



No. 1542

/UPCL/RM/B-15

dated: 11-07-2014

BEFORE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

INDEX

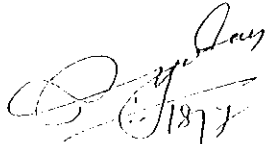
IN THE MATTER OF: Application seeking post facto approval of the Fuel Charge Adjustment (FCA) to be charged from the consumers for the period from 01-07-2014 to 30-09-2014.

AND

IN THE MATTER OF: Uttarakhand Power Corporation Limited.

Petitioner

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(S. S. Yadav)
Managing Director

BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of: Application seeking post facto approval of the Fuel Charge Adjustment (FCA) to be charged from the consumers for the period from 01-07-2014 to 30-09-2014.

And

In the matter of: Uttarakhand Power Corporation Limited.

.....Petitioner

The humble petitioner most respectfully showeth:

1. Specific Legal Provision under which Petition is being filed:

1.1 Section-86(1)(a) of the Electricity Act, 2003 stipulates as follows:

“(1) The State Commission shall discharge the following functions, namely:-


(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section-42, the State Commission shall determine only wheeling charges and surcharge thereon, if any, for the said category of consumers;”

1.2 Section 62 (4) of the Electricity Act, 2003 stipulates as follows:

“No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.”

1.3 Regulation 83 (4) of the UERC (Terms and Conditions for Determination of Tariff) Regulations, 2011 (Regulations) stipulates as follows:

— / — 

"The Distribution Licensee shall submit the details of incremental fuel cost incurred and to be charged to all the consumers for the entire quarter, along with the detailed computations and supporting documents as may be required for verification by the Commission within 30 days of the end of quarter for post facto approval of the Commission."

1.4 The accompanying petition is being filed under the above provisions of Law.

2. Limitation:

As per Regulation 83 (4) of the Regulations, this petition may be filed upto 30-07-2014. Thus, the accompanying petition is being filed within time limit as prescribed in the Regulations.

3. Facts of the Case:

The facts of the case are as follows:

- 3.1 Regulation 83 of the Regulations provides for imposition of Fuel Charge Adjustment (FCA) during any quarter of the year if the variable fuel cost during the previous quarter of the year is higher than the approved variable fuel cost for the same period.
- 3.2 Hon'ble Uttarakhand Electricity Regulatory Commission (Commission) in its Tariff Order dated 10-04-2014 approved the variable fuel cost for the purpose of computation of FCA. This is being mentioned in the table given in para 3.3 below.
- 3.3 On the basis of actual variable fuel cost for the period from April, 2014 to June, 2014, FCA has been calculated as follows :

S. No	Name of Plants	Approved Variable Charges (Rs./kWh)	Actual Variable Charges			Excess of Actual Variable Charges (Rs. Cr.)
			Energy at State Periphery (MU)	Cost (Rs.Cr.)	Rate (Rs./kWh)	
1	Singrauli	1.10	192.89	35.91	1.86	14.69
2	FG Unchahar-I	2.43	71.41	24.58	3.44	7.23
3	FG Unchahar-2	2.44	34.10	11.71	3.43	3.39
4	FG Unchahar-3	2.44	26.83	9.29	3.46	2.74
5	NCT Dadri:2	2.86	9.64	2.99	3.10	0.24
6	Rihand-1 STPS	1.37	79.79	16.55	2.07	5.62
7	Rihand-2 STPS	1.38	66.00	14.45	2.19	5.35
8	Rihand-3 STPS	1.35	72.72	12.97	1.78	3.15
9	Kahalgaon-II	2.49	49.35	12.94	2.62	0.65
10	Jhajar Aravali	3.58	6.23	0.75	1.20	(1.48)
11	Anta Gas	3.29	17.73	4.86	2.74	(0.97)
12	Auraiya Gas	4.02	14.67	4.62	3.15	(1.28)
13	Dadri Gas	3.94	22.71	7.83	3.45	(1.12)
14	NTPC-Barh	2.20	-	-	-	-
Total			664.08	159.46	2.40	38.21

3.4 Hon'ble Commission in the Tariff Order dated 10-04-2014 worked out the surplus of Rs. 20.92 Cr. with the petitioner at the end of FY 2014-15 and at para 5.3.1 of the order directed the petitioner to adjust the said surplus from the FCA, if any, becoming due for FY 2014-15. Accordingly, net value of FCA to be charged from the consumers for the period from July, 2014 to September, 2014 may be worked out as Rs. 38.21 Cr. - 20.92 Cr. = Rs.17.29 Cr.

3.5 For the purpose of computation of average FCA per unit, quarter wise sales have been calculated in the ratio of quarterly power purchase approved by Hon'ble Commission. This may be shown as follows:

Quarter of FY 2014-15	Approved Power Purchase(MU)	Sales (MU)
First	3021.99	2483.31
Second	3593.77	2953.17
Third	2823.01	2319.80
Fourth	2698.25	2217.28
Total	12137.02	9973.56

3.6 Average FCA has been calculated as follows:

$$\text{Rs. } 17.29 \text{ Cr.} / 2953.17 \text{ MU} = \text{Rs. } 0.06 / \text{Kwh}$$

3.7 The category/sub-category-wise FCA has been calculated by applying the following formula :

“Average Billing Rate (ABR) of Consumer Category (in Rs/Kwh) as approved in Tariff Order for the year/ABR of the petitioner (in Rs/Kwh) as approved in Tariff Order for the year x Average FCA (in Rs/Kwh)”

However, in respect of categories having Kvah Tariff, the power factor of 0.95 has been considered to convert the Kwh rate of FCA into Kvah rate of FCA. Secondly, in respect of unmetered supply, the rate of charge of the category has been considered as the ABR of that category.

3.8 The petitioner company issued Office Memorandum No. 1501/UPCL/RM/B-15, dated 11-07-2014 (Annexure - A) for recovery of the FCA for the period from 01-07-2014 to 30-09-2014. The copy of this order has been posted on the website of the petitioner company i.e. at www.upcl.org . The detailed computation of FCA is being provided in CD.

4. Cause of Action:

The petitioner incurred Rs. 38.21 Cr. towards variable power purchase cost from the fuel based generating stations over and above the variable power purchase cost from these stations as approved by the Hon'ble Commission in its Tariff Order dated 10-04-2014. Further, Hon'ble Commission in the said

Tariff Order worked out the surplus of Rs. 20.92 Cr. and directed the petitioner to adjust this surplus from the FCA, if any, becoming due for FY 2014-15. Accordingly, for recovery of the net value of excess fuel cost i.e. Rs. 17.29 Cr., this petition is being filed.

5. Ground of Relief:

For recovery of the excess fuel cost incurred by the petitioner for the period from 01-04-2014 to 30-06-2014, FCA from all categories is required to be recovered for the period from 01-07-2014 to 30-09-2014.

6. Details of Remedies Exhausted:

As the Hon'ble Commission is the Appropriate Authority to consider the matter, no remedies has been sought from any other Forum /Court/ Authority etc.

7. Matter not previously filed for pending with any other court:

As the Hon'ble Commission is the Appropriate Authority to consider the matter, the application is being filed only before the Hon'ble Commission and no other application is pending in the matter with any other Court.

8. Relief sought:

The petitioner company prays that the Hon'ble Commission may kindly be pleased to:

- (a) Take FCA filing of the Petitioner on record;
- (b) Consider and accept the Petitioner's methodology for calculations of the total amount of FCA pertaining to 01-04-2014 to 30-06-2014;
- (c) Grant post facto approval for recovery of above FCA during the period from 01-07-2014 to 30-09-2014; and
- (d) Pass any such other order/s and/or direction/s, which the Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

9. **Interim Order, if any, prayed for:**

No prayer for interim order has been made.

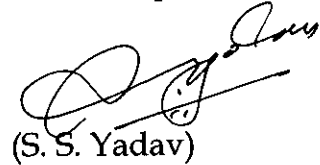
10. **Details of Index:**

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11. **Particulars of fee remitted:**

Application fee amounting to Rs. 10,000.00 (Rs. Ten Thousand) only is being deposited through Demand Draft No.- UKX 780169 dated 15-07-2014 of Punjab National Bank, Miniature Bulb Ind., Kanwali Road, Dehradun favouring Secretary, UERC, Dehradun.

For and on an behalf of
Uttarakhand Power Corporation Limited

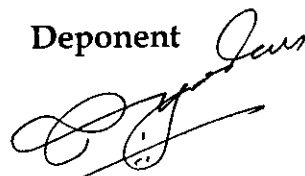


(S. S. Yadav)

Managing Director

I, Sumer Singh Yadav, S/o Shri Ram Sukh Yadav, aged about 58 years, working as Managing Director, Resident of 196 Phase-I, Vasant Vihar, Dehradun do hereby verify that the contents of paras 1 to 11 are derived from official records, which are true to my personal knowledge and that I have not suppressed any material fact.

Deponent



(S. S. Yadav)

Managing Director

Uttarakhand Power Corporation Limited

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TEN
RUPEES

Rs.10

INDIA

INDIA NON JUDICIAL

उत्तराखण्ड - UTTARAKHAND

File No. 22AA 291142
Case No.

BEFORE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of: Application seeking post facto approval of the Fuel Charge Adjustment (FCA) to be charged from the consumers for the period from 01-07-2014 to 30-09-2014.

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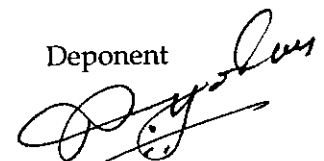
Petitioner

AFFIDAVIT VERIFYING THE PETITION

I, Sumer Singh Yadav, S/o Shri Ram Sukh Yadav, aged about 58 years, working as Managing Director, Resident of 196 Phase-I, Vasant Vihar, Dehradun, the deponent named above do hereby solemnly affirm and state on oath as under:

1. That the deponent is the Managing Director of Uttarakhand Power Corporation Limited who is authorized as per resolution of the company dated 26-06-2001 and is acquainted with the facts deposed to below.
2. I, the deponent named above do hereby verify that the contents of the paragraph No.-1 of the affidavit and those of the paragraph No.-1 to 11 of the accompanying petition are based on the perusal of records which I believe to be true and verify that no part of this affidavit is false and nothing material has been concealed.

Deponent

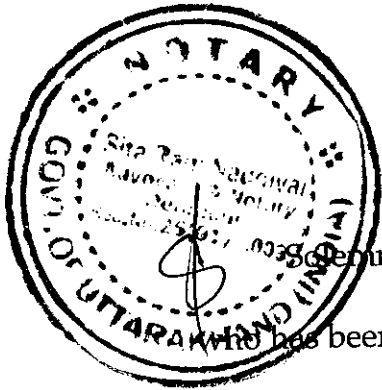


(S. S. Yadav)

Managing Director

Uttarakhand Power Corporation Limited

I, ANIL PRASAD RANAKOTI Advocate, do hereby declare that the person making this affidavit is known to me through the perusal of records and I am satisfied that he is the same person alleging to be deponent himself.



(.....
Advocate
P.O. 9758/03

..... solemnly affirmed before me on this day of July, 2014 by the deponent who has been identified by the aforesaid advocate.

I have satisfied myself by examining the deponent that he understood the contents of the affidavit which has been read over and explained to him. He has also been explained about section 193 of Indian Penal Code that whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for purpose of being used in any of the proceedings shall be liable for punishment as per law.

(Notary Public)

Certified that Shri/Smt. Sumer Singh Yadav
The deponent is located at
Sworn & Verified the contents of this affidavit
at

Sita Ram Naudyal
Notary, Dehra Dun
27/11



No. 1501 UPCL/RM/B-15

dated: 11-07-2014

OFFICE-MEMORANDUM

As per provisions of UERC (Terms and Conditions for determination of Tariff) Regulations, 2011 read with Retail Tariff Order dated 10-04-2014 issued by Uttarakhand Electricity Regulatory Commission and in exercise of powers under section 45 of the Electricity Act, 2003, Uttarakhand Power Corporation Limited (UPCL) hereby notify that :

1. The Rate Schedule of Fuel Charge Adjustment (FCA), appended hereto, shall apply to all consumers in respect of supply of electricity throughout the area of UPCL.
2. The rate schedule of FCA shall be applicable for the period from 01-07-2014 to 30-09-2014.

Provided that the consumption of consumers recorded through meter reading taken for the first time on enforcement of the FCA would be (i) billed at the rates of FCA w.e.f. 01-07-2014, in the cases where meter reading is / has to be taken through MRI and, (ii) bifurcated on pro-rata basis for billing without FCA and with FCA in other cases.

3. In case of unmetered supply, FCA will be treated part of rate of charge and accordingly, Electricity Duty will be charged on the sum of rate of charge and FCA.

Encl.: As above.



(S. S. Yadav)

Managing Director

No. 1501 / UPCL/RM/B-15 Of dated.

Copy forwarded to the following with a copy of Rate Schedule of FCA for information and necessary action:

1. All Chief Engineers (Distribution), UPCL.
2. General Manager (Attached to MD/Finance/Internal Audit), UPCL.
3. All Superintending Engineers (Distribution / Commercial / Information Technology), UPCL.
4. All Deputy General Managers (Finance), UPCL.
5. Superintendent of Police, Vigilance Cell, UPCL.
6. All Executive Engineers (Distribution / KCC / Test / CBSC), UPCL.
7. Office of Forum for Redressal of Grievances of the consumers for Garhwal Zone/ Kumaon Zone.

Encl.: As above.



(S. K. Tamta)

Chief Engineer (Level - 1)(Commercial)

C.C.: PS to - MD / D(F) / D(O) / D(P) / D(HR), UPCL.



Uttarakhand Power Corporation Limited
Fuel Charge Adjustment applicable from 01-07-2014 to 30-09-2014.

S. No.	Category	Rate of FCA
1	Domestic (RTS -1)	
1.1	BPL and Kutir Jyoti Consumers having Load upto 1 KW and Consumption upto 30 unit per month	Rs.0.03/Kwh
1.2	Other Metered Consumers	Rs.0.04/Kwh
1.3	Unmetered in Rural (Hilly) areas	Rs.2.00/connection/month
1.4	Unmetered in Rural (Other) areas	Rs.4.50/connection/month
2	Snowbound (RTS - 1A)	
2.1	Domestic	Rs.0.02/Kwh
2.2	Non-Domestic upto 1 KW	Rs.0.02/Kwh
2.3	Non-Domestic above 1 KW and upto 4KW	Rs.0.03/Kwh
2.4	Non-Domestic above 4KW	Rs.0.05/Kwh
3	Non- Domestic (RTS-2)	
3.1	Government / Municipal Hospitals (ii) Government / Government aided Educational Institutions (iii) Charitable Institutions registered under the Income Tax Act, 1961 and whose income is exempted from tax under this Act.	
	a. Upto 25KW	Rs.0.06/Kwh
	b. Above 25KW	Rs.0.05/Kvah
3.2	Commercial Users	
	a. Upto 25KW	Rs.0.07/Kwh
	b. Above 25KW	Rs.0.07/Kvah
3.3	Single Point Bulk Supply above 50 KW	Rs.0.07/Kvah
4	Public Lamps (RTS - 3)	
4.1	Metered	Rs.0.06/Kwh
4.2	Unmetered Rural	Rs.2.50/100 W Lamp or part thereof (For every 50 Watt or part thereof increase over and above 100 Watt Lamp additional Rs. 1.00)/ month
5	Private Tubewells/Pumping Sets (RTS -4)	
5.1	Metered	Rs.0.02/Kwh
5.2	Unmetered	Rs.2.60/BHP/month
6	Government Irrigation System (RTS-5)	
6.1	Upto 75 KW	Rs.0.06/Kwh
6.2	Above 75 KW	Rs.0.06/Kvah
7	Public Water Works (RTS -6)	Rs.0.06/Kvah
8	LT and HT Industry (RTS-7)	
8.1	LT Industries upto 100 BHP/75KW/88KVA	
	a. Upto 25KW	Rs.0.06/Kwh
	b. Above 25 KW and Upto 75 KW	Rs.0.06/Kvah
8.2	HT Industries above 100 BHP/75 KW/88 KVA	
	a. Contracted Load above 75 KW upto 1000 KVA	
	Load factor upto 33%	Rs.0.08/Kvah
	Load factor above 33% & upto 50%	Rs.0.06/Kvah
	Load factor above 50%	Rs.0.06/Kvah
	b. Contracted Load More than 1000 KVA	
	Load factor upto 33%	Rs.0.07/Kvah
	Load factor above 33% & upto 50%	Rs.0.06/Kvah
	Load factor above 50%	Rs.0.06/Kvah
9	Mixed Load (RTS-8)	Rs.0.06/Kwh
10	Railway Traction (RTS-9)	Rs.0.06/Kvah
11	Temporary Supply (RTS-10)	
11.1	Illumination & Public Address and ceremonies for load upto 15 kW	Rs.16.00/day
11.2	Temporary shops setup during festivals / melas having load upto 2 kW	Rs. 1.00/day
11.3	Other temporary shops / Jhuggi / Jhopris for load upto 1kW (Rural)	Rs.1.45/connection/month
11.4	Other temporary shops / Jhuggi / Jhopris for load upto 1kW (Urban)	Rs.2.90/connection/month
11.5	Temporary Supply for other purposes	Corresponding FCA in appropriate schedule plus 25 %

Signature

Signature

Signature