



**ORDER**  
**OF**  
**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**  
**IN THE MATTER OF**  
**CASE NO. B-5/2(a)**

APPLICATION BY DAMODAR VALLEY POWER CONSUMERS' ASSOCIATION (DVPCA), SEEKING INTERVENTION OF THE COMMISSION IN THE MATTER OF HIGH RESTRICTIONS ON POWER DRAWAL BY DAMODAR VALLEY CORPORATION (DVC) AND IMPOSITION OF PENAL CHARGES FOR OVER DRAWAL DURING FREQUENT RESTRICTIONS.

**PRESENT:**

**SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON**  
**SRI DURGADAS GOSWAMI, MEMBER**  
**SRI PULAK KUMAR TEWARI, MEMBER**

**DATE: 11.12.2020**



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Applications by Damodar Valley Power Consumers' Association (DVPCA), seeking intervention of the Commission in the matter of high restrictions on power drawal by Damodar Valley Corporation (DVC) and imposition of penal charges for over drawal during frequent restrictions.

### FACTS IN BRIEF

- 1.0 Damodar Valley Power Consumers' Association filed a complaint dated 11<sup>th</sup> December, 2018 alleging unreasonable imposition of load restriction and penal charges by Damodar Valley Corporation (DVC) for drawal of power over the restricted drawal by the consumers during the restriction period.
- 2.0 Upon receipt of the complaints of DVPCA, the same was forwarded to DVC vide letter dated 10<sup>th</sup> December, 2018 for their comments on the complaints made by DVPCA, but no reply was received from DVC in this regard.
- 3.0 Vide letter dated 6<sup>th</sup> February, 2019 DVC sent reply to the Commission's letter no. WBERC/B-5/2/3226 dated 19<sup>th</sup> December, 2018 informing that DVC was compelled to impose load restriction to its retail consumers in Jharkhand and West Bengal for low generation of DVC due to acute coal crisis in the month of August, 2018, September, 2018 and October, 2018 to maintain grid discipline. However, to give relief to the extent possible to the consumers, DVC purchased power from IEX and PXIL platforms even with high price. Un-requisitioned surplus power from CSGS, as available, was also purchased based on real time availability basis to meet up the power demand in valley area. DVC also sent report on day wise load generation balance for the month of August, September and October, 2018, but the same was not as per the format according to which the information was sought for by the Commission. Therefore, DVC was asked vide letter dated 14<sup>th</sup> March, 2019 to send the information as per the format sent through Commission's letter dated 19.12.2018.
- 4.0 DVC has submitted details of block wise generation, consumer demand met, deviation and export in MW for the months of August, September and October, 2018.
- 5.0 On perusal of the reports sent by DVC, the Commission finds that the report containing details of block wise generation of power is only a very small part of the report, as was asked from them. In absence of other details, nothing can be made out. However, it is







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to be noted that similar type of complaint was also received from Graphite India Limited, who is a consumer of DVC, alleging unreasonable imposition of load restriction and penal charges by Damodar Valley Corporation (DVC) for drawal of power over the restricted drawal during the restriction period. Therefore, a joint hearing of the utility i.e., DVC and the complainants i.e., DVPCA and GIL was felt necessary and accordingly the notice convening the hearing on 11<sup>th</sup> July, 2019 at 14.30 hours at the office of the Commission was issued to DVC, DVPCA and GIL. The hearing was held on 11<sup>th</sup> July, 2019, as scheduled.

6.0 In the hearing on 11.07.2019, Sri S. W. Parnerkar, Senior Vice President (Finance), Sri A. K. Dutta, Senior Vice President (Marketing) and Sri T. K. Mitra, Power Consultant, on behalf of GIL, were present with due authorization. Sri Prasun Mukherjee, Advocate, Calcutta High Court, Sri Subodh Kumar Datta, Executive Director (Commercial), Sri Manik Chandra Rakshit, Chief Engineer – I (Commercial), Sri Pratik Biswas, Executive Engineer (Commercial) and Sri Amit Kumar Sil, Deputy Chief Engineer (Commercial) were present on behalf of DVC with due authorization. However, there was no representative on behalf of DVPCA. During hearing all the representatives of GIL and DVC submitted their contentions.

7.0 Thereafter number of hearings took place between DVC, GIL and DVPCA and interim orders were issued accordingly. However, in the interim order dated 02.12.2019, it was directed that since the complaint of GIL is different in nature than that of DVPCA, the matter will be dealt with separately. Therefore, the final hearing between DVC and DVPCA only was held on 16<sup>th</sup> December, 2019 at 15.00 hours.

#### **SUBMISSIONS OF THE PARTIES DURING THE HEARING**

8.0 During the hearing the representative of DVPCA submitted that –

- a) The members of DVPCA are HT consumes of DVC located in Asansol - Durgapur Region of West Bengal and receiving power at 132 KV and 33 KV since last 30 years under long term power firm supply contracts;





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- b) The financial viability of member Industries of DVPCA operating with power from DVC has eroded due to imposition of erratic load restrictions during August, 2018 to October, 2018 and they were forced to absorb huge losses due to continuous load restrictions imposed by Damodar Valley Corporation;
- c) The member industries of DVPCA suffered crores of rupees towards production loss as well as penalty for over drawing more than restricted level / quantum but within its contracted demand and damages to plant & machineries. This led to loss of trusted customers and were forced to entangle into litigation for late delivery penalties and risk purchases;
- d) Despite written assurance given by DVC to the members of DVPCA, DVC imposed load restriction on Industries in West Bengal and chose to export power to out of state;
- e) DVPCA filed a complaint representation before this Hon'ble Commission praying for direction on DVC that private consumers in West Bengal be suitably compensated for losses suffered by them by imposition of exemplary penalty on DVC for non-supply / curtailment of power in violation of long term power supply agreements, review of existing penalty clause under West Bengal Regulations in case of non - supply and load restrictions and instruction on DVC to give standing clearance to all the member industries to procure power from energy exchange;
- f) In the meantime, DVPCA has obtained a chart of consumption by private consumers of DVC in the States of Jharkhand and West Bengal for the period of May 2018 and October 2018 under Right to Information Act, 2005. From the said chart it will be evident that during the period of complaint, i.e., August 2018 to October 2018, there is almost no restriction on power consumption in the State of Jharkhand by the private consumers of DVC, whereas the power consumption in West Bengal decreased by more than 12% due to restrictions;







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- g) DVC imposed "Restricted Drawal" on the consumers under Regulation 4.4 of West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 and penalized them for its own fault in not being able to generate power as per contracted demand;
- h) The principles of the Electricity Act, 2003 emerges as follows:
- i) Instead of "cost plus tariff", "efficiency/availability-based tariff" has been introduced. The Learned Regulators have laid down efficiency measuring norms. The present tariff policy is "normative tariff" instead of "cost plus tariff", having no relation with the financials/accounts of a utility;
  - ii) The tariff of a utility (generation, transmission, distribution and/or integrated) is to be determined by the Appropriate Commission in accordance with Regulations which should be in accordance with Section 61 of the Electricity Act, 2003, National Tariff Policy, National Electricity Policy and National Electricity Plan;
  - iii) The key words for determination of tariff are efficiency, economical use of resources, good performance and optimum investments;
  - iv) Reward for efficiency in performance and penalty for inefficiency;
  - v) Safeguarding of consumers interest and consumers participation in the tariff making process, which should be transparent; and
  - vi) The tariff should be determined without showing any undue preference to any consumer or discriminating any consumer.
- i) DVC is charging three times the normal tariff by restricting drawal of electricity, from its consumers for its inefficiency in generating tariff. This action of DVC deforms the scheme of the Electricity Act;





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- j) The inefficiency in the performance of DVC is being rewarded by penalizing the consumers, whereas, the interest of the consumers is not protected since the consumers are being penalized for the inability of DVC to produce electricity;
- k) The term "Restricted Drawal" is not defined either in the Electricity Act, 2003 or Tariff Regulations or in the Supply Code Regulations or in the Performance Regulations;
- l) The term "Restricted Drawal" is vague, uncertain, ambiguous, incapable of being made certain and there is a sea of uncertainty. Neither the term "Restricted Drawal" is defined nor the power to exercise the same is prescribed nor the parameters of levying penalty is prescribed;
- m) Unless the term "Restricted Drawal" is defined, the power to exercise the same is prescribed or the parameters of levying penalty is prescribed, Regulation 4.4 of the Tariff Regulations remains unworkable and no effect can be given thereto;
- n) The entire purported concept of "Restricted Drawal" is left to the whims and caprice of the licensee like DVC and the entire matter of "Restricted Drawal" is dealt with an unethical, irregular, casual and intermittent way without any norms or rules being followed by DVC;
- o) The said Regulation 4.4 of the Tariff Regulations purport to confer unguided and uncanalized power upon DVC to "restrict drawal" on their whims and caprice and at any time which results in gross damage to the properties and assets of the consumers without due process of law and amounts to excessive delegation and is unreasonable, arbitrary and violative of Article 14 and 19 (1) (g) of the Constitution of India;
- p) On a plain meaning, "restricted drawal" means restriction on drawal of contract demand as per Regulation 2(l)(e) of the Supply Code Regulations;







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- q) Regulation 2(e) of the Supply Code Regulations provides that the consumer has the right to draw the contract demand at the point of supply at all time during the continuance of the contract;
- r) The imposition of "Restricted Drawal" is contrary to the right of the consumer to draw the contract demand as provided by the Supply Code;
- s) By not providing the contract demand to a consumer, DVC is in breach of the contract and/or default of the contract and in violation of Contract Act, 1872 and DVC is liable to compensate to the members of DVPCA for loss or damage caused by the breach of contract;
- t) In the event, Regulation 4.4 of the Tariff Regulations is given the meaning as sought to be given by DVC then the same militates Regulation 2(e) of the Supply Code Regulations as well as is contrary to the common law and also the Electricity Act, 2003;
- u) There is no provision of such penalty in the neighboring State of Jharkhand. Hence, from the chart annexed to this submission it will be evident that during the period of restriction no such restriction was imposed on the consumers of Jharkhand whereas the Consumers of West Bengal were imposed with restricted drawal since there was provision for imposing penalty for drawal of electricity above "Restricted Drawal". In the premises, the consumers of DVC in two States are treated differently;
- v) This discrimination leads to unfair advantage to the consumers of Jharkhand and imposes unreasonable restriction on the consumers of West Bengal to carry on their business;
- w) As far as DVPCA is aware, there is no such provision of penalizing for restricted drawal in any other State in India except West Bengal;
- x) On the one hand, the penalty amount on excess drawl is three times the rate of energy charge in the state of West Bengal under Tariff Regulation, on the other hand,





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the compensation for interruption of supply is at the rate of Rs. 500/- for each additional day or part thereof under West Bengal Electricity Regulatory Commission (Standard of Performance of Licensees Relating Consumer Services) Regulations, 2010;

- y) The plea of DVC in regard to the shortage of coal during the periods of August, 2018 to October, 2018, is belied by the monthly report of CEA relied upon by DVC, since the shortage of generation of power by DVC vis-à-vis demand was 2.7% in August, 2018, 7.9% in September, 2018 and 2.4% in October, 2018 as per the monthly report of CEA for the periods, in question. There was no power crisis in other parts of the country excepting the distribution area of DVC in the States of Jharkhand and West Bengal as alleged, since at all India level the shortage of power was less than 1% during the restricted period, which is evident from the monthly report of CEA. DVC could have purchased power and supplied to its consumers instead of resorting to restricted drawal. In spite of negligible power generation shortage, DVC resorted to load restrictions between 30% to 90% thereby leading to shut down of the entire plant by the consumers. In fact, when the load restriction is 30% and above, the amount of power supply to the plant tantamount to 0%. Regulation no. 4.4 of the WBERC (Terms and Conditions of Tariff) Regulations, 2011 purport to confer unguided and uncanalized power upon DVC to restrict drawal on their whims and caprice and at any time without due process of law, which results in gross damage to the properties and assets of the consumers. In spite of huge power cuts to units of West Bengal in August, 2018 to October, 2018, DVC chose to give additional adhoc power to West Bengal Government / WBSEDCL to the tune of 300 MW during October, 2018;
- z) It is the failure on the part of DVC in not being able to take coal even after allotment and non-payment for the coal already consumed, which is evident from the correspondence exchanged between DVC and Coal authority annexed with their rejoinder. DVC cannot take advantage for its failure.







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- aa) The contention of DVC as to the non-discrimination between the States of West Bengal and Jharkhand in regard to imposition of load restriction is a bald statement without any particulars. The imposition of load restrictions in percentage terms on contract demand is fallacious. From the affidavit of the DVC it is evident that during unrestricted period, the actual usage of contract demand by the consumers in West Bengal and Jharkhand is 80% and 60% respectively, whereas during the load restriction period, the consumers of Jharkhand still keep on using 60% of the contract demand, but the consumers of West Bengal suffer a curtailment in power consumption by 10%. The load restriction should be imposed based on the actual consumption rather than the contracted demand. From the table of utilization factor produced by DVC, it is evident that the utilization factor was highest in Jharkhand during the load restriction period, which is even more than the utilization factor during the unrestricted period. In the premises it is evident that there was discrimination between the consumers of Jharkhand and the consumers of West Bengal in terms of the imposition of restrictions.
- bb) It is denied that the actions taken by DVC was due to non-availability of coal or in larger public interest or to avoid collapse of national grid or to adhere grid discipline. If coal supply affected all the regional grids then how could any system supplied the extra drawal of DVC through the grid from its running units or hot spinning reserves after meeting its own consumers' demand.
- cc) It is admitted by DVC that 80% of the consumers did not violate load restriction. The majority of the consumers of DVC are producing in batch process and the same cannot be stopped when the load restriction is imposed. Therefore, in the case the consumers abided by the load restrictions, the said consumers suffered loss of production and damage to plant and machineries. It is humbly prayed that leave be granted to those members of DVPCA to file their claim for damages suffered by them due to illegal restriction of drawal imposed by DVC. It is denied that the refund of additional energy charges, as collected by DVC during the restriction period, to the members of DVPCA (who violated the restriction of drawal imposed by DVC) will be





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injustice to the other members of DVPCA who have maintained the drawal restriction imposed by DVC.

dd) DVPCA has denied the contention of DVC in regard to the collection of additional energy charges during the load restriction period as per the terms and conditions of the Tariff Regulations of this Commission under the exceptional circumstances. The inability of DVC to produce power cannot be a reason to impose load restrictions on the consumers. The regulation 4.4 of the WBERC (Terms and Conditions of Tariff), 2011, as amended does not envisage a load restriction and penalty on the consumer for the inefficiency of the generating company to produce sufficient power. Hence, collection by DVC at three times during the restricted period was illegal and DVC ought to refund the same to the consumers.

ee) In order to avoid misuse of regulation 4.4 of the Tariff Regulations, the term "Restriction" should be defined more elaborately.

ff) In view of above, DVPCA prayed before the Commission to the following extant:

- i) DVC be directed to compensate for losses suffered by the members of DVPCA and also refund excess amount collected by imposing restricted drawal under Regulation 4.4 of 2011;
- ii) The Term "Restriction" to be defined under Tariff Regulations;
- iii) To suitably increase the amount of compensation on DVC for interruption / restriction period; and
- iv) DVC be directed to allow Open Access to the members of DVPCA, so that the members can procure power from alternate resources including energy exchange.







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8.1 Upon submission of DVPCA, the Commission asked as to whether DVPCA members have ever asked for open access during the period of restricted supply, in reply of which, the representative of DVPCA informed that DVPCA has no such instance.

8.2 The representative of DVC submitted that –

- a) DVC supplies power to its consumers based on the availability of the power as per the agreement entered into by and between the consumers and DVC;
- b) Due to coal crisis during the period, DVC faced a huge demand supply gap. Thus, to ensure grid security, DVC imposed restrictions to its consumers;
- c) There was no discrimination between Jharkhand and West Bengal consumers regarding imposition of load restrictions. DVC imposed load restrictions to its consumers in rotational manner based on the category. This means the same category of consumers will get load restrictions in both the States at same time. DVC imposed load restriction on its consumer in percentage terms on contracted demand. However, consumers in Jharkhand area did not strictly comply with such restrictions;
- d) During the restriction period, DVC charged the 'contract demand charge' payable by the consumer up to restricted demand, leading to huge loss to DVC;
- e) During the period of shortage of power, DVC also restricted supply of power to the consumers under long term PPA and also restricted their export of the power in the same ratio.
- f) DVC also submitted that during the unrestricted period the utilization of contracted demand in the State of West Bengal and Jharkhand is 78% and 65% respectively.
- g) This significant difference of utilization factor in both the States is due to the computation methodology of demand charge. In fact, for billing purpose in the State of West Bengal the demand charge is considered @ 85% of the contracted demand or the maximum demand whichever is higher whereas in case of State of Jharkhand





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it is 75% of the contracted demand or the maximum demand whichever is higher, as a result of which, in Jharkhand area the utilization factor is lower than the West Bengal area. Therefore, the overall drawal in Jharkhand did not reduce significantly compared to West Bengal, when load restriction was imposed on the consumers of both the States. In order to substantiate the fact, DVC provided the methodology followed for computation of utilization factor as under:

Consumption (KWH) / [CD (KVA) x Total hours in a month x power factor]

Considering the above formula, utilization factor in the States of West Bengal and Jharkhand comes as under:

Comparison of Utilization Factor		
Month	Jharkhand	West Bengal
May – 18	0.64	0.78
June – 18	0.65	0.79
July – 18	0.63	0.77
Aug – 18	0.59	0.71
Sep – 18	0.66	0.65
Oct – 18	0.66	0.67

- h) From the above, it is evident that considering load restriction and load shedding, consumers were using power as per the utilization factor. It is also evident that before the load restriction period, the utilization factor was 77% (average) and 64% (average) in West Bengal and Jharkhand respectively. As the utilization factor of Jharkhand was low compared to West Bengal, the utilization factor of Jharkhand did not drop. But the utilization factor in West Bengal dropped due to lower cushion. Moreover, during the load restriction period, the utilization factor is almost same in both the States. This implies that there was hardly any discrimination between West Bengal and Jharkhand.
- i) DVC further submitted that violation of restriction was done by only 20% of the consumers. If the additional energy charge collected for over drawal during the restricted period is refunded to the in-disciplined consumers, then injustice will be







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made to the disciplined consumers who maintained their drawal under restricted allocation.

- j) DVC submitted that all the actions taken by DVC are under exceptional circumstances i.e., during the period of non-availability of coal resulting into lower production of electricity, to ensure larger public interest and to avoid grid failure and maintaining grid discipline. It is further submitted that the steps taken by DVC are within the frame work of the regulation formulated by this Commission in order to deal with the aforesaid eventualities.
- k) DVC denies the proposition of DVPCA as to the procedure of imposition of restriction based on actual drawal instead of contracted demand due to operational difficulties. The actual drawal of any particular consumers cannot be monitored on real time basis. Most of the consumers are connected in 33 KV level and more than one consumer are in single feeder. If the restrictions are imposed based on the actual drawal instead of contracted demand, many approximations will be taken at the time of imposition of restrictions which may not manage real time demand in appropriate manner thereby may hamper the grid discipline.
- l) The steps taken by DVC are within the guidelines of the regulation formulated by this Commission. There is no guideline issued by the Commission for imposition of restriction on actual basis.
- m) There were no specific guidelines by Central Commission or State Commission regarding imposition of restriction and DVC & SLDC are empowered to formulate the methodology for imposition of restrictions. Therefore, the procedure for imposition restriction for the months of August, 2018 to October, 2018 cannot be declared as ultra vires.
- n) DVC follows the procedure of imposition of restrictions as a measures of demand management under the clause 5.4 of Indian Electricity Grid Code. As per the clauses





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4.5.2 (c) and 5.4 of Indian Electricity Grid Code, DVC and SLDC formulated the procedure for demand management and demand disconnection.

- o) If the additional energy charge collected for over drawal during the restricted period is refunded to the in-disciplined consumers, who have violated the restrictions in the period of August, 2018 to October, 2018, then injustice will be made to the disciplined consumers who maintained their drawal under restricted allocation. Furthermore, in future, no consumers will maintain restrictions which may hamper grid security and grid discipline. In such cases DVC's grid may face blackout.
- p) In view of above, DVC prayed that the complaint filed by DVPCA be dismissed being devoid of any merit.

8.3 Upon hearing DVC, the Commission asked the representative of DVC to explain their computation of restrictions. The Commission also asked as to whether the equality has been maintained for restriction of drawal of power in both the States of West Bengal and Jharkhand, as the allegations made by DVPCA in this regard are serious in nature. The representative of DVC could not provide documentary evidence / data against the queries raised by the Commission.

### **OBSERVATIONS OF THE COMMISSION**

- 8.4 The Commission has noted that the application submitted by DVPCA for intervention of the Commission against imposition of undue high restrictions during the periods from August, 2018 to October, 2018 by DVC and exorbitant penal charges imposed by DVC on DVPCA members for over drawal by them during the restricted period has merit.
- 8.5 As observed from the proceedings, if the allegation of inequality in imposition of restriction of drawal in the States of West Bengal and Jharkhand is true, it is in contravention of the principle of the Electricity Act, 2003 and the Regulations framed thereunder. It is also observed that from the statement submitted by DVPCA, the load growth in Jharkhand area in the months of August 2018, September 2018 and October 2018 shows an increasing







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trend, whereas load in West Bengal area during those months' records decreasing trend. The time block wise calculation submitted by DVC is not clear. DVC is required to establish their uniform approach of load restriction in both Jharkhand and West Bengal areas by providing block wise computation details.

- 8.6 The Commission also observes from the submissions made by DVC as to imposition of restrictions on percentage basis considering the contract demand of the consumers both in West Bengal and Jharkhand has no merit as the utilization factor of consumers in West Bengal and Jharkhand are widely varied. It is apparent from the affidavit of DVC that average utilization factor of West Bengal and Jharkhand during the unrestricted period was 77% and 64% respectively whereas during the restricted period the average utilization factor came down to 67% in case of consumers in West Bengal and rose to 66% in case of consumers in Jharkhand. It is evident that during the restricted period, the consumers in West Bengal has suffered a loss of average utilization factor by 10%, on the contrary to which the consumers in Jharkhand has gained average utilization factor by 2%.
- 8.7 It clearly shows that the allegation of inequality in imposition of restriction of drawal in the States of West Bengal and Jharkhand might have significant importance.
- 9.0 The Commission also observes that DVC has not applied their mind in right spirit while imposing drawal restrictions on DVPCA members in the State of West Bengal during the periods August, 2018 to October, 2018.
- 10.0 It also clearly shows that DVC has failed to comply with the contractual obligation as a result of which the consumers of DVC in the area of West Bengal has suffered to a great extent;
- 11.0 The Commission observes from the submissions made by DVC as to imposition of restrictions on percentage basis considering the contract demand instead of actual





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drawal for the reasons that the actual drawal of any particular consumer cannot be monitored on real time basis, has no merit.

- 12.0 The contention of DVC as to imposition of drawal restriction in order to maintain the grid discipline has no merit as there was no significant shortage of power generation nationally during the periods of August, 2018 to October, 2018, as is evident from the monthly statements produced by DVC along with their petition. It is also evident from the fact that had there been any shortage of power supply in the grid, then even after violation of restrictions, the grid discipline could have been failed.
- 13.0 The Commission also observes that on one hand DVC imposed restriction to the consumers to the tune of 30% and above of the contract demand for a period ranging from 214 hours to 375 hours in a month and on the other hand allowed consumers to draw power during the restriction period, which does not prove the contention of DVC that the restriction was imposed to maintain grid discipline. However, DVC by virtue of the provision of regulation 4.4 of the Tariff Regulations, 2011 imposed penalty to the consumers for over-drawal during the restriction period.
- 14.0 The Commission observes that since DVC could not establish their claim that restriction was imposed to maintain grid discipline and restriction was imposed equally to all consumers, imposition of penalty as per regulation 4.4 of the Tariff Regulations, 2011 is not applicable in this case.

### ORDER

- 15.0 On the basis of the observations as elucidated above and keeping in mind the penal energy charges imposed by DVC during the restricted period, the Commission orders that –
- a) DVC shall claim the energy charge rate as per the tariff order for the quantity of energy consumed by the members of DVPCA as over drawal during the restricted periods of August, 2018 to October, 2018;







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- b) DVC shall make necessary amendments in the bill raised / to be raised on the members of DVPCA as per the direction given in (a) above;
- c) If the members of DVPCA have already made any payment towards the energy charge at a rate above the rate directed by the Commission in (a) above for over drawal during the restricted period, the excess payment made by the members of DVPCA shall be adjusted by DVC with the future bills to be raised by DVC on the members of DVPCA;
- d) In the event of shortage of power, it is the contractual obligation of DVC to provide energy to its members even by purchasing energy from other sources available in the grid;
- e) DVC should be very careful in future while imposing restriction of drawal of power on the consumers in the State of West Bengal and shall adopt such methodology so that the consumers of DVC in the State of West Bengal do not suffer for closure of their plants and / or do not become coerced to seek for over drawal. If DVC do not follow the direction as given above, DVC shall be liable to be penalized in future;

16.0 Thus, the petition of DVPCA is disposed off.

14. Let a copy of the order be served upon DVPCA and DVC.

Sd/-

Sd/-

Sd/-

(PULAK KUMAR TEWARI)  
MEMBER

(DURGADAS GOSWAMI)  
MEMBER

(SUTIRTHA BHATTACHARYA)  
CHAIRPERSON

DATED : 11.12.2020

  
(T. K. MUKHERJEE)  
for SECRETARY



West Bengal Electricity Regulatory Commission

Certified true Copy