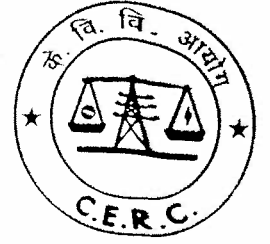




केन्द्रीय विद्युत विनियामक आयोग
CENTRAL ELECTRICITY REGULATORY COMMISSION



[MOST IMMEDIATE - BY HAND ONLY]

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

Dated: 6th July, 2011

The Registrar
Appellate Tribunal for Electricity
7th Floor, Core-1, SCOPE Complex
Lodhi Road
New Delhi - 110 003.

SUB: Compliance of the directions given by the Appellate Tribunal for Electricity

Sir,


This is in reference to the order O.P. No.1 of 2011 of the Hon'ble APTEL dated 19.05.2011 on the above subject. Please refer to our letter No.15/9(1)/2011/APTEL-TA/FOR/CERC dated 30th June, 2011 enclosing inputs received from 16 SERCs. Further, we had proposed to prepare a final report based on the analysis of the information provided to us by the SERCs and submit the same by 6th July, 2011.

2. Till date, we have received information from 21 SERCs/JERC. A statement summarizing the information submitted by the SERCs/JERCs on the issues raised by APTEL is **enclosed as Annexure-I**. A copy each of the communications received from SERCs/JERCs in reply to the APTEL direction is also **enclosed as Annexure-II**.

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

Yours faithfully,

Encl : As above.


6/7/11
(RAJIV BANSAL)
SECRETARY, CERC /FOR



Summary of information regarding Tariff revision and tariff Adequacy in States

- A number of states (e.g. Rajasthan, Uttar Pradesh, Uttarakhand, J&K, West Bengal, Tamil Nadu, Bihar, Punjab, Jharkhand, Kerala) have shown revenue gaps due to inadequacy of tariff to cover actual cost of supply.
- Revenue gaps have arisen in the states largely because of the following reasons:
 1. Tariff revision not taking place regularly (e.g. Rajasthan, Tamil Nadu)
 2. SERC seeking to avoid tariff shock to consumers (e.g. Uttar Pradesh)
- Revenue Gap is being bridged through:
 1. Creation of regulatory asset (e.g. West Bengal, UP , Punjab, Bihar)
 2. Subsidies / Soft loans from State Govt. (e.g. UP, J&K, Rajasthan)
 3. Tariff Increase (e.g. Bihar, Punjab, MP)

Some SERCs have made provisions in their regulations / tariff orders for creation of regulatory asset (e.g. West Bengal, Punjab).

Some SERCs (e.g. Tamil Nadu) have submitted that issues such as Regulatory gaps, Truing up, Fuel Surcharge Mechanism are quasi judicial matters which come under the purview of State Electricity Regulatory Commissions. On such issues, the aggrieved parties have the right of appeal under Section 111 of the Electricity Act to the Hon'ble Tribunal.

2. Timeliness of tariff filing and Regulatory Action for delay (if any)

- In many of the states tariff petitions are not being filed regularly (e.g. Rajasthan, Uttarakhand, J&K) or are being filed with delays.
- The main reasons for delay in tariff filing have been stated as under :
 1. The utility does not file the tariff as per the guidelines given by SERC (e.g. Rajasthan, Uttarakhand).

2. Delay is caused due to delay in sanction of subsidy amount by State Govt. to state owned Distribution Utilities (e.g. Uttar Pradesh)
 3. Delay as a result of litigation (e.g. West Bengal, Jharkhand)
- Actions taken by SERC regarding non filing of tariff petitions or delay in tariff petitions have been as follows:
 1. Issuance of reminders or directives by SERCs to state utilities (e.g. Gujarat, Rajasthan, Uttarakhand)
 2. Dismissal of tariff petitions due to delay/inadequate information resulting in no tariff revision for that particular year (e.g. UP, Rajasthan)
 3. Suo Motu tariff orders issued by SERCs (e.g. Jharkhand, Uttarakhand , Punjab, Kerala)

Some SERCs have not taken action because of non-availability of audited accounts (e.g. UP) due to which the ERC may get involved in prolonged legal battles in APTEL/ Courts. Regarding Suo-Motu tariff revisions some states have stated that there is a legal impediment to it (e.g. Tamil Nadu) while others (e.g. Jharkhand, Uttarakhand , Punjab, Kerala) have interpreted the Act and the policy harmoniously and issued suo motu orders

3. Timeliness of tariff orders

- The delay in tariff determination exercise has mainly happened mainly due to:
 1. Delayed submission of the tariff proposal by the Licensee
 2. Delay in furnishing of complete data/information and related documents, details of State Govt. assistance etc., by the Licensee.

4. Timeliness of True Up orders

- In some states true up has not been done due to non filing of true up petitions by the state utilities (e.g. Bihar, Tripura, Rajasthan, UP).

Reasons for non filing the true up petition (and its delay) have been cited as non finalization of audited accounts of utilities by the Discoms (e.g. Rajasthan, UP).

In some states true up is being done on provisional accounts basis only (e.g. Uttarakhand, Chhattisgarh).

States like Kerala have initiated suo motu proceedings for non filing of trueing up petition for the years 2007-08 and 2008-09.

- Most of the states have provided for fuel surcharge adjustment in their regulations. Some states have also allowed for the carrying cost where FSA could not be approved due to lack of data (e.g. Punjab).

For other states FSA is not provided in regulations (e.g. Rajasthan, J&K). There are also cases where FSA is provided in regulations but is not being done(e.g. Uttar Pradesh, Orissa)

Statewise information

ASSAM

1. Revenue Gap & Regulatory action (if any)

Tariff is sufficient to cover ARR. No revenue gap has been reported.

2. Timeliness of tariff filing and regulatory action if any

Some delay is observed in filing of tariff petition and issuance of tariff order. The distribution licensee requests the Commission for extra time to file their petitions stating reasons for delay and Commission looks into it.

3. Timeliness of tariff order

Timeliness of tariff order due to delay in filing to tariff petition

4. Timeliness of True Up Orders

True Up is conducted soon after the audited financial statements are made available by the licensee. True up upto 2009-10 has been done.

5. Fuel Surcharge Adjustment

FSA provided in regulation and being done regularly

1. Revenue Gap & Regulatory action (if any)

2007-08	2008-09	2009-10
0.60 Rs./unit	0.81 Rs./unit	1.34 Rs/unit

The accumulated revenue gap of Discoms as on 31.3.2009 amounting to approx Rs. 15,500 Cr has been owned by the State Govt. The State Govt. has also agreed that Discoms can show this gap as receivable from State Govt.

After reminders from ERC, Discoms have now filed the tariff petition seeking approx 25% to 28% increase in tariff.

2. Timeliness of tariff filing and regulatory action if any

ARR petitions being filed on time and regularly as per RERC. However, petitions not being filed as per RERC annual application for tariff revision as envisaged in Sec 64 of Electricity Act 2003.

There were no tariff orders between from 2005-06 to 2009-10. Tariff petition for 2011-12 is under consideration. The Commission has time and again directed the utilities to file such proposals for revision of tariff as envisaged in Sec 64 of Act. The utilities have now filed petitions on 4.1.2011 for revision of tariff followed by a supplementary petition in March 2011. These petitions are under process.

3. Timeliness of tariff order

Due to non filing of tariff petition as per instructions of RERC, tariff orders not issued regularly and in time.

4. Timeliness of True Up

There is some delay in filing the trueing up petition by the Discoms due to non finalization of audited accounts of utilities and subsequent audit by CAG

5. Fuel Surcharge Adjustment

Fuel Surcharge Adjustment has not been carried out by the utilities in the past. However, utilities have now proposed fuel surcharge also in the tariff petition submitted to the Commission.

Madhya Pradesh

1. Revenue Gap & Regulatory action (if any)

The tariff fixed for a particular year has been sufficient to meet the quantum of the approved ARR. Hence no regulatory action required

2. Timeliness of tariff filing and regulatory action if any

As per MPERC, the Commission has been regularly issuing the tariff orders for each financial year from the 2004-05 to 2011-12 every year.

3. Timeliness of tariff order

No delays

4. Timeliness of True Up

The Commission has been regularly truing up the ARR and Distribution and Retail Supply Tariff Orders from FY 2005-06 i.e. since the formation of three Distribution. True-up orders have been issued for FY 2005-06, 2006-07 and 2007-08.

The truing up of Distribution and Retail Supply Tariff Order for FY 2008-09 is under process.

5. Fuel Surcharge Adjustment

FSA provided in regulation. The Commission has been considering the impact of variations in the fuel prices for Discoms at the time of true up of ARR for the particular year.

1. Revenue Gap & Regulatory action (if any)

2007-08	2008-09	2009-10
0.25 Rs./kwh	Nil	Nil

Revenue gap in 2007-08 was recovered from the truing up of expenses and revenues from 2001-02 to 2006-07 (which gave a surplus of 238 Crs).

2. Timeliness of tariff filing and regulatory action if any

Tariff not being filed regularly by Discom or filed with delays in an incomplete manner. Issuance of tariff orders gets delayed due to non filing of tariff petition.

DISCOM has filed its tariff petition for FY 2010-11 and FY 2011-12 within the stipulated time specified in the Regulations after imposition of penalty in 2009-10.

Commission initiated suo-moto proceedings for ARR and Tariff for FY 2008-09 due to non filing of tariff. For 2009-10 information is being sought from Discom regarding incomplete tariff petition

3. Timeliness of tariff order

Delay in tariff order due to delay in filing tariff petition

4. Timeliness of True Up

Truing up since 2005-06 has been done based on provisional accounts only.

5. Fuel Surcharge Adjustment

FSA not provided in regulation because there is only hydro generation in the State.

Power Purchase cost is being allowed in ARR

Jammu and Kashmir

1. Revenue Gap & Regulatory action (if any)

2007-08	2008-09	2009-10
0.37 Rs./kwh	0.20	0.20

- i) The Utility being a Government Department, the revenue gap is bridged by Government support.
- ii) Directives issued to the utility to reduce power losses and improve collection efficiency.
- iii) Directives issued to the Utility to procure power on competitive bidding basis to meet future requirements.

2. Timeliness of tariff filing and regulatory action if any

Tariff petitions being filed irregularly and with delays resulting in delays in issuance of tariff orders. Issuance of tariff orders gets delayed due to non filing of tariff petition. In addition to regularly reminding the Utility, matter had been taken up with the Government as well.

3. Timeliness of tariff order

Delay in tariff order due to delay in filing tariff petition

4. Timeliness of True Up

No true up orders issued since no petitions received from utility for true up.

5. Fuel Surcharge Adjustment

FSA not provided in regulation .

West Bengal

1. Revenue Gap & Regulatory action (if any)

Revenue gap information is not provided. The regulations provide for creation of regulatory assets to avoid tariff shock.

Creation of regulatory asset to deal with revenue gap (twice during the period from 2001-2011).

2. Timeliness of tariff filing and regulatory action if any

Tariff being filed regularly by Discoms but with delays in some cases. No action has been mentioned by SERC

3. Timeliness of tariff order

No action mentioned for the delay

4. Timeliness of true Up orders

True up for distribution licensee has been done upto 2008-09 and the same for 2009-10 is under process.

5. Fuel Surcharge Adjustment

FSA provisions are present in regulations and being done for Discoms

Chhatisgarh

1. Revenue Gap & Regulatory action (if any)

No significant revenue gap

2. Timeliness of tariff filing and regulatory action if any

Tariff being filed regularly by Discoms but with delays, as per SERC. No action has been mentioned by SERC

3. Timeliness of tariff order

No action has been mentioned for the delays

4. Timeliness of True Up

Provisional true up is being done. (done upto FY 2009-10)

5. Fuel Surcharge Adjustment

FSA provisions not provided in regulations. FSA formula specified in tariff order of 2005-06 used in 2007-08 and 2008-09. No FSA done in 2009-10

Tamil Nadu

TNERC submitted that issues such as Regulatory gaps, Trueing up, Fuel Surcharge Mechanism are quasi judicial matters which come under the purview of State Electricity Regulatory Commissions. On such issues, the aggrieved parties have the right of appeal under Section 111 of the Electricity Act to this Hon'ble Tribunal. Furthermore, I submit, that the Electricity Act has to be amended suitably to make the filing of ARR/tariff petitions by the utilities on annual basis, mandatory. It may further be seen that all the issues framed by this Hon'ble Tribunal related to tariff determination exercise can be initiated only when a licensee or a generating company files a petition under Section 64 of the Electricity Act 2003. Hence, it is stated that the scope of the petition has been broadened in the order No. OP-1/2011 dated 19.05.2011 by including various new issues which are within the domain of SERCs.

1. Revenue Gap & Regulatory action (if any)

No revenue gap data provided by TNERC

2. Timeliness of tariff filing and regulatory action if any

No data provided

3. Timeliness of tariff order

TNERC stated that there is a legal impediment in taking up suo moto revision of tariff in the absence of filing of such petition by utilities/State Electricity Boards. If such suo moto tariff determination exercise is to be undertaken, a specific provision has to be incorporated in the Electricity Act, 2003.

4. Timeliness of True Up

No data provided

5. Fuel Surcharge Adjustment

No data provided

Himachal Pradesh

1. Revenue Gap & Regulatory action (if any)

Tariff has covered the revenue gap for all Financial Years except for Financial Year 2004-05 and 2005-06.

2. Timeliness of tariff filing and regulatory action if any

Except for 2002-03 and 2003-04, Distribution Licensee has been filing ARR/Tariff/True up petitions regularly.

3. Timeliness of tariff order

No delays reported

4. Timeliness of True Up

Uncovered revenue gaps are treated as part of true-up exercise on year on year basis.

5. Fuel Surcharge Adjustment

Regulations provide for power purchase cost adjustment.

BIHAR

1. Revenue Gap & Regulatory action (if any)

2007-08	2008-09	2009-10
Tariff petition not filed	Nil	Tariff petition not filed

For FY 2011-12, the commission raised the tariffs to offset the revenue gap to the extent of Rs. 481 crores against the total revenue gap of Rs. 726 crores and kept the remaining Rs. 245 Cr as Regulatory Asset.

2. Timeliness of tariff filing and regulatory action if any

Delays in filing of Tariff petitions by the licensee.

No tariff revision could take place in FY 2007-08 and 2009-10 due to delays which resulted in non-filing of tariff petition. No action as reported by BERC

3. Timeliness of tariff order

Delay reported. No action as reported by BERC

4. Timeliness of True Up

Truing up exercise has not been undertaken as BSEB did not submit petition and data for true up.

The Commission in its Tariff Order dated 01.06.2011 has directed the licensee to file within 3 (three) months a consolidated petition for true up from 2006-07 to 2008-09 and review of ARRs for FY 2009-10 and FY 2010-11.

5. Fuel Surcharge Adjustment

Fuel and Power Purchase Cost Adjustment provided in regulations and FSA is being done by the commission.

TRIPURA

1. Revenue Gap & Regulatory action (if any)

As per the Commission, the Average Tariff per unit for FY 2007-08 to 2009-10 was sufficient to cover the Annual Revenue Requirement for these years and that no Regulatory gap was created.

Revenue Gap (Rs./kWh)

2007-08	2008-09	2009-10
Nil	Nil	Nil

2. Timeliness of tariff filing and regulatory action if any

The sole utility namely did not submit ARR since the financial year 2007-08 to till date and subsequently no Tariff revision could take place. No Regulatory action has yet been taken

3. Timeliness of tariff order

No action has been

4. Timeliness of True Up

As stated above, no tariff petition was filed by the utility from the financial year 2007-08 to till date and therefore the Truing up process could not be carried out.

5. Fuel Surcharge Adjustment

The TERC has framed Regulation for Fuel Surcharge Adjustment Mechanism and the utility had submitted one Fuel Price Adjustment petition during July 2010 against which tariff enhancement of Rs. 1.40 per unit as Fuel and Power Purchase Cost Adjustment was done during September, 2010.

ANDHRA PRADESH

1. Revenue Gap & Regulatory action (if any)

As stated by the Commission, no regulatory gaps have been left while determining the ARR of the licensees, ever since it has been constituted. Approved ARR of the licensees has been allowed to be recovered through the Tariffs and the external subsidies committed from the State Government.

2. Timeliness of tariff filing and regulatory action if any

As stated by the Commission, there is no delay whatsoever in the Tariff Determination exercise for Retail supply Tariffs in the state for the past 12 years.

3. Timeliness of tariff order

The Commission has stated that there is no delay whatsoever in the Tariff Determination exercise for Retail supply Tariffs in the state for the past 12 years.

4. Timeliness of True Up

Following the introduction of Multi Year Tariff regime in AP with effect from FY 2006-07, DISCOMs have submitted the True up requirement for Distribution Business for the first control period i.e. FY 2006-07 to 2008-09, and the same is under examination by the Commission.

5. Fuel Surcharge Adjustment

Regulation regarding determination and levy of FSA has been issued and periodical levy of FSA is being carried out.

PUNJAB

1. Revenue Gap & Regulatory action (if any)

The Regulatory gap, if any, for most financial years has been covered by suitable increase in the tariff for the various consumer categories. However, for FY 2011-12, the Commission ordered to cover 50% gap (9.185%) by suitable increase in the tariff and the balance gap of 50% was treated as Regulatory Assets and liquidated alongwith carrying cost of Regulatory Assets in the next 3 financial years.

Revenue Gap (Rs. Crore)

2007-08	2008-09	2009-10
Rs.423.78 crore	Rs. 249.64 crore	Rs.1300.08 crore

2. Timeliness of tariff filing and regulatory action if any

As stated by the Commission, it has generally issued various Tariff Orders within the prescribed period. PSERC determined the tariff suo motu for FY 2007-08 as the utility in the State failed to file the ARR Petition and Tariff Application.

3. Timeliness of tariff order

The delay, if any, in issuing the Tariff Order has been due to some technical reasons, like Election Code and delay in receipt of commitment of Government of Punjab to pay subsidy to the Licensee on account of free supply to certain categories of consumers.

4. Timeliness of True Up

PSERC is carrying out true up of expenditure incurred by the utility in the previous year in all its Tariff Orders.

5. Fuel Surcharge Adjustment

PSERC has made a provision in the Regulations regarding Fuel Surcharge Adjustment Mechanism and carrying cost is allowed to the licensee where Fuel Surcharge Adjustment could not be approved due to data gaps.

JHARKHAND

1. Revenue Gap & Regulatory action (if any)

The Commission has largely tried to bridge the revenue gap with tariff revision. In FY11, JSERC has not left any untreated regulatory gap in case of JSEB, JUSCO and TSL. In case of SAIL-Bokaro, untreated gap of Rs.93.46 Crores has been left to be adjusted during final true up based on more reliable data/Audited Annual accounts of the utility.

2. Timeliness of tariff filing and regulatory action if any

As per the commission, delays in filing of tariff petition by the licensees/generating companies have been reported on a few occasions.

The Commission undertook suo motu proceedings for determination of tariff for JSEB for FY10 & FY11.

3. Timeliness of tariff order

The delay in tariff determination exercise, if any has been caused primarily due to lack of time for segregating the accounts of licensees like SAIL-Bokaro and TSL into power business and other functions or on account of pending decisions in Appellate Tribunal for Electricity (ATE) on previous tariff orders of JSERC for delay on fixation of power purchase cost from Damodar Valley Corporation (DVC).

4. Timeliness of True Up

The final true up is undertaken only on the basis of audited accounts but the utilities have failed in submitting audited accounts on time, However, as stated by the Commission, it ensures that atleast provisional true up is undertaken on the basis of provisional accounts as and when the utility has filed its petition or Suo Motu on its own initiation.

5. Fuel Surcharge Adjustment

JSERC has incorporated the Fuel Price Adjustment (FPA) clause in its Generation Tariff Regulations, 2010 and Fuel Price and Power Purchase Adjustment (FPPA) clause in its Distribution Tariff Regulations, 2010.

KERALA

1. Revenue Gap & Regulatory action (if any)

Till now, there has not been a requirement of drastic adjustments in the tariff to meet the revenue gap. The revenue gap was managed through the surplus earned in previous years.

Revenue Gap (Rs./kWh)		
2007-08	2008-09	2009-10
0.27 (surplus)	Nil	0.24

2. Timeliness of tariff filing and regulatory action if any

The delay in filing of tariff petition by the licensee has been reported by the commission on a few occasions. In 2007-08, the Commission initiated suo-motu tariff determination exercise since KSEB had failed to submit the tariff petition.

3. Timeliness of tariff order

The delay in tariff determination process if any was mainly on account of non-submission of tariff petition by the licensee.

4. Timeliness of True Up

There has been delay in truing up petitions especially in the years when substantial surplus existed. In the case of KSEB, the Commission initiated suo-motu proceedings for non filing of truing up petition for the years 2007-08 and 2008-09.

5. Fuel Surcharge Adjustment

The Commission issued KSERC (fuel surcharge formula) Regulations, 2009, effective from 8-1-2010. Fuel surcharge adjustment was allowed in FY 2008-08 and 2009-10 to be recovered either from consumers or it was adjusted against the revenue surplus arrived at after the truing up process.

UTTAR PRADESH

1. Revenue Gap & Regulatory action (if any)

Revenue Gap (Rs./kWh)

2007-08	2008-09	2009-10
1.16 Rs./kwh	0.57 Rs./kwh	Rs. 0.49 Rs/kwh

The above revenue gap is the consolidated gap for State utilities in UP. Besides this there are revenue gaps for NPCL. UPERC has stated that revenue gaps are left to avoid tariff shock to consumers. Revenue gaps are partly covered through grants/subsidies/soft loans from Govt. of UP. Regulatory assets are created for NPCL.

2. Timeliness of Tariff filing and regulatory action for delay if any

Tariff petitions not filed regularly and usually there is delay in filing tariff petitions

The State Owned Distribution Utilities (Discoms) file their ARR & Tariff Petitions after the sanction of subsidy amount which causes delay. The Commission dismissed the ARR & Tariff petition for FY 2005-06 because of the long delay in filing of the ARR & Tariff Petitions.

The Commission has never taken suo moto action because of non-availability of audited accounts. The Commission has stated that suo-motu action and fixation of tariff without audited accounts would lead to litigations.

3. Timeliness of tariff order

The Commission dismissed the ARR & Tariff petition for FY 2005-06 because of the long delay in filing of the ARR & Tariff Petitions

4. Timeliness of True Up

True up is not being done regularly because of non-availability of audited accounts in respect to State DISCOMs. For the private DISCOM, it is being done regularly.

5. Fuel Surcharge Adjustment

FSA provided in the regulations but is not being claimed by the State owned Discoms.

MAHARASHTRA

1. Revenue Gap & Regulatory action (if any)

The tariff fixed in each year covers the Revenue gap for all utilities as per MERC. In specific cases, where Regulatory Assets have been created, carrying cost has been allowed and Regulatory Assets has been amortised in the specified manner

2. Timeliness of tariff filing and regulatory action if any

The tariff Petitions are being filed regularly and usually in timely manner

3. Timeliness of tariff order

Tariff orders are being issued in timely manner.

4. Timeliness of True Up

True up Orders are being issued regularly

5. Fuel Surcharge Adjustment

FSA provided in regulations and being done regularly

ORISSA

1. Revenue Gap & Regulatory action (if any)

The Average Tariff per unit as determined by the Commission has largely been able to cover the ARR with most years witnessing a surplus.

Revenue Gap (Rs. Cr.)				
2007-08	2008-09	2009-10	2010-11	2011-12
Nil	(+)29.35 (surplus)	(-) 37.03	(+)16.19 (surplus)	(+)53.04 (surplus)

2. Timeliness of tariff filing and regulatory action if any

The filing of tariff petition by the licensees has been as per the timelines marked by the commission.

3. Timeliness of tariff order

Tariff Orders are being issued regularly and as per the timelines set by the Commission.

4. Timeliness of True Up

True-up exercise is being regularly conducted.

5. Fuel Surcharge Adjustment

The Fuel surcharge adjustment regulations are in place but it is not being done. Instead, an estimated amount on account of FPA due to upfront assumption of percent rise of fuel cost in the ensuing year is passed on in the ARR on a regular basis in the next year's tariff.

GUJARAT

1. Revenue Gap & Regulatory action (if any)

The Average Tariff per unit as determined by the Commission has largely been considered sufficient by it so that it decided to address marginal gap, if any at the time of true up.

2. Timeliness of tariff filing and regulatory action if any

The filing of tariff petition by the licensees has largely not been as per the timelines marked by the commission. The delays were mostly condoned by the Commission recording reasons or some directive was issued for timely submission of tariff petition.

3. Timeliness of tariff order

Some delays have been observed in the issuance of Tariff Orders but no specific reasons have been stated by the commission.

4. Timeliness of True Up

True-up exercise is not being conducted regularly and application for true up of FY 2009-10 received & is under process.

5. Fuel Surcharge Adjustment

The Fuel surcharge adjustment regulations are in place and it is being done regularly on a quarterly basis.

DELHI

1. Revenue Gap & Regulatory action (if any)

The Average Tariff per unit as determined by the Commission has largely been able to cover the ARR with 2008-09 and 2009-10 witnessing a surplus. Commission did not leave any unadjusted deficit at the time of Tariff determination except in the 1st year of MYT Order (i.e. 07-08), which got adjusted in subsequent years.

2. Delay in Tariff filing

There was no delay in filing of tariff petition by the licensees.

3. Delay in issuance of Tariff Order

Tariff Orders are being issued regularly and as per the timelines set by the Commission except in 2009-10.

4. Regulatory action for delay in tariff filing

No action required.

5. Delay in True Up

True-up exercise for 2007-08 was completed but, True up of FY 2008-09 was delayed as the matter was subjudice before the High court of Delhi.

6. Fuel Surcharge Adjustment

The Fuel surcharge adjustment regulations are not in place and it is not being done. Instead, an estimated amount on account of FPA due to upfront assumption of percent rise of fuel cost in the ensuing year is passed on in the ARR on a regular basis in the next year's tariff.

JERC (Goa & UTs)

The commission became functional in August 2008 but most of the not been regular in filing the ARR & Tariff petitions.

So far, most UTs have not passed more than one Tariff Order and also not being done.

In some UTs, the FSA has been provided in the Tariff Order.