

JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE STATE OF GOA AND UNION TERRITORIES)
GURUGRAM

CORAM

Shri Alok Tandon, Chairperson
Smt. Jyoti Prasad, Member (Law)
Petition No. 107/2023
Date of Hearing: 19.12.2023
Date of Order: 15.01.2024

In the matter of:

Petition Under Regulation 79 of the Joint Electricity Regulatory Commission (Conduct of Business) Regulations, 2009, and all other enabling provisions in this regard, seeking clarification of the Tariff Order dated 30.03. 2023, passed in Petition No. 99/2023, for inclusion of captive charging station for charging of E-Buses hired by CTU for public transport and other similarly situate captive charging stations in the tariff category of "Electric Vehicle Charging Station".

And in the matter of:

M/s. VE Commercial Vehicles Ltd.
.....Petitioner

V/s

Electricity Wing of Engineering Department, Chandigarh (EWEDC)
.....Respondent

Present for the Petitioner

1. Sh. Aman Anand, Advocate M/s. VE Commercial Vehicles Ltd.
2. Sh. Arjit Mohan, Advocate M/s. VE Commercial Vehicles Ltd.

Present for the Respondent

1. Sh. Daleep Kumar, Executive Engineer, Electricity Wing of Engineering Department, Chandigarh (EWEDC)

ORDER

The Commission heard the Ld Counsel for the Petitioner and the Respondent at length.



2. The Petitioner's submissions in brief are as under:

- a) That the captive charging station set up by the Petitioner, which is exclusively used for the charging of electric buses (40 in numbers), hired by the Chandigarh Transport Undertaking (CTU). The Petitioner commenced operations on 31.07.2022, and the charging station for E-buses at the maintenance depot at ISBT 17/43 is connected at 11kV voltage level, and has a separate meter for the said operations since 20.09.2022. The space for the maintenance depot has been provided by CTU; and the charging stations comply with the standards, norms and protocols as prescribed by the Ministry of Power (MoP) and CEA.
- b) That the Petitioner is, inter-alia, the operator and the maintenance contractor of E-buses for CTU. In terms of the Supply cum Operation and Maintenance Agreement dated 07.03.2022 ("Agreement"), the Petitioner has established charging infrastructure for E-buses at the maintenance depot site, ie, Depot No. 3 at Sector 25, Chandigarh which was handed over to the Petitioner by CTU on 29.04.2022. The electricity connection for the EV Charging Stations has been provided by the CTU in terms of Article 17.14 of the Agreement, and the bill for consumption for the same is borne and paid by the Petitioner. As such, the Petitioner is the occupier of Depot No. 3, Sector 25 and is a directly affected party.
- c) That the use and the purpose of electricity (consumed by the captive charging station of the Petitioner) clearly answers the tariff category of EV charging station; and therefore, the Petitioner is to be charged tariff of Rs. 3.60/kWh as against Rs. 4.50/kWh, which is the tariff determined by this Hon'ble Commission for the HT commercial category.
- d) The issue raised by the Petitioner is regarding tariff categorization of captive charging stations; and has arisen because of the dispensation made by this Hon'ble Commission in paragraph 11.2, Table 167 of the Tariff order dated 30.03.2023 dealing with the applicability of the tariff schedule, provided as below:

"Electric vehicle charging stations

This tariff schedule shall apply to consumers that have set up public charging station (PCS) in accordance with the technical norms/standards/specifications laid down by the Ministry of Power, GoI and Central Electricity Authority (CEA) from time to time. The tariff for domestic consumption shall be applicable for domestic charging (LT/HT)"

- e)
 - I. That the applicability of the tariff for EV charging station has been restricted to only a public charging station (ie, an EV charging station where any EV can get its battery recharged, as per the guidelines of MoP), though basis the use/purpose of electricity, even captive charging stations of fleet owners for charging E-buses /E-taxis, etc. would fall in the same category.
 - II. That the applicability provision relating to the category of commercial tariff, does not answer to the purpose for which the electricity is being used by a captive charging station;

- III. Therefore, there is a gap in the Tariff order itself, as to what tariff is to be charged from captive charging stations used for charging EVs; and which are not domestic charging points.
- f) That the factual background relating to Tariff for EV charging stations is under: -
- I. On 06.02.2019, an amendment was brought about to the CEA regulation relating to technical standards for connectivity, wherein a charging station was defined as under:

"(db) "charging station" means a facility for recharging of batteries of electric vehicles for commercial use and shall also include multiple charging points for non-commercial public use and capable of transferring power from electric vehicle to the grid", "
 - II. The Hon'ble Commission vide its tariff order dated 20.05.2019, in Petition No. 267/2018, created a new tariff category of Electric Vehicle Charging Station. The tariff determined was Rs. 4/kWh. There is no distinction of captive charging stations and public charging stations in the said tariff order.
 - III. On 28.06.2019, the CEA (Measures Relating to Safety and Electric Supply) Regulations, 2010, were amended.
 - IV. On 01.10.2019, revised guidelines, in supersession of the 14 12.2018 guidelines were issued by the MoP. It may be noted that promotion of affordable tariff chargeable from EV owners and charging station operators / owners, continued to be one of the stated objectives to be achieved, and protocols relating to Public Charging Station, Private Charging Points and Captive Charging Infrastructure were incorporated.
 - V. This Hon'ble Commission in the tariff order passed on 19.05.2020, in Petition No 17/2019, continued with the separate category of EV charging station, viz

"8..

(h) In order to promote the use of Electric Vehicles (EV), the Commission has introduced a single-part tariff for Electric Vehicle Charging Stations where the Demand/Fixed Charges have been removed and the Energy Charges have been rationalized on the basis of Average Power Purchase Cost." The tariff determined was Rs. 3.80/kWh.
 - VI. On 08.06.2020, an amendment in the Revised Guidelines and Standards for Charging Infrastructure for Electric Vehicle was issued by the MoP defining public charging station and captive charging station, for the first time as under:

"2.3 For the purpose of these Guidelines:

ii. Public Charging Station (PCS) shall mean an EV charging station where any electric vehicle can get its battery recharged.

iv Captive Charging Station (CCS) shall mean an electric vehicle charging station exclusively for the electric vehicles owned or under the control of the owner of the charging station e g., Government Departments, Corporate houses, Bus Depots, charging stations owned by the fleet owners etc, and shall not be used for commercial purpose."

VII. This Hon'ble Commission vide tariff order passed on 30.03.2021, in Petition No. 40/2020, continued with the separate category of EV charging station. The tariff determined was Rs. 3.60/kWh.

VIII. On 14.01.2022, the MoP once again issued the Charging Structure for Electric Vehicles (EV) Revised and Consolidated Guidelines, in supersession of the earlier guidelines. The stated objective of the guidelines is as below

"b) To provide for affordable tariff chargeable from Charging Station Operators/Owners and Electric Vehicle (EV) owners".

The revised guidelines also defined public charging station and captive charging station, as under:

"ii. Public Charging Station (PCS) shall mean an EV charging station where any electric vehicle can get its battery recharged.

iv. Captive Charging Station (CCS) shall mean an electric vehicle charging station exclusively for the electric vehicles owned or under the control of the owner of the charging station e g. Government Departments, Corporate houses, Bus Depots, charging stations owned by the fleet owners etc. and shall not be used for commercial purpose of charging other vehicles on paid for basis.

The dispensation on tariff is as under:

"7. Tariff for supply of electricity to EV Public Charging Stations

7.1 The tariff for supply of electricity to Public EV Charging Stations shall be a single part tariff and shall not exceed the "Average Cost of Supply" till 31st March, 2025 The same tariff shall be applicable for Battery Charging Station (BCS).

7.2 The tariff applicable for domestic consumption shall be applicable for domestic charging

7.3 The separate metering arrangement shall be made for PCS so that consumption may be recorded and billed as per applicable tariff for EV charging stations.

7.4 DISCOMS may leverage on funding from the Revamped Distribution Sector Scheme (ROSS) under 'Part A Distribution Infrastructure' for the general

upstream network augmentation necessitated due to the upcoming charging infrastructure in various areas. The cost of such works carried out by the DISCOMS with the financial assistance from Government of India under the Revamped Scheme shall not be charged from the consumers for Public Charging Stations for EVs."

That between the award of the contract vide letter dated 08.02.2022 and the date of commencement of commercial operations, this Hon'ble Commission passed a tariff order on 11.07.2022, in Petition No. 80/2022, whereunder the separate category of EV charging stations continued. The tariff determined was Rs. 3.60/kWh.

- IX. That on 20.09.2022, the Chandigarh Administration notified the Electric Vehicle Policy, 2022, wherein under heading 4 2.2, it is provided as under:

"4.2.2 Public Charging Infrastructure.

Providing accessible public charging facilities within every sector in Chandigarh is a key objective of this policy Following are the key steps for public charging is taken through this policy:

1. Electricity tariff applicable for all Public and Captive charging stations for commercial use (ie. charging facilities used by fleet owners) shall be as notified as per applicable JERC Tariff Order for every financial year. CREST shall endeavour to maintain the special electricity tariff for EV charging at the same rate as at present or lower for the entire duration of this policy as per specified under the table below. Current Energy Charges notified by the JERC for Public Charging Stations

Energy Charges	Fixed Charges
Rs 3.60/kWh	NIL

- *Tariff applicable to Public Charging Station (PCS) shall also be applicable to Battery Charging Stations (BCS) and Battery Swapping Stations (BSS).*
- *Domestic charging shall be treated akin to domestic consumption"*

- X. That the commercial operations started on 31.07.2022, and noticing that a higher tariff was being charged, the Petitioner made a representation to the CTU on 19.12.2022. The CTU, finding the concerns of the Petitioner to be well formed and genuine, directed the intervention of CREST in the matter.
- XI. That the Petitioner has referred to the representation by CREST before the Hon'ble Commission prior to passing of the Tariff order dated 30.03.2023.
- i. On 24.03.2023, CREST, the nodal agency for implementation of the Chandigarh Administration's EV Policy, 2022, made a written

submission before this Hon'ble Commission, as was directed in the public hearing of 17.03.2023, in relation to Petition No. 99/2023. In the said submission, at point number 3, CREST specifically submitted as under.

"3. Captive charging stations for commercial use that is charging facility used by fleet owner of public transport buses and taxis may also kept at Rs. 3.60/kWh in category of public charging stations as benefit of the same will only be taken by the general public and therefore these captive charging stations also falls in the category of Public Charging Stations."

- ii. On 30.03.2023, this Hon'ble Commission passed the tariff order for FY 2023-24, in Petition No. 99/2023, without dealing with the submission of CREST on the issue of captive charging station being treated at par with public charging station.

XII. The Petitioner has further submitted that:

- i. EV charging station is a categorization clearly based on the purpose for which supply is required, in terms of Section 61(3) of the Electricity Act, 2003 (EA, 2003). Therefore, any electric vehicle charging station, which requires/uses electricity for the purpose of charging EVs, has to be charged the tariff as determined for the said category. There cannot be any distinction / classification on the basis of access/benefit to public at large. Even if it be so, the benefit to the public at large, in the instant case of charging E-buses for public transport, cannot be doubted. Therefore, there exists no intelligible differentia between a public charging station and a captive charging station for E-buses providing public transport.
- ii. The purpose behind introduction of this category, as stated in the order dated 20.05.2019, also does not distinguish between consumption for captive charging station and for public charging station. The said category of EV charging station is for all consumers setting up infrastructure for charging of Electric vehicles/Electric rickshaws etc., which would include captive charging stations.
- iii. The use of electricity by the Petitioner is not commercial consumption as described in the applicability provision for commercial tariff category. The charging of tariff under commercial category is treating unequal's equally, which is against the principles of equality enshrined under Article 14 of the Constitution of India. The Petitioner cannot be charged tariff under the residuary provision in the HT Commercial Tariff category.

- iv. This Hon'ble Commission appears to have chosen to implement the guidelines of MoP. This is clear from the dispensation in the various tariff orders. However, what seems to have been overlooked is that the MoP guidelines, though define a captive charging station and a public charging station separately, the said distinction is only for the purposes of the technical standards and protocols to be followed. The application of such distinction for the purposes of incentivized tariff, is against the stated objective to be achieved by the guidelines themselves, i.e., to provide for affordable tariff chargeable from charging station operators/owners. The purpose as stated does not distinguish between a public charging station operator or a captive charging station operator. Therefore, to read this distinction for the purposes of tariff will be against the settled principle of purposive construction, in as much as, the distinction, if permitted, would be against the very purpose / object of the guidelines.
- v. That the EV policy of the Chandigarh Administration treats public and captive charging stations at par for the purposes of tariff. The rationale for treating public charging stations and captive charging stations at par, for the purposes of tariff, was placed before this Hon'ble Commission by the Nodal Agency - CREST, which submission appears to have not been dealt with or considered by this Hon'ble Commission before passing of the tariff order.
- vi. That the CEA regulations which define a charging station, do not distinguish between a captive charging station or a public charging station.
- vii. That the purported distinction between captive charging station and public charging station for the purposes of tariff is absurd. While on the one hand, the Petitioner is required to establish and maintain Captive Charging Stations for charging the electric buses, whereby the Petitioner is being charged at a higher tariff and on the other hand the Public Charging Stations which are required to be installed by the Chandigarh Administration offer the charging facilities at a lower tariff. This cannot be the intent of the legislature to treat such Captive Charging Station (which are specifically required to be installed for public purposes and public benefit) at a different rate as compared to the Public Charging Stations, because had that been the case, the Petitioner can utilize the Public Charging Stations for charging its electrical vehicles which would be more cost effective to the Petitioner as well as the Chandigarh Administration instead of installing and using its own Captive Charging Stations at a significantly higher tariff.
- viii. That the other SERCs in states such as Delhi, Uttarakhand, Punjab & Chhattisgarh, among others, do not restrict the applicability of EV

charging station tariff category only to public charging stations. The said tariff category is applicable to all charging stations, including captive charging stations.

The submissions of the Respondent in brief are as under: -

1. That M/s. VE Commercial Vehicles Ltd. is not a consumer of EWEDC. It has been informed by XEN 'OP'-1, UT, Chandigarh vide his office Memo No. 1203860, dated 16.10.2023 that, the GM, CTU Workshop, Depot-III, Sector -25, Chandigarh had applied 1 No. Electricity connection for Electric Bus charging Station for the said site and the same was released on dated 20.09.2022 under NRS Category as per followings details: -

Name of Consumer	Applied Load	Sanctioned Load	Connected Load	Billed Load
General Manager, CTU, Depot-III, Sector-25, Chandigarh	580 kW	580 kW	580 kW	580 kW

Further, HT Commercial Tariff is being charged for the aforesaid connection as per Clause-10.2 for Tariff Order for FY 2022-23 approved by Hon'ble Commission for EWEDC.

2. That there is another electricity connection applied by the GM, CTU Workshop at Depot-III, Sector 25, Chandigarh under HT Category with Applied Load 3806 kW and the same was released on dated 12.11.2021 initially under EV Tariff Category as per followings details: -

Name of Consumer	Applied Load	Sanctioned Load	Connected Load	Billed Load
General Manager, CTU, Depot-III, Sector-25, Chandigarh	3806 kW	3806 kW	3806 kW	3806 kW

The said connection was billed under EV tariff from 12.11.2021 to October, 2022. Further, as per provision under Clause No. 5.94 of Supply Code Regulation, 2018 consumer was served notice regarding re-classification in the Tariff Category and accordingly, the tariff category of the said connection has been re-classified from EV Category to NRS Category w.e.f. 12.11.2021 as the said connection being used for Charging of buses and not for Public Charging Station. The difference of amount due to change in tariff category from the period of 12.11.2021 to October, 2022 has been deposited by the consumer and NRS tariff is being levied on the said connection. Moreover, the consumer had applied for

reduction of load from earlier sanctioned load of 3806 kW to 2500 kW and presently the connected / billed load for the said connection is 2556 kW under NRS category as per followings details: -

Name of Consumer	Applied Load	Sanctioned Load	Connected Load	Billed Load
General Manager, CTU, Depot-III, Sector- 25, Chandigarh	2556 kW	2556 kW	2556 kW	2556 kW

The said charging station is being used for charging of buses.

- That the petitioner is utilizing the Electric Bus Charging Station within CTU Depot-III, Sector- 25, Chandigarh for charging of electric buses of M/s. Ashoka Leyland, M/s. Eicher for their commercial use. As such the aforesaid connections at CTU Depot-III, Sector -25, Chandigarh., a walled premises are being used by CTU for charging of electric buses. The said premises also has controlling office of M/s. Volvo Eicher & Ashoka Layland. Hence, it is being billed under NRS category as per Tariff Schedule approved by Hon'ble Commission in the Tariff Order for respective financial year.
- That the 2 Nos. Electricity connections were applied under EV category by GM, CTU for bus charging station at ISBT Sector-17 and Near PGI Sector 12 with applied load of 483 kW and respectively as per following details :-

Name of Consumer	Applied Load	Sanctioned Load	Connected Load	Billed Load
General Manager, CTU, at ISBT, Sector-17, Chandigarh	483 kW	483 kW	483 kW	483 kW
General Manager, CTU, Near PGI, Sector- 12, Chandigarh	363 kW	363 kW	363 kW	363 kW

As per undertaking submitted by GM, CTU, the said electricity connections at ISBT Sector-17 and Near PGI Sector -12 will be used for commercial purpose, accordingly, Tariff category of these 2 Nos. connections has been re-classified from EV tariff to NRS category.

- That one electricity connection was applied under EV Tariff by GM, CTU, at ISBT Sector- 43 Chandigarh with applied load of 603 Kw and the said connection was released initially under EV Tariff on dated 10.05.2022 as per followings details: -

Name of Consumer	Applied Load	Sanctioned Load	Connected Load	Billed Load
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General Manager, CTU, at ISBT, Sector-43, Chandigarh	603 kW	603 kW	603 kW	603 kW
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Therefore, a notice to consumer was sent by him under Clause No. 5.94 of Electricity Supply Code Regulation- 2018 regarding re-classification in the Tariff Category for the said connection due to nature of usage of connection and accordingly, the tariff category of the said connection has now been re-classified from EV Category to NRS (HT) Category w.e.f. 10.05.2022. The difference of amount due to change in tariff category from the period of 10.05.2022 to 31.11.2022, has been deposited by the consumer and NRS tariff is being levied on the said connection.

The commission has considered the submissions of the petitioner and the respondent along with additional information placed on record by the Petitioner as well as the Respondent. The commission has also examined the relevant provisions of the Electricity Act particularly Section 62 and the Rules and Regulations made thereunder. Further the Commission has also examined the guidelines issued by MoP regarding charging Infrastructure for EV and the EV policy issued by the Chandigarh Administration and CEA Regulations for Electric Vehicle Charging stations.

Section 62 of The Electricity Act 2003 provides as under: -

(1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for--

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity;

(b) transmission of electricity;

(c) wheeling of electricity;

(d) retail sale of electricity:

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.

(2) The Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission and distribution for determination of tariff.

(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.

(4) No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.

(5) The Commission may require a licensee or a generating company to comply with such procedures as may be specified for calculating the expected revenues from the tariff and charges which he or it is permitted to recover.

The MoP on 14th January, 2022 issued the revised consolidated guidelines and standards for charging infrastructures for Electric Vehicles wherein Electric Vehicle supply equipment, Public Charging Station and Captive charging station have been defined as under: -

- i. *Electric Vehicle Supply Equipment (EVSE) shall mean an element in Electric Vehicle Charging Infrastructure (EVCI) that supplies electrical energy for recharging the battery of electric vehicles.*
- ii. *Public Charging Station (PCS) shall mean an EV charging station where any electric vehicle can get its battery recharged.*
- iv. *Captive Charging Station (CCS) shall mean an electric vehicle charging station exclusively for the electric vehicles owned or under the control of the owner of the charging station e.g. Government Departments, Corporate houses, Bus Depots, charging stations owned by the fleet owners etc. and shall not be used for commercial purpose of charging other vehicles on paid for basis*

The Commission has noted that a Supply cum Operation & Maintenance agreement was executed between Director Transport, Chandigarh Transport Undertaking (hereinafter referred to as Authority/CTU") and M/s VE Commercials herein after referred as "Operator" on 7th March 2022. The Authority has resolved to procure Electric Buses through a Supply-cum-Maintenance contract which will inter alia include setting up of Maintenance Depots in accordance with the terms and conditions to be set forth in the said agreement. After evaluation of the bids received the Authority had accepted the bid of selected bidder and issued its letter of Award to the selected bidder requiring inter alia the execution of this agreement within 30 days of the date of issue thereof. The selected bidder and the Operator are the same company and the Operator has requested the Authority to accept the Operator as the entity which shall undertake and perform the obligation and the exercise the rights of the selected bidder under the LOA. The Authority has agreed to the said request of the Operator and agreed to enter into this agreement with the Operator for supply cum Operation and maintenance of Buses on Build, Own, Operate and Transfer (BOOT) basis.

The said agreement further provides that the Operator agrees that it shall provide for adequate number of chargers along with charging infrastructure at the maintenance Depots for minimum of 40 Buses and shall provide adequate infrastructure for metering of consumption of electricity at each of the individual charging stations. The Operator further agrees that it shall ensure that the charging stations installed at the maintenance Depots, ISBT-17/43 and PGI are used only for the purpose of charging of Buses and no other purpose whatsoever.

Article 17.14.2 provides that the Authority shall provide Three Phase upstream connection including Transformer upto HT/LT Panel for charging of Buses. Subject to clause 5.2, supply of electricity at the maintenance Depots for the charging stations only shall be procured by the Operator at its own expense within the maintenance Depots. It is clarified that the Distribution of Power for the purpose of charging Buses shall be arranged by the Operator and it shall procure applicable permits for the same.

The Commission has further noted that the General Manager, CTU workshop Depot-3 sector 25 Chandigarh had applied Electricity connection under NRS category for electric Bus charging station for the said site and the same was released on 20th September 2022, for 580 KW

The General Manager CTU workshop at Depot-3 sector 25 Chandigarh had applied for another electricity connection applied load 3806 KW and the same was released on 12th November, 2021 initially under EV category. The said connection was billed under EV tariff from 12th November 2021 to October 2022. Further as per the provision under clause 5.94 of Supply Code Regulation 2018 consumer was served notice regarding reclassification in the tariff category and accordingly the tariff category of the said connection has been reclassified from EV category to NRS category with effect from 12th November 2021. The difference of amount due to change in tariff category from the period of 12th November, 2021 to October, 2022 has been deposited by the consumer and NRS tariff being levied on the said connection. The said connection is being used for charging of Buses, the maintenance of workshop and the office of M/s Volvo Eicher & Ashoka Leyland. Hence, it being billed under NRS category as per tariff schedule approved by the Commission in the tariff order for respective financial year.

The Commission has further noted that General Manager CTU had applied for two more electricity connections at ISBT Sector 17 and near PGI Sector-12 under EV Category for 483 KW and 363 KW respectively. The tariff category of these Two connections has also been reclassified from EV tariff to NRS tariff.

The General Manager CTU applied for another electricity connection for 603 KW at ISBT Sector-43 and the said connection was also released initially under EV tariff on 10th May, 2022. The tariff category of the said connection has also been reclassified from EV category to NRS (HT) category w.e.f. 10th May, 2022 the difference of amount due to change in tariff category for the period 10th May, 2022 to 30th November, 2022 has been deposited by the consumer and NRS tariff is being levied on the said connection.

The Commission has also observed that in the MoP's revised guidelines dated 14th January, 2022 definition of Captive Charging Station is as under: -

*Captive Charging Station (CCS) shall mean an Electric Vehicle Charging Station **exclusively** for the Electric Vehicles owned or under the control of the owner of the charging station eg: Government Departments, Corporate Houses, Bus Depots, Charging Stations owned by the fleet owners etc. and shall not be used for commercial purpose of charging other vehicles on paid for basis.*

The commission has examined the Prayer of the petitioner in the instant petition. The petitioner's main prayer is not specific and it is general in nature wherein the petitioner has prayed to the Commission to clarify that the tariff category of Electric Vehicle Charging Station includes Captive Charging Stations of fleet owner for charging E Buses/E- Taxis for Public Transportation.

In order to clarify the said prayer, the Commission revisited the impugned tariff order dated 30th March, 2023 in petition No 99/2023 where in Chapter 11, the tariff of Rs 3.60/kWh is fixed for the specific category of Electric Vehicle charging station under the tariff schedule. As far as the applicability of this tariff for Electric vehicle charging station it is mentioned in clause 11.2 that this tariff schedule shall apply to consumers that have setup Public Charging Stations in accordance with the technical norms/standards/specifications laid down by the Ministry of Power GOI and Central Electricity Authority from time to time. This does not include the captive charging station.

In the impugned order dated 30th March, 2023 the Commission has specifically determined tariff under the category of Electric Vehicle charging stations for public charging stations only.

The facts in the instant petition placed before the Commission by the respondent in its reply has revealed that the said electricity connection is also used for supply of electricity in various offices of CTU besides other activities such as workshop etc. The said contention of the respondent is not refuted/confronted by the petitioner rather, it has accepted during hearing that miniscule use of electricity is being made for the offices and workshop etc through this connection. Since this is an admitted fact, therefore there is no iota of doubt that the said connection does not come under the category of captive charging station as defined in the revised consolidated guidelines issued by MoP dated 14th January, 2022.

In view of the above the Commission is of the considered view that respondent (EWEDC) has correctly charged the petitioner under NRS (Non-Residential Supply) category.

Accordingly petition Number 107/2023 is disposed of in terms of above.

Sd/-

(Jyoti Prasad)
Member (Law)

Sd/-

(Alok Tandon)
Chairperson

Certified Copy



(S D Sharma)
Secretary, I/c, JERC