



No. 2552-UPCL/RM/B-16

Dated: 29/11-2014

BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

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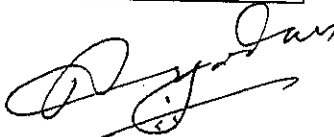
IN THE MATTER OF: ANNUAL PERFORMANCE REVIEW AND TARIFF  
PETITION FOR THE FINANCIAL YEAR 2015-16.

AND

IN THE MATTER OF: UTTARAKHAND POWER CORPORATION LIMITED.

.....Petitioner

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(Sumer Singh Yadav)  
Managing Director

File No. ....

Case No. ....

**BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

**IN THE MATTER OF: ANNUAL PERFORMANCE REVIEW AND TARIFF  
PETITION FOR THE FINANCIAL YEAR 2015-16.**

**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:**

- (i) Section-64(1) of the Electricity Act, 2003 requires the Distribution License to make an application before the State Commission for determination of Retail Sale of Electricity in accordance with the Regulations framed by the State Commission in the matter.
- (ii) As per clause-25.1 of the Distribution and Retail Supply of License issued to the Petitioner, the Petitioner Company is required to prepare and submit to the Hon'ble Commission, the following information by not later than 30<sup>th</sup> November every year:
  - A statement showing with full details of its expected aggregate revenues and cost of service.
  - In case there is any difference between expected aggregate revenues and expected cost of service, any proposal for Tariff revisions to eliminate such difference.
- (iii) As per Regulation-56(4) of the UERC (Conduct of Business) Regulations, 2004, the Distribution License is required to file before the Hon'ble Commission on or before 30<sup>th</sup> November every year, statements showing calculation for the ensuing financial year of the expected aggregate revenue from charges under its currently approved tariff and the expected cost of providing services.



- (iv) As per Section 13 of the Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011, the Distribution Licensee UPCL is required to file an application before the Hon'ble UERC for Annual Performance Review (APR) by November 30<sup>th</sup> of every year. The APR inter-alia, includes the following:
- A comparison of the Audited Performance of the applicant for the previous financial Year with the approved forecast for such financial Year and turingup of Expenses and Revenue.
  - Revisions of estimates for the ensuing financial year, if required, based on Audited financial result for the previous financial year.
- (v) As per Section 17 of the Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011, the Distribution Licensee is required to file an application before the Hon'ble Commission for determination of Tariff for subsequent years of the control period along with the petition for APR under Regulation 13.
- (vi) This APR and Tariff Petition for FY 2015-16 is being filed in compliance of the above provisions of law and in accordance with the procedure specified in Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 and Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011.

**2. Limitation:**

As per section-64(3) of the Electricity Act, 2003 read with clause-25 of Distribution and Retail Supply of License issued to the Petitioner and section-56(4) of the UERC (Conduct of Business) Regulations, 2004 and section-13 & 17 of the Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011, the APR & Tariff Petition for FY 2015 - 16 should have been filed before the Hon'ble Commission on or before 30<sup>th</sup> November, 2014. Thus, this petition is within time limit as specified under the law.



**3. Facts of the Case:**

The detailed APR & Tariff Petition for FY 2015-16 is enclosed herewith. This petition is being filed as per approval granted by the Board of Directors of the Petitioner Company in the meeting held on 27-11-2014.

**4. Cause of Action:**

This petition is being filed before the Hon'ble Commission in compliance of the provisions of the Electricity Act, 2003 read with the provisions of Distribution and Retail Supply License of UPCL and Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 and Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2011.

**5. Ground of Relief:**

The gap between Expected Revenue and Annual Revenue Requirement for FY 2015-16 of the Petitioner Company is Rs 745.69 Cr. The overall gap including net revenue Gap for FY 2013-14 (based on Provisional Accounts) is worked out as Rs 1131.39 Cr. To recover the entire gap, a hike in existing tariff has been proposed @ 26.24% before the Hon'ble Commission.

**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 prays that the Hon'ble Commission may:

- a) Admit the accompanying Petition.



- b) Approve true-up of expenses and revenue for FY 2013-14 based on provisional accounts of the said year
- c) Approve revised estimates for FY 2015-16.
- d) Approve the Change (increase) in retail tariffs as proposed.
- e) Approve the terms and conditions of tariffs and various matters as proposed in the Petition.
- f) Pass suitable orders for implementation of the tariff proposals for FY 2015-16 for making it applicable from April 1, 2015 onwards.
- g) Condone any inadvertent omissions/errors/shortcomings and permit Petitioner to add/change/modify/alter this filing and make further submissions as may be required at future date.
- h) Pass orders, as the Hon'ble Commission may deem fit and proper keeping in view 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. 1,00,000.00 (Rs. one lakh) only is being deposited through Demand Draft No.- UKX780756, dated 27-11-2014 of Punjab National Bank, Kanwali Road, Dehradun favoring "Secretary UERC Dehradun".

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12. List of enclosures:

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(Sumer Singh Yadav)  
Managing Director  
Uttarakhand Power Corporation Limited

**Verification**

I, Sumer Singh Yadav S/o Shri Ram Sukh Yadav, aged about 58 years, working as Managing Director - Uttarakhand Power Corporation Limited, Gabar Singh Bhawan, Dehradun do hereby verify that the contents of Paras 1 to 12 are derived from official records, which are true to my personal knowledge and that I have not suppressed any material fact.



(Sumer Singh 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.

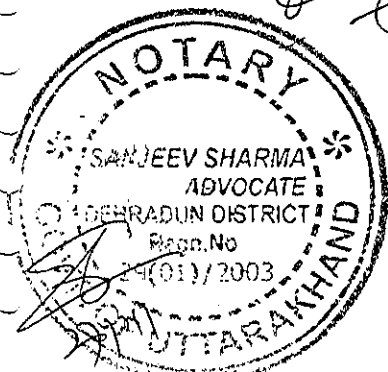
(.....*Anil*.....)

Advocate  
f. N. 9758/03

Solemnly affirmed before me on this ..... day of November, 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.

*[Handwritten Signature]*



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(Notary Public)

ATTESTED  
*[Signature]*  
SANJEEV SHARMA  
ADVOCATE & NOTARY  
COURT COMPOUND  
DEHRADUN  
29/11/14