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कार्यालय
Office of the
प्रबन्ध निदेशक
MANAGING DIRECTOR
पश्चिमांचल विद्युत वितरण निगम लि०
Pashchimanchal Vidyut Vitran Nigam Ltd.
ऊर्जा भवन, विक्टोरिया पार्क, मेरठ
Urja Bhawan, Victoria Park, MEERUT—250001

Letter No. **3003** MD/PVVNL/MRT./COMM./UPERC

Dated : **12 JUL 2022**

To,
The Secretary,
Uttar Pradesh Electricity Regulatory Commission
Vibhuti Khand, Gomtinagar
Lucknow- 226010

Subject:- Response to the query raised by various stakeholders in the Petition No. 1833 of 2022 dated 8 March, 2022 of True-up (FY 2020-21), Annual Performance Review (FY 2021-22), Aggregate Revenue Requirement (FY 2022-23).

**Ref: UPERC/Secy/D(T)/2022-386 Dated 29-06-2022
UPERC/Secy/D(T)/2022-387 Dated 29-06-2022
UPERC/Secy/D(T)/2022-418 Dated 04-07-2022**

Dear Sir,

This is with reference to your above-mentioned letters directing submission of replies to Response to the query raised by various Stakeholders in the Petition No. 1833 of 2022 dated 8 March, 2021 of True-Up (FY 2020-21), Annual Performance Review (FY 2021-22) and Aggregate Revenue Requirement (FY 2022-23).

The Petitioner hereby submits the point-wise replies to the queries/information required by the Hon'ble Commission.

Enclosure: As above {06(1+5 copies)}

Yours Sincerely


(I.P Singh)
Director (Commercial)

निदेशक (वाणिज्य)
पश्चिमांचल विद्युत वितरण निगम लि०
मेरठ

Copy :-

- 1- Managing Director, Paschimanchal Vidyut Vitran Nigam Limited, Meerut.
- 2- Chief Engineer (RAU), Uttar Pradesh Power Corporation Ltd., Lucknow.

Subject – Response to the query raised by various Stakeholders

The Hon'ble Commission vide letter no. UPERC/Secy/D(T)/2022-386 dated 29th June 2022 has forwarded comments/objections /suggestions of various stakeholders to UPPCL/Discoms for its comments. The stakeholders' details have been captured in the table below: -

Annexure- 3

Sr. No.	Parties Name & Details	Date
1	विद्युत पेशनर्स परिषद, उत्तर प्रदेश ई-312 बी, सेक्टर- 27, नारदा	23.06.2022
2	Indian Industries Association (IIA) IIA Bhawan, CF - 2 Panki Site - 5, Udyog Kunj, Kanpur	22.06.2022
3	Mr. Shafiullah Indira Nagar, Lucknow	22.06.2022
4	Uttar Pradesh Udyog Vyapar Pratinidhi Mandal Samarpan complex, Railway Road, Aligarh (By E-Mail)	22.06.2022
5	श्री राजेन्द्र मोहन शुक्ला (अभियंता हाई कोर्ट, लखनऊ)	20.06.2022
6	Rimjhim Ispat Ltd. Arad Nagar, Kanpur	20.06.2022
7	उत्तर प्रदेश कांग्रेस कमेटी नेहरू भवन, 10 माल एवेन्यू, लखनऊ	19.06.2022
8	Shri Mrinal Anand Ghaziabad (By E-Mail)	19.06.2022
9	Delhi Metro Rail Corporation Ltd. Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi	15.06.2022
10	Gp Capt, Sanjay V Kute (Retd.) General Manager/Legal (Delhi Metro Rail Corporation Ltd.) (By E-Mail)	15.06.2022
11	Uttar Pradesh Metro Rail Corporation Ltd. Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow	13.06.2022
12	दामोदर विद्युत उपभोक्ता-कल्याण परिषद, उत्तर प्रदेश मुठ्यालम- सुकुलनपुरवा पोस्ट कुम्हरावा, लखनऊ	31.05.2022
13	विद्युत पेशनर्स बैलफेयर एसोसिएशन (वडप्रो) 88/92-ख, रिसालदार पार्क, लखनऊ	12.06.2022
14	Council on energy, Environment and Water (CEEW) ISID Complex, 4 Vasant Kunj Institutional Area, New Delhi (By E-Mail)	28.05.2022
15	Mr. Jogendra Behera, Indian Energy Exchange Ltd., Noida	06.05.2022
16	लोक कल्याण प्रहरी आकाश टुप, जूनिटर लॉज के पास, आईटीआईआई रोड, असीगढ़	13.09.2021

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The sequence wise response to the query raised by various Stakeholders is as under: -

1. Vidyut Pension Parishad

In the matter of no changes in the Tariff Category LMV 10.

Submission:

It is submitted that Licensee has not proposed any restructuring/ Changes in LMV 10 tariff category. Licensee understands that as per Section 23 (7) of Electricity Reforms Act, 1999, "terms and condition of service of the personnel shall not be less favorable to the terms and condition which were applicable to them before the transfer". The same spirit has been echoed under first proviso of section 133 (2) of the Electricity Act, 2003. The benefits for employees / pensioners as provided in section 12 (b) (ii) of the Uttar Pradesh Reform Transfer Scheme, 2000 include "concessional rate of electricity", which means concession in rate of electricity to the extent it is not inferior to what was existing before 14th January, 2000.


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2. Indian Industry Association

In the matter of amendment of certain clause in Electricity Supply Code 2005.

Submission:

Matter does not pertain to current proceeding of ARR for FY 2022-23, the stakeholder has requested to amend certain clauses of Electricity supply code 2005. In this context, it is suggested that a separate petition in this regard may be filed by the Stakeholder before the Hon'ble Commission.

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3. Mr. Saifiulla

Objections on the Tariff Proposal of Discom

Submission:

The point wise submissions are as under: -

- i. Matter of record.
- ii. It is submitted that the Depreciation rate has been considered as per the norms specified in the UPERC MYT for Distribution and Transmission Regulations, 2019.
- iii. It is submitted that the Depreciation rate has been considered as per the norms specified in the UPERC MYT for Distribution and Transmission Regulations, 2019.
- iv. It is submitted that the Depreciation rate has been considered as per the norms specified in the UPERC MYT for Distribution and Transmission Regulations, 2019.
- v. It is submitted that Discoms have claimed ROE 15% as per the UPERC MYT for Distribution and Transmission Regulations, 2019. It is further submitted that as per the MYT Regulations 2014, the ROE was 16% for Distribution business, however, the same was reduced to 15% in MYT Regulations 2019.
- vi. The Petitioner has uploaded the Tariff Petition for FY 2022-23 on Tariff Filing Portal of UPERC well before the public hearing and same was also made available for public on Discoms website.
- vii. No specific complaint has been mentioned. Matter does not pertain to the current proceedings of the ARR for FY 2022-23.
- viii. UPPCL/Discoms are obligated to follow the Tariff categories as approved by the Hon'ble Commission. As per the current Tariff schedule of UPERC for FY 2021-22, LMV-1 consumers are those consumers which falls under the domestic category and LMV-2 consumers are those consumers who falls under Non Domestic categories. Further, to reduce the sub-categories licensee has submitted tariff category rationalization structure to Hon'ble Commission for approval.


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- ix. It is submitted that the Distribution licensee incurs fixed cost while laying Distribution infrastructure such as Power transformers, lines etc. Ideally the recovery of fixed charges would be the same against the fixed cost burden of Licensee. As per the current structure, the expenditure against the fixed charges are more than 63%. However, the recovery of fixed charges through tariff is only 21%.
- x. As stated above in point no ix, Distribution Licensee incurs cost while laying infrastructure such as Power transformers, lines, Poles etc. which is required to be recovered from the consumer in the form of Fixed charges/Minimum charges. Further, the recovery methodology as proposed by the stakeholder for computation of MMC cannot be implemented because the licenses pay fixed cost to the Generators as per the availability.
- xi. Same as above.
- xii. Same as above.
- xiii. Matter does not pertain to the current proceeding of ARR for FY 2022-23. No specific case has been mentioned to investigate.
- xiv. Matter does not pertain to the current proceeding of ARR for FY 2022-23. No specific case has been mentioned to investigate.
- xv. Point is missing in submission of stakeholder.
- xvi. Matter does not pertain to the current proceeding of ARR for FY 2022-23.
- xvii. Matter does not pertain to the current proceeding of ARR for FY 2022-23.
- xviii. Matter does not pertain to the current proceeding of ARR for FY 2022-23.
- xix. It is submitted that the tariff approved by Hon'ble Commission is published in newspaper and uploaded in web-site as provided in clause No 5.10 of UPERC (MYT Distribution and Transmission Tariff) Regulation, 2019. Further, applicability of Tariff Order is provided by Hon'ble Commission in Tariff Order.
- xx. Matter of record.
- xxi. Matter of record.

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4. Uttar Pradesh Udyog Vyapar Pratinidhi Mandal

Comments/ suggestions on Discoms Petitions


Submission:

The point wise response is as under: -

- i. It is submitted that the ARR Petition for FY 2022-23 is submitted as per the provision of UPERC MYT for Distribution and Transmission Regulations, 2019. It is further submitted that for preparation of tariff proposal, tariff without subsidy and the roadmap of reduction of cross subsidy is required. Same is not present in the existing tariff schedule. Therefore, the licensees are not able to submit tariff proposal.

In context to tariff rationalization, it is submitted that the Licensee have submitted tariff category rationalization structure along with billing determinants and not proposed any tariff. Therefore, the impact of tariff rationalization over the consumer is totally hypothetical in absence of any tariff rates provided by the Discoms in rationalization structure.

- ii. Stakeholder has compared the Energy charges of the State vis a vis other State. In this regard it is submitted that every State have different power procurement portfolio. Accordingly, the tariff structure of the States varies.
- iii. Matter of record.
- iv. Matter of record.


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5. Sh. Rajender Mohan Shukla

The point wise submission is as under: -

- i. It is submitted that the Licensees recover the tariff from the various categories of consumers as approved by the Hon'ble Commission for respective year.
- ii. Billing is being done as per the procedure defined by the Hon'ble Commission time to time.
- iii. Same as above.
- iv. Same as above.
- v. Matter is not related to current proceeding of ARR for FY 2022-23.
- vi. Matter does not pertain to current proceedings of ARR for FY 2022-23.
- vii. It is submitted that the billing of LMV 9 is being done as per the tariff schedule approved by the Commission, for respective year.
- viii. Same as above.


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6. Rimjhim Ispat Limited

Comments/suggestions from Rimjhim Ispat Limited on the Tariff Petition.

Submission:

Point wise submission is as under: -

- i. It is submitted that the Licensee has not submitted any tariff proposal before the Hon'ble Commission. The Licensee has requested that the Hon'ble Commission may kindly approve tariff for FY 2022-23 as per the rationalized structure proposed in the Tariff Petition.
- ii. The CSS has been computed as per the methodology defined under clause 49.2 of UPERC MYT (Transmission and Distribution) Regulations 2019. The above Regulation make it explicit for an Open Access consumer to pay CSS as determined by the Commission which shall be as per the relevant provisions of the National Tariff Policy 2016.
- iii. The Petitioner submits that value T is computed as per the Clause 8.5.1 of the National Tariff Policy 2016 & the provision of MYT Regulations 2019 which states as follows:

$$S = T - [C / (1 - L / 100) + D + R]$$

Where,

S is the surcharge


T is the tariff payable by the relevant category of consumers, including reflecting the Renewable Purchase Obligation

C is the per unit weighted average cost of power purchase by the Licensee, including meeting the Renewable Purchase Obligation

D is the aggregate of transmission, distribution and wheeling charge applicable to the relevant voltage level

L is the aggregate of transmission, distribution and commercial losses, expressed as a percentage applicable to the relevant voltage level; AND

R is the per unit cost of carrying regulatory assets."


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As per the highlighted section of the above quoted para, it is clear that since the Tariff approved by the Commission comprises Fixed as well as Energy Charges, the Licensee has computed the value of T as per applicability of FC and EC pertaining to that category of consumer. This methodology is consistent with other State Commissions as well. The stakeholder's contention is untrue in this regard.

- iv. The CSS has been computed by the Licensees as per the methodology defined in the UPERC MYT (Transmission and Distribution) Regulations, 2019.
- v. Licensee in its Petition has requested that the Hon'ble Commission may kindly consider the actual ground reality and restate the Distribution losses of the Licensee and approve the distribution loss trajectory as submitted by the Licensee to MoP for the implementation of Revamp scheme. Further as explained above CSS has been computed as per the methodology defined in the UPERC MYT (Transmission and Distribution) Regulations, 2019 and procedure provided in last Tariff Order.
- vi. In this regard it is submitted that GoUP vide letter dated 05.03.2021, reduced the grant paid under the UDAY scheme to Nil and adjusted the same against the dues payable by State Govt. towards electricity bills due from some State Govt. Departments and additional subsidy payable by GOUP as determined by UPERC in its various Tariff /True-up Orders. Therefore, taking into consideration of the GoUP letter, the loans taken over by State Govt. cannot be adjusted against the Regulatory Assets approved by UPERC, as the same has been adjusted by State Govt. against the additional subsidy payable by GoUP approved by UPERC in tariff orders. Thus the Regulatory Asset computations in UPERC tariff order dated 03.09.2019 have to be revised accordingly.

It is submitted that net regulatory assets as computed above is till FY 2020-21. The same shall be further updated based on the decision of Hon'ble APTEL in the matter. It is further submitted that the Hon'ble Commission in para 7.1.10 of Tariff Order for FY 2021-22 has also mentioned that the Commission cannot decide the matter unilaterally under these ARR proceedings and without taking in consideration the



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outcome of the legal matter pending before Hon`ble APTEL in this respect.

It is requested to the Hon`ble Commission to consider the submission of Petitioner in this regard and consider the regulatory asset while determining the tariff for FY 2022-23.


- vii. The Licensee submitted that the Ministry of Power after due consideration of various factors/scenarios has approved the revised distribution loss trajectory for distribution licensees and same is considered for the True-up Petition of FY 20-21 APR of 2021-22 and ARR for FY 2022-23. The Commission is requested to kindly approve the same.
- viii. The Licensees are obligated to follow the methodology for tariff as approved by the Hon`ble Commission and billing of consumers is being done based on the approved tariff philosophy for the respective year. As per the tariff schedule for FY 2022-23, no load factor rebate/ penalty is approved by the Commission.
- ix. It is respectfully submitted that the Tariff Petition is prepared and submitted before the Hon`ble Commission as per the MYT regulations 2019. As per the tariff structure, the Hon`ble Commission has not approved any specific tariff for Bundelkhand region.
- x. It is submitted that Licensees have deployed best practices to ensure rationalization of power purchase cost. To reduce the burden of stranded / Fixed capacity charges UP Discoms are selling power on exchange during the Off-peak hours which therefore results in part recovery of fixed cost paid to the generators. Moreover, it is pertinent to mention here that the licensee schedules its power purchase as per merit order. The licensee also considers the cost of power from power exchange along with other costs and accordingly schedule its power requirement in order to minimize the power purchase cost. Further, the Licensee submitted that Power Purchase data is duly approved by Commission after detailed prudence check.

Regarding surrendering all expensive power of central sector and taking medium power from DEEP Portal it is submitted that the power is being


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procured based on the long-term Power Purchase Agreements with various power generating companies, the terms and conditions of the PPA is required to be adhered to. It is obligated to make the payment of capacity charges based on the plant availability factor, irrespective of actual PLF/scheduling of the plants, which therefore leads to higher per unit cost of power procurement for the plants with high variable cost of generation. However, even with the current constraints, Discoms have taken several steps to rationalize the cost of power procurement, like sale of power during off-peak hours/months, etc.

- xi. It is submitted that the tariff of various States is determined by the State Commissions based on the geographical locations, their Power Purchase Portfolio, demography of consumers and variation in peak and off peak load along with the State Policies. The tariff is determined by the State Commissions under section 62 (3) of Electricity Act 2003, under this section the Commission is empowered to determine the tariff and can differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.


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7. Uttar Pradesh Congress Committee

Uttar Pradesh Congress Committee, referring various newspaper, vide its representation dated 30.07.2021 has raised the issue of Rs 20596 Cr. In its representation the stakeholder has mentioned that the said surplus is to be recovered from the Licensees and benefit of the same may be passed to the Consumers of the State.

The stakeholders may be referring Hon'ble UPERC tariff order dated 03.09.2019 vide which Hon'ble UPERC had adjusted UDAY grant against the regulatory assets approved by the Commission in the previous tariff orders and accordingly determined a revenue surplus of Rs. 13,337.17 Crore till FY 2017-18. Licensees have filed an appeal against this methodology in Hon'ble APTEL.

Further in the previous tariff proceeding (FY2021-22), it has already been submitted that GoUP vide letter dated 05.03.2021 has adjusted the grant provided under UDAY with the additional subsidy approved by the Hon'ble Commission vide its various orders, accordingly licensees had submitted the calculation of regulatory assets on the basis of methodology adopted by Hon'ble Commission in its Order dated 03.09.2019 and had submitted the following regulatory assets for approval:

Description	Total
True Up of 2000-01 to 2007-08 and its Regulatory Assets / (Surplus) as on 31.03.16	3,190.38
True Up of 2008-09 to 2011-12 and its Regulatory Assets / (Surplus) as on 31.03.16	16,359.99
True Up of 2012-13 and its Regulatory Assets / (Surplus) as on 31.03.16	9,097.63
True Up of 2013-14 and its Regulatory Assets / (Surplus) as on 31.03.16	6,452.82
True Up of 2014-15 and its Regulatory Assets / (Surplus) as on 31.03.16	(1,394.36)
True Up of 2015-16 and its Regulatory Assets / (Surplus) as on 31.03.16	(2,379.84)
Total Regulatory Assets till Trued-UP FY 2015-16	31,326.62
50% of DISCOM debt taken over as per UDAY	-
Net RA / (Surplus) Left after UDAY	31,326.62
Carrying Cost @ 12.50% for FY 2016-17	3915.82

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Regulatory Assets/(Surplus) of FY 2016-17 in True Up	(3860.36)
Total Regulatory Assets Trued-Up till FY 2016-17	31,382.08
25% of Discom Debt Taken over as per UDAY	-
Net RA / (Surplus) Left after UDAY	31,382.08
Carrying Cost @ 13.75% for FY 2017-18	4,315.04
Regulatory Assets/(Surplus) in True Up with carrying cost for FY 2017-18	(991.72)
carrying cost @ 13.75% for FY 2017-18	(68.18)
Total Net RA / (Surplus) till trued up for FY 2017-18	34,637.22
Carrying cost @ 14.05% for FY 2018-19	4,866.53
Net Revenue gap / (surplus) after True up of FY 2018-19	62.65
Carrying cost @ 14.05% for FY 2018-19	4.40
Total Net RA / (Surplus) trued up till FY 2018-19	39,570.80
Carrying cost @ 13.80% for FY 2019-20	5,460.76
Total Net RA / (Surplus) trued up till FY 2019-20	45,031.55
Carrying cost @ 10.65% for FY 2020-21	4,795.86
Total Net RA / (Surplus) trued up till FY 2020-21	49,827.41

It is clear from above that no surplus is available as has been stated by stakeholders. The net regulatory assets as computed above is till FY 2020-21. The same shall be further updated based on the decision of Hon'ble APTEL in the matter. It is submitted that above calculation is based on the methodology adopted by Hon'ble Commission. Therefore, Hon'ble Commission is requested to approve above regulatory asset.

Tariff Rationalization

Existing tariff Schedule is very complex to understand by consumers and complicated to implement by the Licensees. Proper implementation of Government Subsidy is also difficult due to large number of slabs. The difference in slabs of rural and urban consumers necessitate rationalization. It will be easier to cross subsidize consumer categories as per Tariff Policy. Tariff rationalization exercise has been carried out under the reforms suggested by Ministry of Power, Govt. of India.

The Stakeholder is primary objected on the tariff Rationalization proposed under LMV-1 and LMV-2 tariff categories. In this context our submission is as under:


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LMV-1:

As per the existing Tariff Structure slabs for Domestic urban and rural categories consumers are not similar. Under the proposed rationalization Slabs have been made identical for urban and rural categories. Total 4 slabs have been proposed based on unit consumption. Further, to neutralized the impact of the tariff rationalisation no change is proposed for the lower slabs. Therefore, the existing lower slabs (0-100, 101-150 and 151-300) are unchanged. Only slabs (301-500 and above 500) are merged. The licensees have not proposed any rate schedule so it is not logical to preempt about tariff hike due to tariff rationalization.

LMV-2:

In General single phase connections are provided upto 4kW load. Therefore, sub-categories having connected load up to 2 kW and above 2 kW to 4 kW has been merged into single sub-category having connected load of upto 4 kW. For the merged sub-category of 'Load Upto 4 kW', slabs have also been proposed to be amended as (0-100), (101-300) and (Above 300). **The first slab of (0-100) units per month is proposed to protect the small consumers of the category.** Further, for sub-category 'Above 4 kW', the slabs have been proposed to be amended as (0-1000) and (Above 1000) for three phase connections.

In context, to the financial impact on the consumer due to Tariff Rationalization is concern. It is submitted that the Licensees in the ARR for FY 2022-23 has proposed only rationalization of billing determinants (consumer number, load and sales). There is no tariff is proposed for the tariff rationalization. Therefore, the imaginary impact of tariff rationalization on consumers cannot be commented.

Reduction of Subsidy:

It is hereby submitted that the licenses in its ARR for FY 2022-23 has submitted as under:

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"The Govt. subsidy for FY 2022-23 yet to be approved in state budget for FY 2022-23. As such this is not available at present. Therefore, for this petition licensee has taken same provisional value as budgeted for FY2021-22 by GoUP. Further, it is submitted that as per the Section 65 of electricity Act, 2003 the GoUP provides the Government subsidy details directly to the Hon'ble commission."

Accordingly, the licenses have submitted Rs. 14500 Crore subsidy for State owned discoms. Further, GOUP in its budget for FY 2022-23 has made budgetary provisions for Rs. 13600 Crore for FY 2022-23. The same has been communicated to the Commission.

Matter of Lifeline Consumers:

The stakeholder in its submission has informed about the wrong billing of rural consumers particularly Saubhagya Consumers in higher tariff rather than life line category. In this regards, it is submitted that the matter is being looked into by IT wing of UPPCL/Discoms.

Deft Electricity (Amendment) Bill 2021.

It is submitted that matter is not related to the current proceeding of ARR for FY2022-23. Hence, no comment to offer.


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8. Shri. Mrinal Anand

Comments on tariff petition of PVVNL

The point wise response is as under: -

True-up Section


- i. In this regards, it is submitted that the projections of billing determinants viz a viz actual may differ for true up years as the same was impacted due to the COVID pandemic. Further, it is to be noted that the billing determinants are uncontrollable parameter and depends upon various social economic conditions.
- ii. Justification of differences in Distribution loss approved viz a viz considered for the Petition is submitted in the ARR.
- iii. The reason for increase in distribution loss during FY 19-20 to FY 20-21 has been mentioned in the Petition filed by the Licensee.
- iv. The comparison has already been provided under Energy Balance Section of the Petition.
- v. It is submitted that all the information and data as per the Commission prescribed format and additional format, as desired by the Commission from time to time, has been provided.
- vi. True up Petition is being filed as per the provisions of MYT (Distribution and Transmission) Regulations 2019. The details data and information pertaining to various performance and financial status has been provided to the Commission as per the requirement of MYT format for respective years. Further quarterly report is submitted in UPERC formats about smart meters.
- vii. The details data and information pertaining to Capital Expenditure has been provided to the Commission as per the requirement of MYT formats.
- viii. The detailed breakup of capital schemes under debt equity and grant along with the consumer contribution has already been submitted to the Commission.

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- ix. The detailed working of weighted average rate of interest has been submitted to the Commission. The Discoms always intent to reduce its interest cost burden.
- x. Bad and Doubtful debts is being approved by the Commission as per the provision of MYT Regulations 2019. OTS is policy decision and the impact of the same is not being transferred to the consumer of the State.
- xi. It is submitted that in the true-up year revenue is being considered as per the balance sheet of Discoms. As per the current provision, the Balance sheet does not classify tariff category wise revenue, therefore, the segregation of revenue under the approved tariff categories is not submitted in the True-up year.
- xii. Suggestion of the Stakeholder is noted.
- xiii. The actual subsidy received is a part of True up petition of respective years.
- xiv. It is submitted that there is no separate accounting head available in the balance sheet of the licensee, therefore, same has been considered under the head of other incomes.

ARR Section

- i. It is submitted that the historical billing determinants has already been submitted to the Hon'ble Commission. It is further submitted that the historical billing determinants are the part of True up years of respective years.
- ii. As per the MYT Regulations 2019, there is no such requirement to submit the connection released under the specific scheme, therefore, the same is not the part of Petition. However, the connection released under the various schemes, metering plan etc is being submitted to the Hon'ble Commission, as and when required by the Hon'ble Commission under various forums.
- iii. The methodology for the sales projections is detailed under the Petition submitted by the Discom. Further, in regard to the comparison of actual vs projected loss for the past year it is submitted that same is already


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- submitted to the Hon'ble Commission under the response to the data gap.
- iv. Already discussed under above replies.
 - v. Projection of distribution loss for future years is detailed under the petition submitted by the Licensee. Further, as required the bifurcation of voltage wise losses is submitted under the provisions of MYT formats.
 - xv. It is submitted that Petition is being prepared based on discom wise annual revenue requirement. Thus, the consolidated Energy Balance is not a part of ARR Petition.
 - vi. It is submitted that Power Purchase is being at centralized level, therefore, the data provided under 4.4.11 & 4.4.12 is at consolidated level. Further, at the end of table 4.4.13 unit is mentioned.
 - vii. It is submitted that Power Purchase is being at centralized level, therefore, discom wise details as desired by stakeholder cannot be segregated.
 - viii. It is submitted that the detail of short term power purchase through various mode has been submitted to the Hon'ble Commission under data gaps.
 - ix. DBST is being computed as per the methodology approved by the Hon'ble Commission.
 - x. The Discoms has considered employee cost capitalization based on the ratio of actual capitalization during the true up year.
 - xi. The installation of smart metering plan is submitted as per the RDSS plan of the Discom The detail of same is under compilation stage.
 - xii. As above
 - xiii. It is submitted that the details are captured under the MYT formats of the Petition.
 - xiv. The details of grant and consumer contribution has been submitted under response to the data gap queries.
 - xv. Weighted average rate of Interest 8.40% is considered as approved by the Commission for FY 2021-22.
 - xvi. Bad and doubtful debt is being worked out as per the MYT Regulations 2019. The Hon'ble Commission is requested to consider the same.


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- xvii. The Petitioner has put in all efforts to increase non tariff income.
- xviii. Reason for considering the cross subsidy was shown nil is submitted to the Hon'ble Commission under the data gap.
- xix. The consolidated average cost of supply is already submitted to the Commission and was also published in the newspapers.

General Points related to the ARR Petition

The petitioner has provided various suggestions in this section, hence, no comments to offer.

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9. Delhi Metro Rail Corporation Limited

Suggestions of DMRC on Discoms Petitions

The point wise response to the two points raised by the stakeholder is as under:-

- i. Fixation/determination of tariff for DMRC as per the agreement entered between DMRC and Ghaziabad Development authority (GDA) as well as DMRC and NOIDA.

Response:

In this regards, it is submitted that the agreement between any two parties is the decision taken by those parties involved solely. Thus, the matter shall be treated separately as it does not pertain to the ARR for FY 2022-23.

- ii. To exempt DMRC from payment of fixed contract demand charges and minimum consumption guarantee charges and to allow billing on the basis of actual demand and consumption taking into account the public utility service provider.

Response:

It is humbly submitted that the Distribution licensee incurs fixed cost while laying Distribution infrastructure such as Power transformers, lines, poles etc. Ideally the recovery of fixed charges would be the same against the fixed cost burden of Licensee. As per the current structure, the expenditure against the fixed charges is more than 63%. However, the recovery of fixed charges through tariff is only 21%. Additionally, the Licensee has the obligation to pay fixed charges to generating companies irrespective of the power being scheduled or not.


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10. Uttar Pradesh Metro Rail Corporation Limited

Reduction of electricity tariff for U.P. Metro.

Submission:

The stakeholder has proposed to reduce the tariff for Lucknow metro to Rs 5.40 per unit for FY 2022-23. In this regards, it may be noted that under section 62 (3) of Electricity Act 2003 the Commission is empowered to determine the tariff and can differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required. Relevant extract is reproduced as under: -

“(3) The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any consumer of electricity but may differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.”

In view of above, it is submitted that the Hon'ble Commission shall not allow undue benefit to be passed on to the consumers. Further, it is requested that whatever benefit in terms of electricity is required by the stakeholder, the same may be compensated directly by the State Government.

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11. Gp Capt Sanjay V Kute (Retd.), DMRC

Same query, response to the query raised has already been provided in 10 above.

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12. Gramin Vidyut Upbhogta Kalyan Parishad, U.P.

Stakeholder has raised query related to Metering of electricity connections for Departmental employees and high theft.

Submission: -

With reference to metering of departmental employee is concerned, it is submitted that the licensee has already sought additional time till Mar-23 for metering all the departmental employees' connections.

As far as query regarding high theft is concerned, it is humbly submitted that the same is not pertaining to the proceedings of the ARR Tariff Petition for FY 2022-23


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13. Vidyut Pension Welfare Association

Benefit of billing under LMV-10 tariff category to pensioners/family of pensioners.

Submission: -

The stakeholder has raised it concerned over the billing of LMV-10 category pensioners/family of pensioners as per LMV-1 tariff category, in this regards it is submitted that the licensee has not proposed any change in existing LMV-10 billing structure in its submission to the Hon'ble Commission.


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14. CEEW

The point wise response to the query is as under: -

1.1. Status of metering of feeder and distribution transformers

Submissions:

It is humbly submitted that the matter does not pertain to the current proceeding of the ARR for FY 2022-23.

1.2. Sudden increase in no. of life line consumers

Submissions:

The reason for increase in life line consumers has already been provided in the Tariff Petition.

1.3. Need to revise normative consumption of unmetered agriculture consumers.

Submissions:

Matter does not pertain to the current proceeding of the ARR for FY 2022-23.

1.4. Need to account the impact of PM KUSUM scheme.


Submissions:

It is submitted that the PM KUSUM scheme is under the formulation stage and any impact of the same may be considered during the true-up of respective year.

1.5. Billing determinants of energy efficient pumps

Submissions:

Details of Agriculture consumers as recorded under the respective category is provided to the Hon'ble Commission.


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2.1. Need to evaluate the high Fixed and variable cost for FY 23

Submissions:

The detailed procedure for computation of power purchase cost based on the historical trends and the methodology of MYT Regulations 2019 is provided under the ARR for FY 2022-23. In its submission the Petitioner has detailed the plant wise assumptions and procedure for projection of cost component is also detailed in the submission.

2.2. Need to relinquish old and stranded thermal capacity

Submissions:

In this regards it is submitted that UPPCL/Discoms are taking all the best efforts to optimize the power procurement cost. In this context the efforts taken by the Discoms have also been informed to the Hon'ble Commission. In regards to the relinquishment of the old plant, it is submitted that UPPCL is obligated to follow the terms and conditions of PPAs.

Regarding the power purchase from gas based plants, it is submitted that UPPCL has taken approval from the Hon'ble Commission to schedule power from these plants.

2.3. Late payment surcharge due to generators should not be passed on to the consumers

Submissions:

The Licensee submitted that the Commission treats the Late Payment Surcharge recovered from the consumer as an income of Licensee and deducts it from the ARR. The delay in the payment of electricity bills by the consumers causes delay in the payment of the generators. This results in shortfall of working capital requirements and causes delay of payment to generators. Due to this, the Petitioner has to pay late payment surcharges to the generators. So, since the late payment

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surcharge received from consumer is allowed as an income similarly LPS paid to the generator shall be allowed as an expense.

2.4. Periodic review of DBST

Submissions:

In this regards it is submitted that the Petitioner has computed the power purchase cost for FY 2022-23 based on Commission approved methodology for DBST. Further, the methodology suggested by the Stakeholder cannot be implemented as most of the PPAs are being done at UPPCL level. However, discom specific PPAs have already been considered under the computation of DBST.

2.5. Information on HPO and RPO targets need to be uniform

Submission:

UPPCL is committed to follow the RPO and HPO trajectory set by the Hon'ble Commission. All possible efforts are being made in this regard. Further, it is also submitted that the planning to comply the RPO and HPO target in future years is already submitted.

3.1. Re evaluate true up power purchase cost computed on actual loss.


Submission:

The reason for computation of power purchase at actual distribution loss has been detailed in the Tariff Petition of the Discoms. The Hon'ble Commission is requested to kindly consider the Discoms submission in this regards.

3.2. No improvement in Distribution loss dispute heavy capex

Submissions:

It is hereby submitted that CAPEX are being incurred to ascertain various tangible as well as non-tangible benefits. It is submitted that being a Government owned Distribution Licensees it is USO to provide electrification to last mile consumers. In the recent past, Discoms have


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incurred the CAPEX primarily to improve electrification, 24X7 power supply and power to all. Further, due to large scale electrification and small consumer integration in system HT:LT line ratio has deteriorated. This is primarily the reason for increase in distribution losses. However, there are various intangible benefit to the society, same shall be acknowledged by the stakeholder.

4.1. Details of RDSS scheme must be submitted with Tariff Petition

Submission:

Discom in its Petition have mentioned that the CAPEX scheme under RDSS is considered net off grant and consumer contribution. Further, the same has been claimed as per the approach adopted by the Hon'ble Commission in its previous Tariff Orders. The detail of the scheme has already been provided to the Hon'ble Commission under data gap.

4.2. Methodology for evaluation of cost benefit analysis of large scale smart meter deployment.

Submission:

Suggestive Comments.

5.1. Demand/Supply Curve

Submission:

Suggestive Comments.

5.2. More LT/HT Consumers to be brought under TOD Tariff


Submission:

Suggestive Comments.

6.1. Providing relevant information (ABR) of the rationalized category.

Submission:

Discoms have not proposed any tariff for rationalized structure in its submission, therefore, pre and post ABR cannot be provided as requested by the stakeholder.


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6.2. Reassessment of lifeline consumers to improve affordability.

Submission:

The stakeholder has given suggestion regarding reclassification of lifeline consumer based on consumption pattern. In this regard, it is submitted that classification of consumer category is the prerogative of Hon'ble Commission. Discom has not proposed any change in the existing criteria for lifeline consumers.

6.3. Create a lifeline tariff category for LMV-2 consumers.

Submission:

The Petitioner in its rationalized structure has proposed bracket of upto 100kW per month consumption slab for small consumers.

7.1. Transparency w.r.t. state government subsidy

Submission:

The Hon'ble Commission has not approved category wise per unit subsidy, therefore, the details of subsidy consumer category wise can not be worked out.

7.2. State Government subsidy promised in ARR must remain fixed.

Submission:

Subsidy is the policy matter of State Government. The State Government provides subsidy details directly to the Hon'ble Commission.

7.3. Govt. should subsidize LMV-10 consumers.

Submission:

Subsidy is the policy matter of State Government. In ARR petition revenue for LMV-10 category, has been assessed as per Domestic rate. This in line with the tariff Order wherein Hon'ble Commission has ordered that domestic rate will be applicable to LMV-10 category. Further Licensee submit that allegation of stakeholder, LMV-10 consumers receive free electricity, hence, not true. Electricity charges are deducted


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from monthly salary of employees according to their post and deposited to revenue account.

7.4. Commission should publish cost effective tariffs without considering the subsidy from State.

Submission:

Discoms has requested to the Hon'ble Commission to allow tariff with and without subsidy.

7.5. Need for further deliberation on design of DBT of subsidy module.

Submission:

The mechanism for DBT is a part of ARR Petition for FY 2022-23 under Chapter 4.

8.1. Discom should submit OTS details and same should be treated in ARR.

Submission:

It is submitted that OTS is being compensated through Discom owned sources. The Commission does not transfer the impact of OTS to the consumers of the State.

8.2. Discom must consider new avenue to enhance Non-Tariff income.

Submission:

The Petitioner has its policy for utilization of Discoms assets through third party engagement. Accordingly, Discoms assigned their assets to the various vendors.

8.3. Need for data interest accrued on security deposit.

Submission:

Under Petition no 780/2012, the Licensees have submitted the details of interest on security deposit.


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9.1. Cross subsidy level (ABR % of ACOS) is still beyond the range.

Submission:

The roadmap for reduction of Cross subsidy is not yet approved in the State.

9.2. Computation of CSS by Discoms to be revisited.

Submission:

The Discoms have computed CSS as per the MYT Regulations 2019

9.3. Differential Cross subsidy surcharge be considered.


Submission:

The Discoms have computed CSS as per the MYT Regulations 2019

10.1. Suggestion on Green tariff

Submission:

Discoms have proposed green tariff for the first time in the State, therefore it has been proposed for only for Commercial and Industrial consumers having connected load 1MW and above. Further, based on the response of the consumers, same may be extended to other category of consumers in future.


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15. Mr. Jogendra Behera, Indian Energy Exchange

The query raised by Mr. Jogendra Behera, IEX has been responded in the reply to first consumer representation under point no. 10.

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16. Lok Kalyan Prahari

Metering of LMV-10 Consumer.

Submission:

It is submitted that implementation of metering is not directly related to the ARR for FY 2022-23. Hence, no comments to offer.


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12th July 2022

Subject – Response to the query raised by various Stakeholders

The Hon'ble Commission vide letter no. UPERC/Secy/D(T)/2022-387 dated 29th June 2022 and UPERC/Secy/D(T)/2022-341 dated 16th June 2022, has forwarded comments/objections /suggestions of various stakeholders to UPPCL/Discoms for its comments. The stakeholders' details have been captured in the table below: -

Sr. No.	Parties Name and Details	Date
1.	Shri. Avadhesh Kumar Verma U.P. Rajya Vidyut Upbhokta Parishad	24.06.2022
3.	Shri. Avadhesh Kumar Verma U.P. Rajya Vidyut Upbhokta Parishad	21.06.2022
4.	Shri. Avadhesh Kumar Verma U.P. Rajya Vidyut Upbhokta Parishad	20.06.2022
5.	Shri. Avadhesh Kumar Verma U.P. Rajya Vidyut Upbhokta Parishad	15.06.2022
6.	Shri. Avadhesh Kumar Verma U.P. Rajya Vidyut Upbhokta Parishad	16.06.2022


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The sequence wise response to the query raised by various Stakeholders is as under: -

1. Sh. Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parashad

Stakeholder has mentioned the point which was stated during the public hearing on 21st of June 2022.

Submission:

- i. Matter of regulatory assets
In this regard, it is submitted that the response to the point has already been submitted along with the data gap-5/6 to the Hon'ble Commission under response to the 1st set of comments of public stakeholder.
- ii. Sales Projections
It is submitted that the sales have been projected based on the historical trend and the recent category wise sales recorded Discom wise. As mentioned by the Stakeholder that in the month of May and June, already higher Mus has been purchased by the Discoms. In this regard, it is submitted that every year May and June are the peak months, therefore, higher units have been purchased during this month.
- iii. Rate of Depreciation
It is submitted that the Petitioner has considered the rate of Depreciation as per the MYT Regulations 2019.
- iv. Matter of Lifeline consumers
It is submitted that the reason for variation in life line consumers has been stated in the Petition. Further, the stakeholder in its submission has informed about the wrong billing of rural consumers particularly Saubhagya Consumers in higher tariff rather than life line category. In this regards, it is submitted that the matter is being looked into by IT wing of UPPCL/Discoms.


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- v. Matter related to 1912 is not related to the proceedings of ARR for FY 2022-23 Hence, no comments.


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3. Sh. Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parashad


Stakeholder has mentioned the point which was stated during the public hearing on 21st of June 2022.

Submissions:

- i. Matter of regulatory assets
In this regard, it is submitted that the response to the point has already been submitted along with the data gap-5/6 to the Hon'ble Commission under response to the 1st set of comments of public stakeholder.
- ii. GoUP Subsidy
In its submission, Petitioner has submitted that the subsidy for FY 2022-23 is considered based on the subsidy of FY 2021-22. It was further mentioned in the Petition that the GoUP has not yet declared the budget for subsidy. Therefore, the same may be intimated whenever the budgetary provisions will be made by the GoUP. Further, the GoUP in its budgetary provisions for FY 2022-23 has budgeted GoUP subsidy for electricity Rs 13,600Cr. Accordingly, same has been intimated to the Hon'ble Commission. Commission is requested to kindly consider the subsidy amount as per the budgetary provision of GoUP for FY 2022-23.
- iii. Rural unmetered tariff is as approved by the Commission for respective year.
- iv. Free electricity to the farmers is a policy matter of State Government, therefore, no comments to offer.
- v. Metering of unmetered consumers
Matter does not pertain to current proceeding of ARR of FY 2022-23. Hence, no comments to offer.
- vi. Matter of Standard of Performance is not directly related to the ARR of FY 2022-23. Hence, no comments to offer.
- vii. Rating of Distribution Licenses is not related to the ARR of FY 2022-23. Hence, no comments to offer.


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- viii. Under point viii to xii, the stakeholder has provided various suggestions to the Licensees and Hon'ble Commission.
- xiii. It is submitted that the Annual Revenue Requirement and True up for the respective year is being prepared based on the applicable regulatory provisions for the respective year. Accordingly, revenue Gap as estimated is being proposed for the recovery through tariff. However, due to various disallowances and an appropriate tariff hike, Discoms are not able to fulfil their actual revenue requirement. This is the main reason for higher revenue gap of the Discoms.
- xiv. Matter not related to ARR of FY 2022-23.
- xv. Suggestive point.
- xvi. Implementation of Smart prepaid meter is a Government initiative, Discoms are committed to adopt the same. The matter is not directly related to the current proceeding of ARR for FY 2022-23.
- xvii. Same as above.
- xviii. Matter of Coal import is not directly related to the ARR of FY 2022-23.
- xix. It is submitted that the reason for claim of actual distribution loss is detailed under the ARR Petition of FY 2022-23 under True-up section. Hon'ble Commission is requested to kindly consider the petitioner submission and allow the losses as proposed by the Petitioner.
- xx. Matter of record, no comments to offer.
- xxi. Matter of record, no comments to offer.
- xxii. Matter of record, no comments to offer.
- xxiii. Matter related to collection efficiency
The stakeholder has raised the concerned for low collection efficiency of Discoms. In this regard it is submitted that Discoms are putting all their best efforts for improving collection. As it is a known fact that there are around 90% domestic consumers scattered in both rural as well as urban areas. Further, for improving collections discoms have introduced PACS, PDS, SHGs along with other online payment facilities, collections centers etc.
- xxiv. xxiv, xxv, xxvi are suggestive points.


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4. Sh. Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parashad

Stakeholder has mentioned the point which was stated during the public hearing on 21st of June 2022.

Submissions:

In context to tariff rationalization, it is submitted that the Licensee have submitted tariff category rationalization structure along with billing determinants and not proposed any tariff. Therefore, the impact of tariff rationalization over the consumer is totally hypothetical in absence of any tariff rates provided by the Discoms in rationalization structure.


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**5. Sh. Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta
Parashad**

Stakeholder has mentioned the point which was stated during the public hearing on 21st of June 2022.

Submissions:

The response to the query has already been submitted under response to the query no. 1 of this document.


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6. Sh. Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parashad

Ref: UPERC/Secy/D(T)/2022-341 dated 16th June 2022


Submissions:

Matter of Lifeline consumers

It is submitted that the reason for variation in life line consumers has been stated in the Petitions. The same is reproduced as under: -

"4.1.3. It is informed that under the Saubhagya Yojana, the Petitioner has added substantial number of Lifeline consumers at LT network. These consumers are small consumers which are qualified under tariff sub-category "Lifeline consumers". Such consumers have been migrated to IT billing system resulting in change in sub-categories/slabs based on contracted load and energy consumed. This has resulted in significant variation in corresponding sub-category/slabs. These consumers are small consumers which are qualified under tariff sub-category "Lifeline consumers". The consumers which are flagged under different LMV-1 sub-categories are now readjusted under LMV-1 category as per their consumption pattern. The consumers having 1 kW load and consumption upto 100 units are covered in Life line category and any change in this criteria will result in change of sub category / slab of such consumers. This is a dynamic situation which may keep on changing on monthly basis. However, the overall number of consumers within the category show normalized growth.

Further, the stakeholder in its submission has informed about the wrong billing of rural consumers particularly Saubhagya Consumers in higher tariff rather than life line category. In this regards, it is submitted that the matter is being looked into by IT wing of UPPCL/Discoms


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12th July 2022

Subject – Response to the query raised by various Stakeholders

The Hon'ble Commission vide letter no. UPERC/Secy/D(T)/2022-418 dated 4th July 2022 has forwarded comments/objections /suggestions of various stakeholders to UPPCL/Discoms for its comments. The stakeholders' details have been captured in the table below: -

Sr. No.	Parties Name & Details	Date
1	विद्युत पेशनर्स परिषद, उत्तर प्रदेश 103, कीर्ति शिखर अपार्टमेन्ट, 22 ऑफ स्टेशन रोड, छितवापुर भुइयन, लखनऊ	23.06.2022
2	विद्युत पेशनर्स परिषद, उत्तर प्रदेश अलीगढ़	23.06.2022
3	विद्युत पेशनर्स परिषद, उत्तर प्रदेश 4-जी-7, ओबरा-सोनभद्र	23.06.2022
4	विद्युत पेशनर्स परिषद, उत्तर प्रदेश शाखा पनकी पावर हाउस कानपुर नगर	23.06.2022
5	विद्युत पेशनर्स परिषद, उत्तर प्रदेश न्यू कालोनी, राबर्ट्सगंज, सोनभद्र	23.06.2022
6	विद्युत पेशनर्स परिषद, उत्तर प्रदेश शाखा-- फतेहपुर	23.06.2022
7	विद्युत पेशनर्स परिषद, उत्तर प्रदेश चन्द्रिका नगर, सिगरा, वाराणसी	22.06.2022

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The response to the query raised by various Stakeholders is as under: -

- 1. Vidyut Pensioner Parishad, Lucknow**
- 2. Vidyut Pensioner Parishad, Aligarh**
- 3. Vidyut Pensioner Parishad, Sonbhadra**
- 4. Vidyut Pensioner Parishad, Kanpur Nagar**
- 5. Vidyut Pensioner Parishad, Sonbhadra**
- 6. Vidyut Pensioner Parishad, Fatehpur**
- 7. Vidyut Pensioner Parishad, Varanasi**

All the stakeholders have raised similar queries regarding LMV-10 facilities to be continued.

Submission:

It is submitted that Licensee has not proposed any restructuring/ Changes in LMV 10 tariff category. Licensee understands that as per Section 23 (7) of Electricity Reforms Act, 1999, "terms and condition of service of the personnel shall not be less favorable to the terms and condition which were applicable to them before the transfer". The same spirit has been echoed under first proviso of section 133 (2) of the Electricity Act, 2003. The benefits for employees / pensioners as provided in section 12 (b) (ii) of the Uttar Pradesh Reform Transfer Scheme, 2000 include "concessional rate of electricity", which means concession in rate of electricity to the extent it is not inferior to what was existing before 14th January, 2000.


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