Kashmir, Jharkhand, Joint ERC (Goa & UTs), Joint ERC (Mizoram & Manipur), Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand, Uttar Pradesh, and West Bengal]

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
1.	Annual Performance Review (APR) petition for 2012-13 filed as per the requirements of the regulations	1. Andhra Pradesh – Not Applicable 2. Bihar 3. Goa & UTs 4. Gujarat – Not applicable 5. Himachal Pradesh 6. Madhya Pradesh -APR is required to be filed by June, 2013 7. Maharashtra – Time extension allowed 8. Punjab 9. Sikkim – Not applicable as the ARR/ Tariff petition is received for the first time for 2013-14 10. Tripura – Time extension allowed 11. Uttarakhand – Not applicable 12. West Bengal - Date of submission of petition is due by Nov. 2013 as per the Regulations	1. Arunachal Pradesh 2. Assam - timeline not specified in Regulations 3. Chhattisgarh 4. Delhi 5. Haryana – stated that will be done in 2013-14, on availability of audited accounts of 2012-13 6. Kerala - timeline not specified in Regulations 7. JERC (M & M) 8. Meghalaya - timeline not specified in Regulations 9. Rajasthan 10. Tamil Nadu 11. Uttar Pradesh	1. Jharkhand – Required quorum of two members is not fulfilled, hence tariff order cannot be issued. 2. Karnataka - The Commission had proposed to pronounce the tariff orders on 28/03/2013. However, due to the model code of conduct on account of elections to the Karnataka Legislative Assembly in May 2013, KERC was directed to withhold the final announcement of tariff till clearance is obtained from Election Commission of India.

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
2	Annual Performance Review order for the year 2012-13 being issued as per the requirements of the regulations	<ol style="list-style-type: none"> 1. Andhra Pradesh – Not Applicable 2. Assam – Time extension allowed 3. Bihar 4. Gujarat – Not applicable 5. Madhya Pradesh – requisite reports are required to be filed by 30/06/2013 6. Maharashtra – Time extension allowed 7. Meghalaya 8. Punjab 9. Sikkim – Not applicable 10. Uttarakhand – Not applicable 11. West Bengal 	<ol style="list-style-type: none"> 1. Arunachal Pradesh 2. Chhattisgarh 3. Delhi 4. Haryana 5. Manipur & Mizoram 6. Kerala 7. Rajasthan 8. Tamil Nadu 9. Uttar Pradesh 	<ol style="list-style-type: none"> 1. Himachal Pradesh 2. Tripura
3	Annual Revenue Requirement (ARR) petitions for the year 2013-14 to be filed as per the requirements of the regulations	<ol style="list-style-type: none"> 1. Andhra Pradesh – Time extension allowed 2. Assam – Time extension allowed 3. Bihar 4. Goa, UTs of Andaman & Nicobar, Dadra & Nagar Haveli, Daman & Diu, Chandigarh, Lakshadweep and Puducherry – Time extension allowed 5. Gujarat¹ – Time extension allowed 6. Haryana 7. Himachal Pradesh 8. Maharashtra – Time extension allowed 9. Manipur & Mizoram – time extension allowed 10. Kerala - delay condoned in filing 11. Madhya Pradesh 12. Meghalaya 	<ol style="list-style-type: none"> 1. Arunachal Pradesh 2. Chhattisgarh 3. Delhi 4. Tamil Nadu 5. Uttar Pradesh 	

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
		13. Punjab 14. Rajasthan 15. Sikkim 16. Tripura– Time extension allowed 17. Uttarakhand ⁴ – Time extension allowed 18. West Bengal – Time extension allowed		
4	Issuance of tariff orders for the year 2013-14 as per the requirements of the regulations	1. Andhra Pradesh 2. Assam – Time extension allowed 3. Bihar 4. Goa and UTs of Andaman& Nicobar, Dadra & Nagar Haveli, Daman & Diu, Chandigarh, Lakshadweep and Puducherry – Time extension allowed 5. Gujarat ¹ – Time extension allowed 6. Haryana 7. Madhya Pradesh 8. Maharashtra – Time extension allowed 9. Meghalaya 10. Punjab 11. Sikkim 12. Uttarakhand – Tariff Order not issued yet (120 days from the date of acceptance of petition not over yet)	1. Arunachal Pradesh 2. Chhattisgarh 3. Delhi 4. Kerala 5. Manipur & Mizoram 6. Rajasthan 7. Tamil Nadu 8. West Bengal 9. Uttar Pradesh	1. Himachal Pradesh 2. Tripura
5	Tariff applicability only till the end of the financial year	1. Andhra Pradesh 2. Arunachal Pradesh 3. Bihar 4. Haryana 5. Madhya Pradesh 6. Meghalaya 7. Punjab	1. Assam - applicable till the issue of next tariff order 2. Maharashtra - applicable till the issue of next tariff order 3. Gujarat 4. Manipur & Mizoram – Yet to be decided	1. Delhi 2. Himachal Pradesh 3. Goa & UTs Chhattisgarh, Kerala, Rajasthan, Uttarakhand & Uttar Pradesh - Tariff Order not yet

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
		8. Sikkim 9. Tamil Nadu 10. Tripura	5. West Bengal	issued
6	Initiation of Suo Moto action for delays in filing	1. Chhattisgarh – suo-motu petition initiated in respect of Chhattisgarh State Power Distribution Company Ltd. (CSPDCL) and Bhilai Steel Plant (BSP) 2. Gujarat ¹ 3. Tamil Nadu ²	1. Arunachal Pradesh	
7	Revenue gap between Average Revenue Requirement (ARR) and Average Cost of Supply (ACS) per unit	States/UTs where gap is nil: 1. Dadra & Nagar Haveli 2. Haryana 3. Madhya Pradesh 4. Meghalaya 5. Punjab Positive revenue gap: 1. Gujarat (TPL-S and TEL)	States/ UTs which have shown negative revenue gap: 1. Andhra Pradesh ⁵ – Subsidy committed by Government of Andhra Pradesh 2. Bihar 3. Goa, A&N, D&D 4. Gujarat (DGVCL, MGVCL, PGVCL, UGVCL, TPL-A, MUPL, KPT) 5. Sikkim	1. Himachal Pradesh 2. Goa & UTs
8	Treatment of revenue gap	Not allowed creation of regulatory assets: 1. Andhra Pradesh 2. Goa, A&N, D&NH, D&D 3. Gujarat 4. Haryana 5. Madhya Pradesh 6. Meghalaya 7. Punjab	Allowed creation of regulatory assets: 1. Bihar 2. Sikkim	1. Himachal Pradesh 2. Goa & UTs
9	True up filing for the year 2011-12 as per the regulations	1. Andhra Pradesh – Not Applicable 2. Assam – Time extension allowed 3. Bihar 4. Haryana	1. Arunachal Pradesh 2. Chhattisgarh 3. Delhi 4. Goa, UTs of A&N, Chandigarh,	

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
		5. Himachal Pradesh 6. Madhya Pradesh - Discoms allowed to file the petition by 31/3/2013 7. Maharashtra – Time extension allowed 8. Punjab 9. Rajasthan –Discoms directed to file the true up petitions, failing which Suo-motu action will be initiated 10. Sikkim – Not applicable as the ARR/ Tariff petition is received for the first time for 2013-14 11. Tripura – time extension allowed 12. Uttarakhand ⁴ 13. West Bengal 14. UTs of D&NH, D&D, Puducherry	Lakshadweep 5. Gujarat 6. Kerala - timeline not specified in Regulations 7. Manipur & Mizoram 8. Meghalaya - timeline not specified in Regulations 9. Tamil Nadu 10. Uttar Pradesh	
10	True up order as per the regulations	1. Andhra Pradesh – Not Applicable 2. Bihar 3. D&NH, D&D, Puducherry 4. Haryana 5. Sikkim – Not applicable	1. Arunachal Pradesh 2. Goa, A&N, Chandigarh, Lakshadweep 3. Madhya Pradesh 4. Meghalaya – NA 5. Rajasthan	1. Himachal Pradesh 2. Tripura Chhattisgarh, Delhi, Gujarat, Kerala, Manipur & Mizoram, Punjab, Tamil Nadu, West Bengal & Uttar Pradesh - Order not yet issued
11	Fuel surcharge adjustment formula/ mechanism in the regulations	1. Andhra Pradesh 2. Arunachal Pradesh 3. Assam 4. Bihar 5. Chhattisgarh 6. Delhi 7. Goa & UTs	1. Gujarat	1. Himachal Pradesh

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
		8. Haryana 9. Kerala 10. Manipur & Mizoram 11. Madhya Pradesh 12. Maharashtra 13. Meghalaya 14. Punjab 15. Rajasthan 16. Sikkim 17. Tamil Nadu 18. Tripura 19. Uttarakhand 20. West Bengal 21. Uttar Pradesh		
12	Frequency of adjustment	Quarterly: 1. Andhra Pradesh 2. Arunachal Pradesh 3. Assam 4. Chhattisgarh 5. Delhi 6. Goa & UTs 7. Gujarat 8. Haryana 9. Kerala 10. Madhya Pradesh 11. Maharashtra 12. Meghalaya 13. Punjab 14. Rajasthan	Monthly: 1. Bihar 2. Manipur & Mizoram 3. West Bengal	1. Himachal Pradesh

S. No.	Parameters	Name of the ERCs which have complied#	Name of the ERCs which have not complied@	Name of the ERCs that did not report/ Other Issues Reported by ERCs
		15. Sikkim 16. Tamil Nadu 17. Tripura 18. Uttarakhand 19. Uttar Pradesh		
13	Fuel Surcharge adjustment being done as per the Regulations	1. Andhra Pradesh 2. Arunachal Pradesh 3. Assam 4. Bihar 5. Chhattisgarh 6. Delhi 7. Goa & UTs 8. Gujarat 9. Haryana 10. Kerala – Process completed till 2011-12 11. Madhya Pradesh 12. Meghalaya – Not required 13. Punjab 14. Rajasthan 15. Sikkim 16. West Bengal 17. Uttarakhand 18. Uttar Pradesh	1. Manipur & Mizoram – Both the States do not have any fuel based generation 2. Tamil Nadu 3. Tripura ³	1. Himachal Pradesh 2. Maharashtra
Name of the ERCs that did not report to Secretary, Forum of Regulators			Jammu & Kashmir, Nagaland, Odisha	

Time extension allowed by the ERCs has been considered compliance based on discussion with Amicus Curiae Counsel (Shri Amit Kapoor)

@ Non compliance includes not following the time line specified in the Regulations framed by the ERCs.

¹: (a) **Gujarat**: DGVCL / MGVCL / PGVCL / UGVCL: The time limit for filing the tariff petition was extended up to 10.01.2013. Discoms did not file even after the expiry of the time limit granted by the Commission. Consequently, the Commission initiated a suo-motu proceeding and directed Managing Directors of the Discoms during hearing on 18.01.2013 to file petitions within 10 days.

(b) TPL - Distribution (Ahmedabad & Surat): The time limit for filing the tariff petition was extended up to 31.12.2012. TPL filed its petitions on 31.12.2012 and the same were registered by the Commission on 01.01.2013.

(c) Torrent Energy Limited (TEL): The time limit for filing the tariff petition was extended up to 10.01.2013. TEL filed its petition on 16.01.2013 and same was registered by the Commission on 21.01.2013.

(d) Kandla Port Trust (KPT): The time limit for filing the tariff petition was extended up to 20.12.2012. KPT filed the petition on 10.01.2013 and same was registered by the Commission on 21.01.2013.

(e) Aspen Infrastructures Limited (AIL): The time limit for filing the tariff petition was extended up to 26.12.2012. AIL filed its petition on 27.12.2012 and the same was registered by the Commission on 02.01.2013.

²: **Tamil Nadu**: Since the main issue is the amortization of Regulatory Assets and the proposal for the same was to be given by TANGEDCO in consultation with the Govt. of Tamil Nadu, the TNERC sent letters to file the tariff petition on 8/1/2013, 21/1/2013 and 8/2/2013.

³: **Tripura**: Discom was directed to raise the FSA during 2012-13, but the nominal rise due to Dollar variation only would be taken up during the ARR/ Tariff Petition for the year 2013-14

⁴: **Uttarakhand**: UPCL requested for extension of time for filing the petitions and the Commission granted time extension. Subsequently, the Commission found certain deficiencies and data gaps and the petition was returned to UPCL. UPCL submitted the complete MYT petition on 31/01/2013 along with truing up petition for 2010-11 and 2011-12, which has been admitted by the Commission on 01/02/2013 and tariff proceedings have been initiated.

⁵: Subsidy commitment under Section 65 of Electricity Act, 2003 by Government of Andhra Pradesh is ₹ 5,480.77 Crore.