

**JOINT ELECTRICITY REGULATORY COMMISSION  
FOR THE STATE OF GOA AND UNION TERRITORIES  
GURGAON**

Quorum  
Shri S.K.Chaturvedi, Chairperson  
Smt. Neerja Mathur, Member  
**Petition No. 189/2015**  
**Date of Interim Order: 15.12.2015**

**In the matter of**

Application for the direction that the action of the respondent revising the Fuel and Power Purchase Cost Adjustment is against the FPPCA formula notified by the Joint Electricity Regulatory Commission in petition No. 79 of 2012.

**And in the matter of**

Application for stay of the levy of Additional FPPCA pertaining to period between April 2012 to March 2015.

Silvassa Industrial Association, Silvassa

.....**Petitioner**

DNH Power Distribution Corporation Limited

.....**Respondent**

**INTERIM ORDER**

The Appellant- Silvassa Industries Association has filed two applications in connection with the recovery of FPPCA charges by the respondent Distribution Licensee- DNH Power Distribution Corporation Ltd. (DNHPDCL).

In the main application, the appellant prayed that-

**QUOTE**

- i) Pass an order allowing the present application;
- ii) Pass an order directed declaring the action of the Respondent of levying additional FPPCA charges for the period of April 2012 to March 2015 as contrary to and violative of the specified FPPCA Formula;

- iii) Pass an order directing the Respondent to refund the additional FPPCA amount charged from November 2015 onwards, back to the consumers with carrying cost; and
- iv) Pass any other or further order or direction as the Hon'ble Commission deems appropriate in the interest of justice and equity under the facts and circumstances of the case, including the costs of the case.

#### UNQUOTE

The Appellant has also filed separate application for interim relief. The prayers made in the interim application are as under:

#### QUOTE

- i) Pass an order of ex-parte interim injunction restraining the Respondent from levying additional FPPCA charges for the period pertaining to April 2012 to March 2015, pending service of notice of the instant application to the Respondent;
- ii) Pass an order confirming the injunction order passed in term of prayer (i) above, during pendency of the instant proceedings; and
- iii) Pass any other or further order or direction as the Hon'ble Commission deems appropriate in the interest of justice and equity under the facts and circumstances of the case, including the costs of the case.

#### UNQUOTE

The above filings have been admitted by the Commission on 14.12.2015 and numbered as Petition No. 189 of 2015.

While going through the copies of the energy bills of some industrial consumers of DNHPDCL submitted by the Appellant alongwith the main application, it is observed that the Distribution Licensee- DNHPDCL **has billed the additional FPPCA on the consumption for the period of April 2012 to March 2015.**

JERC Regulations in connection with Recovery of FPPCA provide that-

*"1. Recovery Periodicity (Cycle)*

*The licensee shall compute fuel and power procurement cost variations on quarterly basis and adjustment shall be made in consumers bills starting after a month following the end of the quarter on units billed in the month under consideration. For example, Fuel & power Purchase Cost Adjustment (FPPCA) for the quarter April-*



*May-June shall be made in the month of July and shall be reflected in the consumer bills raised in the months of August-September and October on the units billed for the month of August, September and October respectively.....”*

In view of the above, it is noted that the present action of the Distribution Licensee regarding recovery of additional FPPCA on the past period consumption is not in accordance with the JERC Regulations.

Hence, we feel that there is a prima facie case for a grant of ex-parte interim relief to the Appellant.

Further, the Regulation-23 of the JERC (Conduct of Business) Regulations, 2009 provides that- “The Commission may pass such interim orders, as it may consider appropriate at any stage of the proceedings.”

**Accordingly we direct the respondent Distribution Licensee to immediately stay the recovery of additional FPPCA on consumption for the period of April 2012 to March 2015 till the next date of hearing of the petition.**

Post the petition for hearing on 22.12.2015.

sd/-

**(NEERJA MATHUR)  
MEMBER**

sd/-

**(S.K.CHATURVEDI)  
CHAIRPERSON**

Certified Copy



(Keeti Tewari)

Secretary