



Uttar Pradesh Electricity Regulatory Commission

Kisan Mandi Bhawan, II Floor, Gomti Nagar, Lucknow-226010 Phone 2720426 Fax 2720423 E-mail secretary@uperc.org

o/c

Sanjay Srivastava
Secretary

Ref: UPERC/Secy/D(T)/2018- 613
Dated: 23 February, 2018

To,

3. **The Chairman, U. P. Power Corporation Ltd., 7th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.**
4. **The Managing Director, U. P. Power Corporation Ltd., 7th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.**
5. **The Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan, 220KV Sub-Station Mathura bypass Road, Agra - 282007.**
6. **The Director, (Commercial), UPPCL, Shakti Bhawan, 14 Ashok Marg, Lucknow-226001**
7. **The Chief Engineer, RAU, U. P. Power Corporation Ltd., 15th Floor, Shakti Bhawan Extension, 14, Ashok Marg, Lucknow - 226001.**

Sub: Petition for inclusion of additional provision related to "Single Rabi Crop" Consumers in Bundelkhand Area in the LMV-5 (Rural) Tariff Category Rate Scedule.

Sir,

Kindly find enclosed herewith a copy of the Commission's Order dated 23rd February, 2018 regarding above cited matter.

Encl: As above.

Yours sincerely


(Sanjay Srivastava)
Secretary

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BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION,
LUCKNOW

Petition No. 1290 / 2018

IN THE MATTER OF:

Petition for inclusion of additional provision related to "Single Rabi Crop" Consumers in Bundelkand Area in the LMV-5 (Rural) Tariff Category Rate Schedule.

And

IN THE MATTER OF:

1. The Chairman, U. P. Power Corporation Ltd., 7th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.
2. The Managing Director, U. P. Power Corporation Ltd., 7th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.
3. The Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan, 220KV Sub-Station Mathura bypass Road, Agra - 282007. (Petitioner)
4. The Director, (Commercial), UPPCL, Shakti Bhawan, 14 Ashok Marg, Lucknow-226001
5. CE, RAU, Regulatory Affairs Unit, U.P. Power Corporation Ltd., 15th Floor, Shakti Bhawan Extension, 14, Ashok Marg, Lucknow – 226001.

ORDER

Background

The Commission vide its Order dated November 30, 2017 in Petition No. 1206/2017 had approved the true - up of FY 2014-15, Business Plan, Determination of Multi Year ARR and Tariff for the first Control Period from FY 2017-18 to FY 2019-20 for DVVNL.

The Commission vide aforesaid Tariff Order dated November 30, 2017, approved Rate Schedule for FY 2017-18 for different categories / sub-categories of consumers which became applicable in the distribution area of Uttar Pradesh Discoms / Franchisee w.e.f December 9, 2017. Vide above referred Tariff Order following rates were approved for Private Tube Well / Pumping set consumers for FY 2017-18 or till the time the next Rate Schedule is approved:



Quote

(A) For consumers getting supply as per Rural Schedule:

(i) Un-metered Supply

Fixed Charge	Energy Charge
Rs. 150 / BHP / month	Nil
Consumer under this category will be allowed a maximum lighting load of 120 Watts.	

(ii) Metered Supply

Fixed Charge	Minimum Charges	Energy Charge
Rs. 60.00 / BHP / month	Rs. 150 / BHP / month	Rs. 1.75 / kWh

Note: Minimum amount payable by a consumer under the category "Rural Schedule (Metered Supply) shall be Rs. 150 per BHP per month, till the installation of the meter. Regulatory Surcharge, Duty, Taxes etc. will be payable extra.

(iii) Energy Efficient Pumps

Fixed Charge	Minimum Charges	Energy Charge
Rs. 60.00 / BHP / month	Rs. 130 / BHP / month	Rs. 1.50 / kWh

Note: Minimum amount payable by a consumer under the category "Rural Schedule (Energy Efficient Pumps) shall be Rs. 130 per BHP per month, till the installation of the meter. Regulatory Surcharge, Duty, Taxes etc. will be payable extra

(B) For consumers getting supply as per Urban Schedule (Metered Supply) including consumers getting supply through rural feeders exempted from scheduled rostering or through co-generating radial feeders in villages and towns.

Fixed Charge	Minimum Charges	Energy Charge
Rs. 120.00 / BHP / month	Rs. 200 / BHP / month	Rs. 5.50 / kWh

Note: Minimum amount payable by a consumer under the category "Urban Schedule (Metered Supply) shall be Rs. 200 per BHP per month, till the installation of the meter. Regulatory Surcharge, Duty, Taxes etc. will be payable extra.

For PTW consumers of Bundelkhand Area located in Gram Sabha, the minimum amount payable by a consumer shall be Rs. 150.00 per BHP per month, till the installation of the meter. Regulatory Surcharge, Duty, Taxes etc. will be payable extra.

Unquote



Petitioner's (DVVNL) Submission

The Petitioner submitted that the area of Bundelkhand is facing acute shortage of ground water due to which large number of small farmers for their livelihood rely on single crop i.e. "Rabi Crop". This single crop period generally varies from 3 to 4 months. These farmers have installed 01 / 02 kW submersible pump for evacuation of water from ponds / canal etc. and they generally for irrigation purpose, get temporary electricity connections under LMV-9 Tariff category. Since, the Tariff rates approved for LMV-9 category are very high as compared to Tariff Rates approved for LMV-5 Rural category, the consumers end up paying substantially higher charges, reducing their only source of income.

Further, it is submitted that as per the present Rate Schedule, only consumers falling under LMV-6 and HV-2 category get seasonal rebate, whereas there is no such provision in LMV-5 category. Hence, considering the hardship faced by the farmers of Bundelkhand area, the Petitioner through this petition has sought inclusion of Seasonal tariff for the consumers residing in Bundelkhand area and relying for their livelihood on single crop i.e. "Rabi Crop", under the LMV-5 Tariff category, which is as follows:-

Quote

Provision Related to Single Crop Consumers under LMV-5 Category:

- *This shall apply to all consumers of Bundelkhand area getting supply as per Rural / Urban Schedule for Private Tube-wells / Pumping Sets for irrigation purposes.*
- *Only such consumers who use electrical pumps for irrigation purpose during the period from November to February, in a financial year, only will be entitled for the benefit of these seasonal tariffs. The other conditions for availing the benefit of seasonal tariff shall be as under:*
 - *In a Financial year, the continuous period of operation of such consumers shall in no case be more than 4 months i.e. from November to February.*
 - *Any consumer, desirous of availing this benefit, shall specifically declare his option of availing benefit of seasonal tariffs at the divisional office, which will be duly incorporated in the agreement as well as in the billing system.*
 - *For the off-season period i.e. period of 8 months depending upon the declaration of the consumer, metered consumers opting for seasonal use will get a discount of 75% on the normal monthly Fixed Charges specified for LMV-5 consumers.*
 - *Similarly, Un-Metered consumer opting for seasonal use will get a discount of 50% on the monthly Fixed Charges on specified LMV-5 rates for the off-season period of 8 months.*
 - *During the period of off-season the consumer will not be allowed to use electricity from this connection for any purpose. In case of default the*



consumers would be penalized by charging 50% higher than the normally applicable tariff (fixed and energy charges), for the complete period for which he has availed the seasonal benefit. In that case seasonal benefit for rest of the off-season period shall be forfeited.

Provision of Temporary Connection

In order to further facilitate PTW consumers having requirement of electricity only for the Rabi Crop i.e. period between November to February in any year, it is proposed that if required by such consumers, they may also be allowed temporary connections under LMV – 9 category (Temporary Supply) on the fixed charges basis of Rs. 500 / BHP / month basis.

That in light of above, the Commission is requested to approve the stated provisions related to Single Crop (Rabi Crop) consumers in Bundelkhand area.

Unquote

The petitioner's prayers are as follows:

- a) Admit the Petition
- b) Approve and issue Orders incorporating necessary provisions under LMV-5 & LMV – 9 tariff Category, for Single crop (Rabi Crop) consumers in Bundelkhand area, as submitted in the instant petition.

Commission's Analysis & Order

The Commission finds the information / data submitted by Petitioner to be generally in order and accordingly considers the Petition for further processing. However, the Petitioner must submit the revenue impact, additional subsidy requirement from GoUP for implementation of the proposed provisions and clarity on applicability of Minimum Charge on Single Crop Consumers under LMV-5 Category & LMV - 9 category.

Further, the UPERC (Conduct of Business) Regulations, 2004 provides as follows:

*"141. The tariff determined shall not be amended or modified more than once in a financial year except in respect of any change expressly permissible under the terms of any fuel surcharge formula as provided by the Commission. Provided that orders which the Commission may issue to give effect to the subsidy that the State Government is obliged to provide under the applicable legal framework shall not be construed as amendment of tariff notified. However in extraordinary circumstances, a licensee or a generating company may file for revision of tariffs more than once a year. The Commission may, after satisfying itself for reasons to be recorded in writing for considering the circumstances to be extraordinary and not on account of any reason attributable to the licensee, may allow for revision of tariff. **The procedure***



followed for such tariff application shall be the same as provided in these regulations for a tariff application filed in a regular manner.” (Emphasis Added)

The Commission observes that since the matter relates to amendment of tariff which will affect the public at large and considering the urgency of the matter, a Public Hearing shall be held before the Commission to take a final view on the matter.

The Commission hereby directs the Petitioner (DVVNL) to publish within 3 days from the issue of this Order, the Public Notice detailing the summary, highlights, revenue impact, additional subsidy requirement from GoUP for implementation of the proposed provisions and applicability of Minimum Charge on Single Crop Consumers as per the proposed provisions along with their website addresses, in at least two (2) English and two (2) Hindi language daily newspapers for two successive days inviting views / comments / suggestions / objections / representations within 7 days from the date of publication of the Public Notice(s) by all stakeholders and public at large.

Further, the Public Notice should inform the stakeholders and public at large that a **Public Hearing shall be held in the Office of the Commission on March 14, 2018 at 11:30 hours.** All stakeholders are required to regularly check the website of DVVNL & UPPCL for further submissions made in respect to these proceedings. The Commission further directs the Petitioner to put all details on its & UPPCL's internet website, in PDF format, showing detailed computations, the application made to the Commission along with all regulatory filings, information, particulars and documents, and all subsequent events and material placed on record if any, made from time to time before the issuance of final Order. The Petitioner will also inform the Commission of the same by providing the internet links. The Petitioner may not provide or put up any such information, particulars or documents, which are confidential in nature, without the prior approval of the Commission.

The Commission reserves the right to seek any further information / clarifications as deemed necessary during the processing of the Petition.

(S. K. Agarwal)

Chairman

Place: Lucknow

Date: February 23rd, 2018

