

Before
The Hon'ble Jharkhand State Electricity Regulatory Commission,
Ranchi



Supplementary Submission to Petition
for
True-up for FY 2018-19, Annual Performance Review for FY 2019-
20 and Determination of Aggregate Revenue Requirement and Tariff
for FY 2020-21



Submitted By:
JHARKHAND BIJLI VITRAN NIGAM LIMITED
DHURWA, HEC, RANCHI-834004

Before the Hon'ble Jharkhand State Electricity Regulatory Commission, Ranchi

Filing Number: _____

Case Number: _____

IN THE MATTER OF: Filing Supplementary submission to Petition for approval of True-up for 2018-19, Annual Performance Review for FY 2019-20 and Determination of Aggregate Revenue Requirement and Tariff for FY 2020-21 under Section 45, 46, 61, 62, 64 and 86 of the Electricity Act, 2003 and as per the regulations of Jharkhand State Electricity Regulatory Commission (JSERC) Terms and Conditions for Determination of Distribution Tariff) Regulations, 2015

AND IN THE MATTER OF: Jharkhand Bijli Vitran Nigam Limited (hereinafter referred to as "JBVNL", or "erstwhile JSEB -Distribution function" which shall mean for the purpose of this Petition the "Licensee" or "Petitioner") having its registered office at HEC, Dhurwa, Ranchi

The Petitioner respectfully submits hereunder:

1. JBVNL is facing difficulty in interpreting and giving effect to following aspects of JSERC Order on True-up for FY 2016-17& FY 2017-18, Annual Performance Review for FY 2018-19 and ARR & Tariff for FY 2019-20 for JBVNL dated 28th Feb, 2019
 - a) Clause III of Chapter A14 of the regarding 'Delayed Payment Surcharge' for the period for which JBVNL has delayed generation and delivery of bill to the consumer
 - b) Levy of Penal charges due to delay in deposit of security deposit by consumer
 - c) Billing demand of HT and Domestic-HT consumers
2. JBVNL has submitted Petition for approval of True-up for 2018-19, Annual Performance Review for FY 2019-20 and Determination of Aggregate Revenue Requirement and Tariff for FY 2020-21 on 30th December, 2019.
3. JBVNL would like to submit that it has inadvertently missed raising the issues, in its Tariff Petition in Case no. 13 of 2019 submitted on 30th December, 2019. JBVNL hereby prays to Hon'ble Commission to provide suitable clarification on the matter and to dispose the matter along with ongoing Tariff Petition filed by JBVNL.

Jharkhand Bijli Vitran Nigam Limited
Petitioner

Ranchi

1. APPLICABILITY OF DELAY PAYMENT SURCHARGE

- 1.1. JBVNL would like to submit that it has faced difficulty in interpreting and giving effect to Clause III of Chapter A14 of the JSERC Order on True-up for FY 2016-17 & FY 2017-18, Annual Performance Review for FY 2018-19 and ARR & Tariff for FY 2019-20 for JBVNL dated 28th Feb, 2019 regarding 'Delayed Payment Surcharge'. The clause is reproduced below:

“The delayed payment surcharge will be at the rate of 1.5% per month and part thereof. The due date for making payment of energy bills or other charges shall be 21 days after issue date of bill. The bill should be generated and delivered on monthly basis. In case, the licensee defaults in generating and delivering bills on monthly basis, DPS will not be charged for the period of default by licensee. The consumer should not be deprived of any subsidy/benefit which could have been otherwise accrued to the consumers i.e., energy units/amount (in case of unmetered) billed has to be apportioned on average monthly basis for the whole billing duration.”

- 1.2. JBVNL would like to submit that there are varied interpretation to the extent DPS should not be charged for the period of default by licensee which is creating ambiguity. They are listed as below:

- A. Consumer should not be charged DPS on defaulted amount pertaining to previous bill, if the licensee defaults in generating and delivering bill on timely basis after the original bill

For example: if a consumer was billed for Rs 100/ in month of January (due date being February) and then he was billed directly in month of May of the same year. In case the consumer hasn't paid any amount till month of issuance of his/her next bill in May, the consumer wouldn't be charged DPS on amount of Rs 100/(billed in January) for months of March to May.

- B. Consumer would not be charged DPS on amount of the bill if it has been generated and delivered after duration of more than one month. However h/she would be charged DPS on amount of default of previous bill

For example: if consumer was billed for Rs 100/ in month of January (due date being February) and then he was billed directly in month of May of the same year. In case the consumer hasn't paid any amount till month of issuance of his/her next bill in May, the consumer would be charged DPS for his default on payment of bill issued in January for months of March to May. However the consumer wouldn't be charged DPS on amount billed in month of May.

- 1.3. JBVNL would like to submit that in case if the interpretation as per option (A) holds

good then it would go against the clause 10.1.6 of Electricity Supply Code, 2015 which is reproduced below:

“If a consumer does not receive the bill within 5 days of the bill issue date, he may obtain a duplicate bill from the concerned billing office of the Distribution Licensee. The Distribution Licensee shall issue a duplicate bill within 3 days of receipt of application. Non-receipt of the bill shall not entitle the consumer to delay payment beyond the due date.”

- 1.4. As per above clause, the consumer has also responsibility to make his payment before the due date. If in any case he doesn't receive the bill then also he has to make payment before due date. Logically extending the clause leads to conclusion that if the consumer doesn't pay before due date, then also he has to pay DPS irrespective of the fact, he receives electricity bill or not.
- 1.5. JBVNL would like to submit that it has inadvertently missed raising the issue in its Tariff Petition in Case no. 13 of 2019 submitted on 30th Nov, 2019. JBVNL hereby prays to Hon'ble Commission to provide suitable clarification on the matter and to dispose the matter along with ongoing Tariff Petition filed by JBVNL.

2. DELAY PAYMENT SURCHARGE ON DELAY IN DEPOSITING SECURITY DEPOSIT

- 2.1. As per S.no 11 of clause 11.2 of JSERC Order dated 28th May'19 regarding True-up for FY 2016-17, APR for FY 2017-18 & FY 2019-20 and determination of ARR & Tariff for FY 2019-20 for DVC if there is delay on part of consumers in depositing security deposit, the same would lead to levy of 1.5% penal charges per month. However there is no such clause in Tariff Order issued for JBVNL.
- 2.2. JBVNL would like to humbly submit that JBVNL tariff should also have penal provision to encourage consumer to deposit security amount in time. Hence Hon'ble Commission should also issue similar Order for JBVNL consumers, where-by they should be charged penal charges in case of delay in submitting security deposit by consumer.
- 2.3. JBVNL would like to submit that it has inadvertently missed raising the issue in its Tariff Petition in Case no. 13 of 2019 submitted on 30th Nov, 2019. JBVNL hereby prays to Hon'ble Commission to pass suitable Order on the matter and to dispose the matter along with ongoing Tariff Petition filed by JBVNL.
- 2.4. Similarly in other remaining Terms and Conditions of Tariff, Hon'ble Commission is hereby requested to bring uniformity for all distribution licensees of Jharkhand.

3. LIMITATION ON MINIMUM DEMAND FOR BILLING OF HT CONSUMERS

- 3.1. As per part VI of Chapter A13 of JSERC Order on True-up for FY 2016-17 & FY 2017-18, Annual Performance Review for FY 2018-19 and ARR & Tariff for FY 2019-20 for JBVNL dated 28th Feb, 2019 the billing demand of HTS consumer shall be maximum demand recorded during the month or 75% of contract demand (whichever is higher).
- 3.2. In regards to the same, JBVNL would like to submit that the billing demand of HT consumer should further be subjected to condition of minimum billing demand of 101 kVA. This should be given effect in order to differentiate HT category with other LT categories as LT tariff categories are applicable on less than or equal to consumers having contract demand of less than or equal to 101 kVA.
- 3.3. Additionally Hon'ble Commission in its Order on True-up for FY 2016-17 & FY 2017-18, Annual Performance Review for FY 2018-19 and ARR & Tariff for FY 2019-20 for JBVNL dated 28th Feb, 2019 hasn't specified any clause for determining billing demand of Domestic-HT consumers. JBVNL proposes that in line with billing demand of HT consumers, billing demand of Domestic-HT consumer shall be maximum demand recorded during the month or 75% of contract demand or 101 kVA (whichever is higher).
- 3.4. Accordingly, JBVNL prays to Hon'ble Commission to define billing demand of HT and Domestic-HT consumers as prayed above.

4. PRAYERS TO HON'BLE COMMISSION

4.1. The Petitioner JBVNL respectfully prays to the Hon'ble Commission:

- a. To admit Supplementary submission to Petition for approval of True-up for 2018-19, Annual Performance Review for FY 2019-20 and Determination of Aggregate Revenue Requirement and Tariff for FY 2020-21 regarding applicability of Delay Payment Surcharge
- b. To provide suitable clarification on the matter of applicability of DPS on default amount of previous bill for the period for which JBVNL has delayed generation and delivery of bill to the consumer
- c. To levy penal charges of 1.5% per month for delay in depositing security deposit by JBVNL consumers
- d. To bring uniformity in other remaining Terms and Conditions of Tariff for all distribution licensees of Jharkhand
- e. To set minimum billing demand of HT consumers at 101 kVA
- f. To determine billing demand of 'Domestic-HT' consumers in line with HT consumers
- g. To dispose the matter along with Tariff Petition for approval of True-up for 2018-19, Annual Performance Review for FY 2019-20 and Determination of Aggregate Revenue Requirement and Tariff for FY 2020-21 in Case no. 13 of 2019
- h. To pass any other order as the Hon'ble Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice.
- i. To condone any error/omission and to give opportunity to rectify the same