

**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. 205/2016
Date of Order: 26.07.2016

In the matter of:

Determination of Additional Surcharge on the Open Access consumers as per JERC (Open Access in Transmission and Distribution) Regulations, 2009.

And in the matter of:

DNH Power Distribution Corporation Limited, 1st Floor, Vidhyut Bhavan, 66 KV Road, Amli, Opp. Secretariat, Silvassa-396230 **...Petitioner**

And in the matter of:

All Open Access Consumers of DNHPDCL **.... Respondent**

Present

For the Petitioner

1. Shri Anand K. Ganesan, Advocate, ED, DNHPDCL
2. Shri R.B. Choubel, Asstt. Engineer, ED, DNHPDCL

For the Respondent

Shri Gaurav Nand, Consultant, APCPI

ORDER

The Commission heard Shri Anand K. Ganesan, Learned Counsel for the Petitioner and Shri Gaurav Nand, Consultant, Association of Polyester Continuous Polymerisation Industry (APCPI) on behalf of Open Access consumers.

Learned Counsel for the Petitioner prayed for approval of the additional surcharge for the existing Open Access consumers. Shri Gaurav Nand, Consultant of APCPI opposed levy of additional surcharge and requested that the Open Access consumers would also be provided the 15 minutes time block data to enable them to submit their comments before the Commission.

The Commission has also observed that there are written submission from the 'Federation of Industries Association, Silvassa and jointly from the Silvassa Industries Association, Silvassa Industries Manufacturers Association and Dadra & Nagar Haveli Industries Association'.

On perusal of the records, the Commission noticed some discrepancies in the 15 minutes time block data submitted by the DNHPDCL along with the Petition.

Further our Regulation provides that –

Quote

“16. (iii) (b) The additional surcharge for obligation to supply shall become payable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such contract.

(c) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within thirty days of receipt of application an account of fixed cost paid by such open access user which the licensee is incurring towards his obligation to supply and demonstrate if any part of the fixed cost has become stranded.

(d) The Commission shall scrutinize the statement of accounts submitted by the licensee and obtain objections, if any, of the consumer and determine the amount of additional surcharge, if any, payable by the consumer.”

The Commission directs the Petitioner to submit the 15 minutes time block data in the clear format mentioning, total availability of generations, schedule requested by the DNHPDCL, schedule permitted by the RLDC, quantum of surplus / stranded power, quantum of Open Access schedule of the consumers as approved by the RLDC in a Compact Disc on an affidavit within two weeks and also share the same data and copy of the Petition with all interested consumers/stake holders for their comments, if any, in this matter.

The Commission also directs the Office that on receipt of additional data from the DNHPDCL, a Public Notice shall be given in the widely circulated newspapers in the Dadra and Nagar Haveli area inviting objections/suggestions in the matter from the consumers / stakeholders.

Ordered accordingly.

Sd/-
(NEERJA MATHUR)
MEMBER

Sd/-
(S.K.CHATURVEDI)
CHAIRPERSON

CERTIFIED COPY

Sd/-
(KEERTI TEWARI)
SECRETARY