



**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**IN THE MATTER OF
IN
CASE NO: TP(R) – 30 / 20-21**

**IN RE THE PETITION SUBMITTED BY DAMODAR VALLEY
CORPORATION FOR REVIEW OF TARIFF ORDER DATED 19.06.2020
FOR THE YEARS 2006-2007, 2007-2008 AND 2008-2009**

PRESENT :

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

DATE: 02.10.2020

Certified true Copy



ORDER

1.0 Damodar Valley Corporation (DVC) has submitted this petition for review of the Tariff Order dated 19.06.2020 in Case No: TP-80/19-20 in respect of its distribution activity in the state of West Bengal for the years 2006-07, 2007-08 and 2008-09.

2.0 In their petition DVC has prayed for review of the tariff order mainly on the following issues:

2.1 Input cost for the years 2006-07, 2007-08 and 2008-09:

DVC has submitted that the Commission while computing the distribution and retail tariff for the period 2006-09 has considered the input cost in terms of the order dated 6.8.2009 passed by the Central Commission which did not admittedly determine the entire input costs. DVC has also submitted that there were certain items of capital cost and other expenditure including O & M Expenses on account of wage revision, pension and other terminal benefits which were deferred. These deferred items of tariff elements were determined finally by the Central Commission by the order dated 8.5.2013 passed in Petition No.272/2010.

2.2 (a) Applicability of additional voltage rebate for 132 & 220 KV consumers over and above the rebate embedded in approved variable charge rate

(b) Apportionment of infirm power cost of MTPS unit 5 and 6 for distribution activity limited to 20%.

DVC has submitted that there are issues on applicability of 5% additional voltage rebate for 132 and 220 KV consumers over and above the rebate embedded in approved energy charge rate and on apportionment of infirm power cost of MTPS Units 5 and 6 for distribution activity limited to 20%. DVC has also submitted that on the above specific aspects there are errors apparent on the face of record in the order dated 19.6.2020 which are required to be reviewed and rectified.

2.3 Non determination of tariff applicable for WBSEDCL and IPCL having



agreements with DVC for drawl of power in consumer mode:

DVC has submitted that there are certain issues relating to determination of tariff applicable to West Bengal State Electricity Distribution Company Limited (WBSEDCL) and Indian Power Corporation Limited (IPCL) who have been purchasing electricity from DVC for the last many years in “consumer mode” as per the agreements entered with them and not in the licensee mode.

DVC has also submitted that the order of the Hon'ble High Court does not direct the determination of retail supply tariff for the tariff period 2006-07 to 2008-09 in any particular manner much less a direction that such tariff should be determined without considering the order dated 8.5.2013 passed by the Central Commission.

- 3.0 In regard to the submission of DVC observation of the Commission are as follows:
- 3.1 In regard to Issue in 2.1 above , it may be mentioned that though DVC in their Tariff petition claimed the input cost based on the orders passed by CERC after 6.8.2009 the Commission while determining the input cost relied on the order dated 05.03 2019 of the Hon'ble High Court at Calcutta.
- 3.2 Regarding issue in 2.2(a) above, it may be mentioned that in the tariff order the rebate for 132 KV and 220 KV consumers has been considered as that rebate exists in the tariff of DVC during 2006-09. The Commission fixed different tariff for 33KV, 132 KV and 220 KV consumers in view of the facts that cost of supply is different for each voltage level. Tariff Regulations, 2011 also provides for different tariff categories for each voltage level.
- 3.3 Regarding infirm power from MTPS unit 4 and unit 5 it may be mentioned that 20% limit has been considered as per the submission made by DVC in their tariff petition.
- 3.4 Regarding issue in 2.3 above it may be mentioned that in the order dated 19.06.2020, the Commission determined the retail tariff for the consumers of DVC in West Bengal under Sections 61, 62 and 64 of the Electricity Act,



2003 and provisions of the Tariff Regulations in compliance with the order dated 05.03.2019 of the Hon'ble High Court at Calcutta in W.P No. 5063(W) of 2019.

- 3.5 DVC has filed the petition for review and rectification of the order dated 19.6.2020 under section 94 (1) (f) of the Electricity Act, 2003 and section 114 read with order 47 Rule 1 of the Code of Civil Procedure, 1908.
- 3.6 Under the CPC, review is provided for in Section 114 and the procedure therefor is indicated in the order 47. Without going into the legal details, it will be sufficient to say here that a review is admissible at the instance of a person who is aggrieved by an order which is appealable but no appeal is preferred or not appealable is admissible under law subject to conditions entailed in the provisions under order 47.
- 3.7 It is observed from the analysis above on the issues raised by DVC on their petition for review of the tariff order that the grounds relied upon by DVC do not come within the mischief of the provisions of under order 47 of the CPC.
- 4.0 In view of the above, the Commission finds no ground to admit this petition for review and the same, is, accordingly, rejected.
- 5.0 Let a copy of this order be served upon DVC.

Sd/-
**(PULAK KUMAR
TEWARI)**

MEMBER

Sd/-
**(DURGADAS
GOSWAMI)**

MEMBER

Sd/-
**(SUTIRTHA
BHATTACHARYA)**

CHAIRPERSON

Dated : 02.10.2020


(T K Mukherjee)
Secretary



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