



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

1. Background and Brief History

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.



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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.

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The Petitioner in its Petition 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 and LMV - 9 category.

2. Procedural History & Commission's Order dated February 23, 2018

The Commission in its Order dated February 23, 2018 in this matter had observed that the Petition relates to amendment of Tariff which will affect the public at large and considering the urgency of the matter, a Public Hearing on March 14, 2018 at 11:30 hours shall be held before the Commission to take a final view on the matter.

Also, the Petitioner (DVVNL) was directed to publish within 3 days from the issue of Order dated February 23, 2018, 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.

The Commission further directed 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.



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Publicity of the Petition

The Public Notice detailing the salient features of the Petition was published by DVVNL in daily newspapers as detailed below, inviting objections from the public at large and all stakeholders:

- Pioneer (English) - Lucknow : March 8, 2018
- Dainik Jagaran (Hindi) - Agra : March 8, 2018
- Dainik Jagaran (Hindi) - Aligarh : March 8, 2018
- Dainik Jagaran (Hindi) - Jhansi : March 8, 2018
- Dainik Jagaran (Hindi) - Kanpur : March 8, 2018
- Amar Ujala (Hindi) - Agra : March 8, 2018
- Amar Ujala (Hindi) - Aligarh : March 8, 2018
- Amar Ujala (Hindi) - Jhansi : March 8, 2018
- Amar Ujala (Hindi) - Kanpur : March 8, 2018
- Dainik Jagaran (Hindi) - Agra : March 9, 2018
- Dainik Jagaran (Hindi) - Aligarh : March 9, 2018
- Dainik Jagaran (Hindi) - Jhansi : March 9, 2018
- Dainik Jagaran (Hindi) - Kanpur : March 9, 2018
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- Amar Ujala (Hindi) - Aligarh : March 9, 2018
- Amar Ujala (Hindi) - Jhansi : March 9, 2018
- Amar Ujala (Hindi) - Kanpur : March 9, 2018

3. Public Hearing Process

To provide an opportunity to all sections in the State to express their views and to also obtain feedback from them, a Public Hearing was held in the Office of the Commission on March 14, 2018 at 11:30 hours.

The views / suggestions / comments / objections / representations on the Petition received from the public were forwarded to the Petitioner for its comments / response. The Commission considers these submissions of the public and the response of the Petitioner before it embarks upon the exercise of determination of Tariff. Further, the Commission has also taken into consideration the oral and written views / comments / suggestions / objections / representations received from various stakeholders during the public hearings or through post or by e-mail.

Views / Suggestions / Comments / Objections / Representations on the Petitions

The Commission has taken note of the various views / comments / suggestions / objections / representations made by the public. The major issues raised therein, the replies given by the Petitioner have been summarised as detailed below:



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Minimum Charge & Energy Charge

A) Comments Suggestion of the Public

Shri Avadhesh Kumar Verma submitted that no actual benefit will be passed on to the consumers of Bundelkhand till UPPCL reduces the minimum charge and energy charge. It is further submitted that in the Tariff Simplification Committee, the abolition of minimum charges was agreed by all members, except UPPCL and the same has not been abolished till yet.

It is further submitted that considering the hardship faced by the farmers of Bundelkhand, the consumers should be given 75% discount in their fixed and energy charges and minimum charges should be abolished. However, if abolition of minimum charge is not possible, then a discount of 75 % should be given in minimum charge.

It is further submitted that the farmer himself is a rural domestic consumer, hence the tariff for rural domestic consumer should be given a discount of at least of 50%.

The provision for Energy Efficient Pump has also not been submitted.

B) Licensee View

The Licensee submitted that the discount during the off-season period should also be extended on the applicable Minimum Charges and therefore following provisions for Single Crop consumers under LMV – 5 category shall be made.

Quote

Provision Related to Single Crop Consumers of Bundelkhand Area:

- *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*



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get a discount of 75% on the normal monthly Fixed Charges or Minimum Charges, as applicable.

- o Similarly, Un-Metered consumer opting for seasonal use will get a discount of 50% on the monthly Fixed Charges or Minimum Charges, as applicable for the off-season period of 8 months.
- o 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 or Minimum Charges, whichever is higher), 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.

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In respect of providing discount to rural domestic consumer, it is submitted that the issue does not pertain to the instant petition.

Regulatory Surcharge and Electricity Duty

A) Comments Suggestion of the Public

Shri Avadhesh Kumar Verma submitted that considering the hardship faced by the farmers of Bundelkhand, the consumers shall not be levied with any kind of regulatory surcharge and electricity duty.

B) Licensee View

The Licensee submitted that Regulatory Surcharge is allowed towards the previous gaps approved by the Commission in the True - up Orders and it supports the utility in recovering its unrecovered gaps. It is further submitted that the absolute burden of Regulatory Surcharge would reduce for Bundelkhand consumers during the off-season period with reduction in Fixed / Minimum Charges.

Other Comments

A) Comments Suggestion of the Public

Shri Avadhesh Kumar Verma submitted that in the interest of consumer he had filed a re - consideration petition in regard to the tariff hike of 50 to 150% for rural domestic and farmers. However, no hearing has taken place in this regard.

It is further submitted that a visitor register shall be maintained to ensure transparency in the Office of the Commission.

B) Licensee View

The Licensee submitted that the issue does not specifically pertain to the instant petition.



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4. Commission's Letter dated March 21, 2018 and UPPCL's response dated April 5, 2018

The Commission had vide its Letter No. UPERC / Secy / D(Tariff) / 22/ 18 – 2084 dated March 21, 2018 had directed UPPCL / RAU / DVVNL to submit the Revised Rate Schedule for LMV - 5 & LMV - 9 category for Inclusion of additional provision related to "Single Rabi Crop" Consumers in Bundelkand Area (complete in all respect).

UPPCL / RAU submitted the revised Rate Schedule for LMV -5 & LMV -9 category vide its Letter No. 245 / RAU / Petition dated April 5, 2018.

5. Commission's Analysis & Order

The Commission has taken note of issues raised by the stakeholders and the Revised submission made by UPPCL / RAU was found to be generally in order. Accordingly, the Revised Rate Schedule for LMV - 5 & LMV - 9 category is being provided at Annexure 'I'.

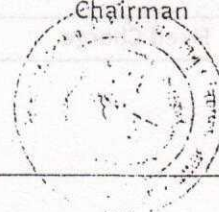
The Petitioner in accordance to Regulation 13.3 of the Uttar Pradesh Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2014 shall publish the tariff approved by the Commission in at least two (2) English and two (2) Hindi daily newspapers having wide circulation in the area of supply and shall put up the approved tariff / rate schedule on its internet website and make available for sale, a booklet both in English and Hindi containing such approved tariff / rate schedule, as the case may be, to any person upon payment of reasonable reproduction charges.

The tariff so published shall be in force after seven days from the date of such publication of the tariffs and shall, unless amended or revised, continue to be in force for such period as may be stipulated therein. The Commission may issue clarification / corrigendum / addendum to this Order as it deems fit from time to time with the reasons to be recorded in writing.

The Petitions is disposed of.

(S. K. Agarwal)

Chairman



Place: Lucknow

Date: April 12, 2018

RATE SCHEDULE LMV- 5 (REVISED):

(Approved vide Commission's Order dated April ____, 2018 vide Petition No. 1290 / 2018)

SMALL POWER FOR PRIVATE TUBE WELLS / PUMPING SETS FOR IRRIGATION PURPOSES:

1. **APPLICABILITY:**

This schedule shall apply to all power consumers getting supply as per Rural / Urban Schedule for Private Tube-wells / Pumping Sets for irrigation purposes having a contracted load up to 25 BHP and for additional agricultural processes confined to Chaff-Cutter, Thresher, Cane Crusher and Rice Huller. All new connections under this category shall necessarily have the ISI marked energy efficient mono-bloc pump sets with capacitors of adequate rating to qualify for the supply. All existing pump sets shall be required to install capacitors of adequate rating.

2. **CHARACTER AND POINT OF SUPPLY:**

As per the applicable provisions of Electricity Supply Code, 2005 and its amendments.

3. **RATE:**

Rate gives the fixed and energy charges at which the consumer shall be billed during the billing period applicable to the category:

(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
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Rs. 60.00 / BHP / month	Rs. 150 / BHP / month	Rs. 1.75 / kWh
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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.

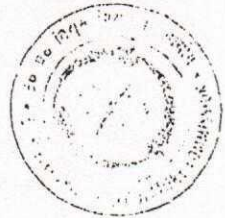
Fixed Charge	Minimum Charges	Energy Charge
Rs. 120.00 / BHP / month	Rs. 200 / BHP / month	Rs. 5.50 / kWh

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.

4. Provision Related to Single Crop Consumers of Bundelkhand Area:

- 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.



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- 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 or Minimum Charges, as applicable.

- Similarly, Un-Metered consumer opting for seasonal use will get a discount of 50% on the monthly Fixed Charges or Minimum Charges, as applicable 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 or Minimum Charges, whichever is higher), 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.

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RATE SCHEDULE LMV – 9 (REVISED):

(Approved vide Commission's Order dated April _____, 2018 vide Petition No. 1290 / 2018)

TEMPORARY SUPPLY:

1. APPLICABILITY:

A) Un-metered Supply for illumination / Public Address / Temporary Shops in Melas:

This schedule shall apply to temporary supply of light, fan & power up to 20 KW, Public address system and illumination loads during functions, ceremonies and festivities and temporary shops, not exceeding three months and PTW consumers of Bundelkhand Area having requirement of electricity only for the Rabi Crop i.e. period between November to February in any year.

B) Metered Supply for all other purposes:

This schedule shall apply to all temporary supplies of light, fan and power load for the purpose other than mentioned in (A) above.

This schedule shall also apply for power taken for construction purposes including civil work by all consumers and Govt. Departments.

2. CHARACTER AND POINT OF SUPPLY:

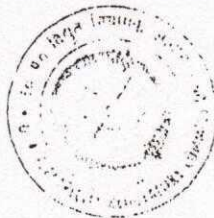
As per the applicable provisions of Electricity Supply Code, 2005 and its amendments.

3. RATE (SEPARATELY FOR EACH POINT OF SUPPLY):

Rate gives the fixed and energy charges at which the consumer shall be billed during the billing period applicable to the category:

A. Un-metered:

(i) Fixed charges for illumination / public address / ceremonies for load up to 20 kW per connection plus Rs. 100 per kW per day for each additional kW.	Rs. 4250.00 / day
(ii) Fixed charges for temporary shops set-up during festivals / melas or otherwise and having load up to 2KW	Rs. 500.00 / day / shop



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(iii) PTW consumers of Bundelkhand Area having requirement of electricity only for the Rabi Crop i.e. period between November to February in any year	Rs. 500 / BHP / month
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B. Metered*

Description	Energy Charge
Individual Residential construction	Rs. 7.50 / kWh
	From 3 rd year onwards: Base Tariff applicable for current year plus additional 10% of the applicable Energy Charge.
Others	Rs. 8.50 / kWh
	From 3 rd year onwards: Base Tariff applicable for current year plus additional 10% of the applicable Energy Charge.

*Minimum bill payable by a consumer under the category "Metered" shall be Rs. 400.00 / kW / week.

Note: Charge as specified at section A - 'GENERAL PROVISIONS', shall be paid by the consumer in advance.

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Rs. 250.00 / day / shop	(ii) Fixed charges for temporary shops set-up during festivals
Rs. 4250.00 / day	(i) Fixed charges for illumination / public areas / ceremonies for load up to 20 kW per connection plus Rs. 100 per kW per day for each additional kW.

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