

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

Coram  
Dr. V. K. Garg, Chairperson  
Shri R. K. Sharma, FIE Member

Petition No.....42/ 2011

In the matter of :

Petition for review of tariff order dated 16.07.2011 for ARR & retail tariff for the UT of Chandigarh for the FY 2011-12.

And in the matter of

Electricity Wing of Engineering Department

Petitioner

Present

1. Shri M.P Singh Superintending Engineer
2. Shri U.K Patel Assistant Engineer

**ORDER**

**27.09.2011**

The order on petition No. 20/2011 in the matter of ARR and retail tariff for Union Territory of Chandigarh for the year 2011-12 was passed by the Commission on 16.07.2011 and ordered to come in force from 1.04.11 and to remain effective till 31<sup>st</sup> March 2012.

The petitioner has filed a review petition against the above tariff order of 16.07.2011, for consideration of the Commission.

The Chandigarh Administration has contended that law provides that as per section 62 and 64 of Electricity Act, the tariff should be made applicable prospectively i.e; from the date of tariff order dated 16.07.11.

Commission finds no merit in the contention of the petitioner as neither section 62 nor section 64 constitutes bar to retrospectivity of a tariff order as observed in the order of the Hon'ble Appellate Tribunal of Electricity dated 8.02.2011 passed against appeal no. 164 of 2010 in the matter of Chhatisgarh State Power Distribution Company limited versus Chhatisgarh Biomass Energy Developers Association and others.

The Commission takes serious note of non implementation of its Tariff order as is revealed from the review petition.

With respect to paras 8 and 10 of the review petition, the Tariff Order dated 16.07.2011 of the Commission is complete and self explanatory.

Regarding late payment surcharge as mentioned in para 9 of the review petition, it is observed that, in view of clause 5 (b) of General Conditions for LT and HT supply ( page 98) of the Tariff Order, duplication of late payment surcharge is being caused, and therefore requires an amend. Accordingly clause 5(b) of General Conditions for LT and HT Supply (page 98) of the Tariff Order be substituted by the following.

“ For the existing connections, if the payment is made after the due date the consumer is liable to pay additional charges on belated amount at the rate of 2% per month. However for disconnected consumers, additional amount at the rate of 10% per annum on the outstanding amount shall be charged.”

The provision of 'Late Payment Surcharge' under each tariff category of Tariff Schedule as a result of above stands deleted.

Few typographic errors as pointed out in para 11 of the review petition be corrected as under:

Page 103 – para 2(A)(b)(i)- Service connection charges for domestic supply – Rs. 75 be corrected to read as Rs. 750/-.

Page 100- (iii) (a)-Schedule of General Charges/ Description/Meter rentals- '150/2 Amp' be corrected to read as '50/5 Amp'

Page 89-Character of Service of Commercial/Non residential Supply (NRS)- the para be corrected to read as under

“ AC, 50 cycles, single phase at 230 volts or 3 phase at 400 volts or 11 kilo volts.

For loads upto 5 KW, supply shall be given on single phase 230 volts and above 5 KW upto 30 KW, supply shall be given on 3 phase 400 volts.

For loads above 30 KW, supply shall be given on 11 KV in case of multi consumer complex including commercial complex and in other cases for load above 60 KW the supply shall be on 11 KV. In case of consumers where metering is done on low voltage side of the transformer instead of high voltage side, the consumption should be computed by adding 3% extra on account of transformation losses”

Hence the petition is disposed of.

Sd/-

(R.K. SHARMA)  
Member

Sd/-

(Dr. V.K. GARG)  
Chairperson