



# केन्द्रीय विद्युत विनियामक आयोग

**CENTRAL ELECTRICITY REGULATORY COMMISSION**



/ MOST IMMEDIATE-BY HAND ONLY /

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

Dated: 30<sup>th</sup> January, 2013

The Registrar  
Appellate Tribunal for Electricity  
7<sup>th</sup> Floor, Core-4, SCOPE Complex  
Lodhi Road  
New Delhi 110003

**Subject: Compliance of the directions given by the Hon'ble Appellate Tribunal for Electricity in OP No. 1 of 2011– Submission of additional information**

Sir,

Subsequent to our submission dated 17.1.2013 to the Hon'ble APTEL in compliance of OP No. 1 of 2011, we are in receipt of revised responses from Karnataka, Maharashtra and Rajasthan Electricity Regulatory Commissions. Arunachal Pradesh, Assam, Bihar, Gujarat, Manipur & Mizoram and Sikkim Electricity Regulatory Commissions have again sent the responses which are in line with their responses made earlier on the basis of which FOR had prepared its response dated 17<sup>th</sup> January, 2013. The revised summarized report in the format suggested by Amicus Curiae Counsel for all the responses received from the Electricity Regulatory Commissions as on 30<sup>th</sup> January, 2013 is enclosed at **Annexure I**.

2. The replies received from Karnataka, Maharashtra and Rajasthan Electricity Regulatory Commissions are enclosed at **Annexure II**.

Yours faithfully,

**Encl: As above (4 copies)**

  
(Rajiv Bansal)  
Secretary, CERC/FoR

**Copy to: Amicus Curiae Counsels (4 copies)**

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**Status of compliance of APTEL order OP No. 1 of 2011: For financial year 2012-13**

*[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]*

<b>S. No.</b>	<b>Parameter</b>	<b>Name of the ERCs which have complied</b>	<b>Name of the ERCs which have not complied</b>	<b>Name of the ERCs that did not report as per the prescribed format</b>
1.	<b>Annual Performance review petition filed as per the requirements of the regulations</b>	1. Andhra Pradesh 2. Chhattisgarh (for CSPDCL) 3. Bihar 4. Delhi 5. JERC (Goa & UTs) 6. Karnataka 7. Meghalaya 8. Odisha 9. Punjab 10. Tamil Nadu 11. Tripura 12. Uttar Pradesh (for NPCL)	1. Gujarat 2. Himachal Pradesh 3. Jammu & Kashmir (J&K) 4. JERC (Manipur & Mizoram) 5. Madhya Pradesh 6. Rajasthan 7. Uttar Pradesh (for DVVNL, MVVNL, PVVNL and PuVVNL) 8. West Bengal (for WBSEDCL)	1. Arunachal Pradesh 2. Assam 3. Haryana 4. Jharkhand 5. Kerala 6. Maharashtra (for MSEDCL) 7. Nagaland 8. Sikkim 9. Uttarakhand <sup>1</sup>
2	<b>Annual Performance review order being issued as per the requirements of the regulations</b>	1. Andhra Pradesh <sup>2</sup> 2. Bihar 3. Chhattisgarh (for CSPDCL) 4. Karnataka 5. Meghalaya 6. Odisha 7. Punjab 8. Uttar Pradesh (for NPCL)	1. Gujarat 2. Himachal Pradesh 3. JERC (M&M) 4. J & K 5. Madhya Pradesh 6. Rajasthan 7. Tripura 8. Uttar Pradesh (for DVVNL, MVVNL, PVVNL and PuVVNL) 9. West Bengal (for WBSEDCL)	1. Arunachal Pradesh 2. Assam 3. Delhi 4. Haryana 5. Jharkhand 6. JERC (Goa & UTs) 7. Kerala 8. Maharashtra (for MSEDCL) 9. Nagaland 10. Sikkim 11. Tamil Nadu 12. Uttarakhand

3	<b>ARR petitions to be filed as per the requirements of the regulations</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh<sup>2</sup></li> <li>2. Bihar</li> <li>3. Chhattisgarh (for CSPDCL, JSPL)</li> <li>4. Haryana</li> <li>5. Karnataka</li> <li>6. Madhya Pradesh</li> <li>7. Maharashtra (for MSEDCL)</li> <li>8. Meghalaya</li> <li>9. Odisha</li> <li>10. Punjab</li> <li>11. Rajasthan</li> <li>12. Tamil Nadu</li> <li>13. Tripura</li> <li>14. Uttarakhand</li> <li>15. Uttar Pradesh (NPCL)</li> </ol>	<ol style="list-style-type: none"> <li>1. Assam</li> <li>2. Delhi</li> <li>3. Gujarat</li> <li>4. Himachal Pradesh</li> <li>5. J &amp; K</li> <li>6. JERC (Goa &amp; UTs)</li> <li>7. JERC (M&amp;M)</li> <li>8. Kerala</li> <li>9. Uttar Pradesh (for DVVNL, MVVNL, PVVNL and PuVVNL)</li> <li>10. West Bengal (WSEDCL)</li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Jharkhand</li> <li>3. Nagaland</li> <li>4. Sikkim</li> </ol>
4	<b>Issuance of tariff orders as per the requirements of the regulations</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh<sup>2</sup></li> <li>2. Bihar</li> <li>3. Chhattisgarh (for CSPDCL, JSPL)</li> <li>4. Haryana</li> <li>5. Himachal Pradesh</li> <li>6. Karnataka</li> <li>7. Kerala</li> <li>8. Madhya Pradesh</li> <li>9. Maharashtra (for MSEDCL)</li> <li>10. Meghalaya</li> <li>11. Odisha</li> <li>12. Tamil Nadu</li> <li>13. Tripura</li> </ol>	<ol style="list-style-type: none"> <li>1. Assam<sup>3</sup></li> <li>2. Delhi</li> <li>3. Gujarat</li> <li>4. J&amp;K</li> <li>5. JERC (Goa &amp; UTs)</li> <li>6. JERC (M&amp;M)</li> <li>7. Punjab</li> <li>8. Rajasthan</li> <li>9. Uttarakhand</li> <li>10. Uttar Pradesh</li> <li>11. West Bengal</li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Jharkhand</li> <li>3. Nagaland</li> <li>4. Sikkim<sup>15</sup></li> </ol>
5	<b>Tariff applicability only till the end of the financial year</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh</li> <li>2. Bihar</li> <li>3. Chhattisgarh (for CSPDCL)</li> <li>4. Haryana</li> <li>5. Himachal Pradesh</li> <li>6. J&amp;K</li> <li>7. JERC (Goa &amp; UTs)</li> </ol>	<ol style="list-style-type: none"> <li>1. Delhi</li> <li>2. Gujarat</li> <li>3. JERC (M&amp;M)</li> <li>4. Karnataka</li> <li>5. Maharashtra (for MSEDCL)</li> <li>6. Rajasthan</li> <li>7. Sikkim</li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Assam<sup>3</sup></li> <li>3. Jharkhand</li> <li>4. Kerala</li> <li>5. Nagaland</li> </ol>

		8. Madhya Pradesh 9. Meghalaya 10. Odisha 11. Punjab 12. Tamil Nadu 13. Tripura 14. Uttarakhand	8. Uttar Pradesh 9. West Bengal	
6	<b>Initiation of Suo Motu action for delays in filing</b>	1. Gujarat 2. Sikkim		
7	<b>Revenue gap between Average Revenue Requirement (ARR) and Average Cost of Supply (ACS) per unit</b>	<p><b>States where revenue gap is nil:</b></p> 1. Andhra Pradesh 2. Himachal Pradesh 3. Karnataka 4. Madhya Pradesh 5. Maharashtra (for MSEDCL) 6. Meghalaya 7. Tamil Nadu 8. Uttarakhand 9. West Bengal (for WBSSEDCL)	<p><b>States which have shown revenue gap:</b></p> 1. Bihar 2. Chhattisgarh (for CSPDCL and BSP) 3. Delhi (BRPL and TPDDL) 4. Gujarat (DGVCL, MGVCL, PGVCL, UGVCL, TPL-A, MUPL) 5. JERC (Goa & UTs –Puducherry, Andaman & Nicobar, Goa) 6. JERC (M&M) 7. J&K 8. Kerala 9. Rajasthan 10. Sikkim 11. Tripura 12. Uttar Pradesh	<p><b>States which have not furnished details on revenue gap:</b></p> 1. Arunachal Pradesh 2. Assam 3. Jharkhand 4. Nagaland 5. Punjab
8	<b>Treatment of revenue gap<sup>^</sup></b>	<p><b>ERCs which have not allowed creation of regulatory assets:</b></p> 1. Andhra Pradesh 2. Chhattisgarh (for BSP) 3. Gujarat 4. Himachal Pradesh	<p><b>ERCs which have allowed creation of regulatory assets:</b></p> 1. Bihar 2. Chhattisgarh (for CSPDCL) 3. JERC (Goa & UTs) –Puducherry 4. Rajasthan	

		<ol style="list-style-type: none"> <li>5. JERC (Goa &amp; UTs)- Chandigarh</li> <li>6. Karnataka<sup>11</sup></li> <li>7. Kerala</li> <li>8. Madhya Pradesh</li> <li>9. Maharashtra (for MSEDCL)</li> <li>10. Odisha</li> <li>11. Punjab</li> <li>12. Sikkim</li> <li>13. Tripura</li> <li>14. Uttarakhand</li> <li>15. Uttar Pradesh (for MVVNL, PVVNL, PuVVNL, DVVNL)</li> </ol> <p><b>States where the gap is being met by the Government:</b></p> <ol style="list-style-type: none"> <li>1. JERC (M&amp;M)</li> <li>2. J &amp; K</li> </ol>	<ol style="list-style-type: none"> <li>5. Tamil Nadu</li> <li>6. Uttar Pradesh(for NPCL)</li> <li>7. West Bengal (WBSEDCL)<sup>17</sup></li> </ol>	
9	<b>True up filing as per the regulations</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh</li> <li>2. Bihar</li> <li>3. Chhattisgarh</li> <li>4. Madhya Pradesh</li> <li>5. Maharashtra (for MSEDCL)</li> <li>6. Odisha</li> <li>7. Punjab</li> <li>8. Tamil Nadu</li> </ol>	<ol style="list-style-type: none"> <li>1. JERC (M&amp;M)</li> <li>2. Delhi</li> <li>3. Rajasthan</li> <li>4. Uttar Pradesh</li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Assam</li> <li>3. Gujarat</li> <li>4. Himachal Pradesh</li> <li>5. Haryana</li> <li>6. Jammu &amp; Kashmir</li> <li>7. Jharkhand</li> <li>8. JERC (Goa &amp; UTs)</li> <li>9. Karnataka</li> <li>10. Kerala</li> <li>11. Meghalaya</li> <li>12. Nagaland</li> <li>13. Sikkim</li> <li>14. Tripura</li> <li>15. Uttarakhand</li> <li>16. West Bengal</li> </ol>
10	<b>True up order as per the regulations</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh</li> <li>2. Bihar</li> <li>3. Chhattisgarh (for CSPDCL)</li> </ol>	<ol style="list-style-type: none"> <li>1. Delhi</li> <li>2. Punjab<sup>14</sup></li> <li>3. Rajasthan</li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Assam</li> <li>3. Gujarat</li> </ol>

		<ol style="list-style-type: none"> <li>4. Himachal Pradesh</li> <li>5. Haryana</li> <li>6. Madhya Pradesh</li> <li>7. Maharashtra (for MSEDCL)</li> <li>8. Odisha</li> <li>9. Tamil Nadu</li> </ol>	<ol style="list-style-type: none"> <li>4. Uttar Pradesh</li> </ol>	<ol style="list-style-type: none"> <li>4. Jammu &amp; Kashmir</li> <li>5. Jharkhand</li> <li>6. JERC (Goa &amp; UTs)</li> <li>7. JERC (M&amp;M)</li> <li>8. Karnataka</li> <li>9. Kerala</li> <li>10. Meghalaya</li> <li>11. Nagaland</li> <li>12. Sikkim</li> <li>13. Tripura</li> <li>14. Uttarakhand</li> <li>15. West Bengal</li> </ol>
11	<b>Fuel surcharge adjustment formula/ mechanism in the regulations</b>	<ol style="list-style-type: none"> <li>1. Andhra Pradesh</li> <li>2. Assam</li> <li>3. Chhattisgarh (for CSPDCL)</li> <li>4. Delhi</li> <li>5. Gujarat</li> <li>6. Haryana</li> <li>7. Himachal Pradesh</li> <li>8. JERC (Goa &amp; UTs)</li> <li>9. JERC (M &amp;M)</li> <li>10. Kerala</li> <li>11. Madhya Pradesh</li> <li>12. Maharashtra (for MSEDCL)</li> <li>13. Meghalaya</li> <li>14. Odisha</li> <li>15. Punjab</li> <li>16. Rajasthan</li> <li>17. Tamil Nadu</li> <li>18. Tripura</li> <li>19. Uttar Pradesh (for DVVNL, MVVNL, PVVNL, PuVVNL and NPCL)</li> <li>20. West Bengal</li> </ol>	<ol style="list-style-type: none"> <li>1. Bihar</li> <li>2. Jammu &amp; Kashmir</li> <li>3. Karnataka<sup>5</sup></li> <li>4. Himachal Pradesh<sup>6</sup></li> <li>5. Uttarakhand<sup>6</sup></li> <li>6. Sikkim<sup>16</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. Arunachal Pradesh</li> <li>2. Nagaland</li> </ol>

12	<b>Frequency of adjustment<sup>13</sup></b>	<b>Quarterly:</b> 1. Andhra Pradesh 2. Assam 3. Chhattisgarh (for CSPDCL) 4. Delhi 5. Gujarat 6. Haryana 7. Himachal Pradesh 8. JERC (Goa & UTs) 9. Kerala 10. Madhya Pradesh 11. Meghalaya 12. Punjab 13. Rajasthan 14. Tamil Nadu 15. Tripura 16. Uttar Pradesh (for MVVNL, PVVNL, PuVVNL, DVVNL, NPCL)	<b>Monthly:</b> 1. Bihar 2. Chhattisgarh (for JSPL) 3. JERC (M&M) <sup>12</sup> 4. Maharashtra  <b>Yearly:</b> 1. West Bengal		
13	<b>Fuel Surcharge adjustment being done as per the Regulations</b>	1. Andhra Pradesh 2. Assam 3. Bihar 4. Chhattisgarh (for CSPDCL) 5. Delhi 6. Gujarat 7. Haryana 8. Himachal Pradesh 9. JERC (Goa & UTs) 10. Madhya Pradesh 11. Maharashtra 12. Punjab	1. Karnataka <sup>8</sup> 2. Sikkim <sup>9</sup> 3. JERC (M&M) <sup>10</sup> 4. Rajasthan 5. Tripura	1. Arunachal Pradesh 2. J & K 3. Jharkhand 4. Kerala 5. Meghalaya 6. Nagaland 7. Odisha	

		13. Tamil Nadu 14. Uttarakhand <sup>7</sup> 15. Uttar Pradesh (for MVVNL, PVVNL, PuVVNL, DVVNL and NPCL) 16. West Bengal		
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<sup>1</sup>: Uttarakhand ERC stated that APR filing has been incorporated in MYT Regulation, 2011 which shall come into effect from 01.04.2013, i.e. for the Control Period FY 2013-14.

<sup>2</sup>: Andhra Pradesh ERC has reported that the time for issuing the APR order is not yet due.

<sup>3</sup>: Assam ERC stated that following the APTEL order in OP No.1 of 2011, the Commission directed the licensees (APGCL, AEGCL and APDCL) to comply with the order and file petition for APR of 2011-12, True Up for 2009-10 and 2010-11 and determination of ARR for 2012-13. Subsequently, APGCL filed the petition on 28.09.2012 while the Transco and Discom were granted time till 15.11.2012 failing which Suo Motu action was to be initiated.

<sup>4</sup>: Arunachal Pradesh ERC stated that it came into workable stage only in July 2011. The Utilities in Arunachal Pradesh, which are Government Departments, have already been requested to file the Tariff Petitions and that they are in the final stages of filing their respective Tariff Petitions for the first time. The Commission has so far not taken any Suo Motu action due to delay on this account as the Departments are new to this exercise and doing it for the first time.

<sup>5</sup>: Karnataka Commission has stated that a separate order on fuel surcharge adjustment would be issued in due course of time.

<sup>6</sup>: Himachal Pradesh and Uttarakhand ERCs have not provided fuel surcharge adjustment mechanism in the regulations as there are no thermal generating stations in these States. However, such provision has been provided in the MYT Regulations of Uttarakhand which will come into effect from April 01, 2013, for the Control Period FY 2013-14 with quarterly adjustments.

<sup>7</sup>: The Commission of Uttarakhand has stated that the FSA provision has been made in the Multi Year Tariff (MYT) Regulations for the Control Period FY 2013-14 with quarterly adjustments. However, at present, fuel surcharge adjustment bills raised by Central Generating stations are being paid by the licensee and the same is being allowed as power purchase cost in the ARR.

<sup>8</sup>: Karnataka Commission in the tariff order for 2012-13 issued on 30<sup>th</sup> April, 2012 directed all the licensees to submit certain data for fuel cost variation. After the analysis of the same, a separate order would be issued to be effective from the current year.

<sup>9</sup>: Sikkim ERC has stated that FSA will be provided in the next tariff order

<sup>10</sup>: JERC (M&M) has stated that FSA has not been made due to non availability of fossil fuel based generation in the State.

<sup>11</sup>: Karnataka Commission has carried forward the gap to the next year.



<sup>12</sup>: JERC (M&M) has reported both monthly/ quarterly adjustment of Fuel Surcharge

<sup>13</sup>: Although the regulations provide for quarterly adjustment of Fuel Surcharge in the State of Rajasthan, no information has been provided regarding the actual adjustments being made in FY 2012-13. In the State of Sikkim, FSA will be provided in the next tariff order. The Commission of Uttarakhand has stated that the FSA provision has been made in the Multi Year Tariff (MYT) Regulations for the Control Period FY 2013-14 with quarterly adjustments. However, at present, fuel surcharge adjustment bills raised by Central Generating stations are being paid by the licensee and the same is being allowed as power purchase cost in the ARR.

For the State of Uttar Pradesh, in tariff order dated 19th Oct, 2012 it has been provided that the FPPCA will be applicable from Jan-March 2013 quarter. Haryana has reported that as per the regulations utility can recover FSA in respect of approved sources of power purchase on monthly basis but the FSA is generally for short term purchases for which utility has to file separate petition. Rajasthan has not provided information regarding actual adjustments for FSA in FY 2012-13. JERC (M&M) has stated that FSA has not been made due to non availability of fossil fuel based generation in the State.

West Bengal is doing yearly (FCA/FPPCA) and Monthly (MFCA/MVCA) subject to reconciliation along with FCA/FPPCA.

<sup>14</sup>: The True-up for 2010-11 for Punjab could not be undertaken, as PSPCL did not submit Audited Accounts due to non finalization of Transfer Scheme by the Govt. of Punjab.

<sup>15</sup>: The Sikkim Commission began functioning only in Nov. 2011. Therefore, data for the period prior to 2011 is not available. However, SSERC issued Suo Moto Tariff order on 30.03.2012 for 2012-13.

<sup>16</sup>: First tariff order for Sikkim issued for 2012-13. FSA formula will be provided in the next tariff order.

<sup>17</sup>: West Bengal Commission adjusted part of the Regulatory Assets created out APR/ Truing up for 2008-09, 2009-10 and 2010-11.

^: Despite showing no revenue gap between ARR and ACS, Tamil Nadu Commission has stated that Regulatory Assets have been created. In case of J & K, the revenue gap is being met by the State Government and in case of Uttar Pradesh (for NPCL) the revenue gap is being met by way of regulatory surcharge of 8%.

The Commissions of Tamil Nadu, Uttar Pradesh (for NPCL) and Chhattisgarh (for CSPDCL) have reported that the carrying cost shall be/ have been allowed. Delhi Commission has stated that for meeting the revenue gap till FY 2010-11 and liquidation of revenue gap, the Commission has decided to introduce a surcharge of 8% over the revised tariff in FY 2012-13. Bihar Commission and JERC (Goa & UTs) have created regulatory assets but did not allow the carrying cost of these regulatory assets.