

## BEFORE

## THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION,

# LUCKNOW

## Petition No.: 945/2014

#### IN THE MATTER OF:

Extension of Applicability of Regulatory Surcharge

And

## IN THE MATTER OF:

- 1. Uttar Pradesh Power Corporation Ltd. (UPPCL), Shakti Bhawan, 14 Ashok Marg, Lucknow 226001.
- 2. Madhyanchal Vidyut Vitran Nigam Ltd. (MVVNL), 4A Gokhale Marg, Lucknow 226001.
- 3. Purvanchal Vidyut Vitran Nigam Ltd. (PuVVNL), Bhikaripur, 132 KV Sub Station, Purvanchal Vidyut Bhawan, P.O.: Diesel Locomotive Works, Varanasi 221004.
- 4. Paschimanchal Vidyut Vitran Nigam Ltd. (PVVNL), Victoria Park, Meerut 250001.
- 5. Dakshanchal Vidyut Vitran Nigam Ltd. (DVVNL), Urja Bhawan, 220 KV Sub Station, Mathura Bypass Road, Agra 282007.

..... Petitioners

## ORDER

A Petition has been filed by the Petitioners on 31<sup>st</sup> March, 2014 in the matter of "Extension of applicability of Regulatory Surcharge".

The Petitioners have prayed for the following:

Quote

"b) Enforce its direction issued in the Tariff Order for FY 2013-14 dated 31.05.2013 which says "**The regulatory surcharge approved herein shall come into force after seven days from the date of such publication of the regulatory surcharge, and shall be in force till 31<sup>st</sup> March, 2014 unless amended or extended by the Commission through an Order**" wherein Hon'ble Commission has taken upon itself the responsibility of amending or extending the application of regulatory surcharge after 31.03.2014, on the basis of revenue gap already recognized by it in the Order dated 21.05.2013.

c) May approve the regulatory surcharge, which is applicable till 31.03.2014 as per Tariff Order FY 2013-14 dated 31.05.2014, till issuance of new tariff order." Unquote



The Commission, in its suo-motu Tariff Order dated 31<sup>st</sup> May, 2013, had allowed the Regulatory Surcharge for liquidation of the Regulatory Assets admitted by the Commission. The relevant extract of the Order is reproduced below:

Quote

# *"7.3 REGULATORY SURCHARGE*

- **7.3.1** The Commission in the Order dated 21<sup>st</sup> May, 2013 in Petition No. 809 of 2012 had determined a consolidated revenue gap of Rs. 2,487.93 crores consequent to final truing up for FY 2000-01 to 2007-08 in respect of the Distribution Licensees namely DVVNL, MVVNL, PVVNL and PuVVNL.
- **7.3.2** The Hon'ble APTEL in OP No. 1 of 2011 dated 11<sup>th</sup> November, 2011, has emphasized on timely recovery of regulatory assets. The relevant observation of the Hon'ble APTEL in the said matter is as under: "66...... (iv) In determination of ARR / Tariff, the revenue gaps ought not to be left and Regulatory Asset should not be created as a matter of course except where it is justifiable, in accordance with the Tariff policy and the Regulations. The recovery of the Regulatory Asset should be time bound and within a period not exceeding three years at the most and preferable within Control period. Carrying Cost of the Regulatory Asset should be allowed to utilities in the ARR of the year in which the Regulatory Assets.
  - **7.3.3** Clause 6.12 of the Distribution Tariff Regulations also stipulates that a regulatory asset may be amortised within a period of three years.

# 6.12 Regulatory Asset:

1. Creation of Regulatory Asset only for the purposes of avoiding tariff increase shall not be allowed and it shall only be created to take care of natural causes or force majeure conditions or major tariff shocks. The Commission shall have the discretion of providing regulatory asset.

2. The use of the facility of Regulatory Asset shall not be repetitive.

3. Depending on the amount of Regulatory Asset accepted by the Commission, the Commission shall stipulate the amortization and financing of such assets. **Regulatory Asset shall be recovered within a period not exceeding three years immediately following the year in which it is created." (Emphasis supplied)** 

- **7.3.4** The Commission in the Order dated 21<sup>st</sup> May, 2013 had stipulated that the revenue gaps determined therein would be considered in the ARRs of FY 2013-14 or any other subsequent year for recovery through tariff.
- **7.3.5** In view of the Distribution Tariff Regulations and the Hon'ble APTEL judgment in OP No. 1 of 2011, the Commission has approved 50% recovery of the revenue gap approved in Order dated 21<sup>st</sup> May, 2013 amounting to



*Rs.* 1,243.96 crores for consolidated Discoms and has allowed its adjustment in the ARRs for FY 2013-14. Balance 50% of the revenue gap along with carrying cost from the date of the Order (i.e., 21<sup>st</sup> May, 2013) would be allowed to be recovered from the ARRs of FY 2014-15 or any other subsequent year.

- **7.3.6** The mandate of the Commission in the process of determination of ARR / Tariff is to provide ways for bridging of gap, and the revenue gaps ought not to be left and regulatory asset should not be created as a matter of course except where it is justifiable, and in accordance with the Tariff Policy and the Distribution Tariff Regulations.
- **7.3.7** After providing for the tariff hike and additional subsidy requirement from GoUP, there is a balance revenue gap of Rs. 900.37 crores at consolidated Discoms level.
- **7.3.8** It can be seen that the balance recoverable gap for FY 2013-14 is towards the regulatory asset consequent to final truing up for FY 2000-01 to 2007-08.

...

7.3.11 Thus, for liquidation of the regulatory asset, the Commission has decided to introduce a surcharge of 3.71% over "RATE" as defined in the Rate Schedule for FY 2013-14. Such surcharge would be applicable in the supply areas of DVVNL, MVVNL, PVVNL and PuVVNL. The details are provided in the table below:

Particulars	Derivation	DVVNL	MVVNL	PVVNL	PuVVNL	Consolidated
Annual Revenue Requirement at existing tariff	Α	2,607	1,293	1,428	2,596	7,924
Less: GoU P Subsidy	В	878	817	1,348	1,621	4,664
Less: Additional Subsidy Requirement from GoUP	с	883	66	791	354	2,094
Revenue Gap for FY 2013-14 Add: 50% of the Gap for FY	D = A - B - C	846	410	(710)	621	1,166
2000-01 to 2007-08 as determined by the Commission in its Order dated 21 <sup>st</sup> May, 2013	E	346	89	160	648	1,244
Total Gap for FY 2013-14	F = D + E	1,192	498	(550)	1,269	2,410
Less: Additional Revenue from Tariff Hike	G	428	269	348	465	1,510
Net Gap after Tariff Hike	H= F - G	764	230	(898)	804	900
Total Revenue at Proposed Tariff	I	6,190	6,092	10,584	6,262	29,128
Regulatory Surcharge for recovery of above Gap (%) Effective for 10 months	J = ( H / I) *12/10					3.71%
Revenue from Regulatory Surcharge	к					900
Balance Gap for FY 2013-14	L = H - K					-

Table 7-4: REGULATORY SURCHARGE FOR FY 2013-14



- **7.3.12** The regulatory surcharge approved herein shall come into force after seven days from the date of such publication of the regulatory surcharge, and shall be in force till 31<sup>st</sup> March, 2014, unless amended or extended by the Commission through an Order.
- **7.3.13** The UPPCL in its Letter No. UPERC/D(T)/2013-176 dated 06<sup>th</sup> May, 2013 in the matter of allocation of subsidy, had stated that "the rationale for allocation among Discoms may change such that all Discoms achieve operational surplus together". In this background, the Licensees' are directed to finalise the allocation of subsidy after taking into consideration the regulatory surcharge among them in concurrence with the State Government up to 30<sup>th</sup> November, 2013 and submit a report on the same to the Commission along with the ARR / Tariff Petitions for FY 2014-15.
- **7.3.14** The Licensee is directed to depict the regulatory surcharge distinctly in the electricity bills of the consumers. The Commission directs the Licensee to create separate accounting fields to capture the amounts collected as regulatory surcharge in both of its financial and commercial statements. This would enable the Licensee to correctly report the amounts collected towards regulatory surcharge.
- **7.3.15** The Commission directs the Licensee to provide the details of the regulatory surcharge so collected for FY 2013-14 duly certified by the statutory auditor by 30<sup>th</sup> September, 2014."

# Unquote

It may be observed that the Commission has approved the recovery of the Regulatory Asset of Rs. 900 Crore at the rate of 3.71% over "RATE" as defined in the Rate Schedule for FY 2013-14, which is applicable till 31<sup>st</sup> March, 2014 unless amended or extended by the Commission through an Order. The Commission allowed such surcharge to be recovered only from the supply areas of DVVNL, MVVNL, PVVNL and PuVVNL.

As specifically mentioned in the Commission's Order, the above recovery of revenue gap through the Regulatory Surcharge included 50% of the total admitted revenue gap for the previous years (FY 2000-01 to FY 2007-08) and the balance 50% would be allowed to be recovered from the ARRs of FY 2014-15 or any other subsequent year.

The four State-owned Distribution Licensees have filed their True-up Petitions (For FY 2008-09 to FY 2011-12) and Tariff Petitions (for FY 2014-15) as per which, the total revenue gap for all four Distribution Licensees is as shown in the Table below:



Table 1: Consolidated Revenue Gap for four Discoms as submitted by the DistributionLicensees in their ARR and Tariff Petitions for FY 2014-15 (Rs. Crore)

Particulars	Amount	
50% of balance recoverable revenue gap consequent to True up Order dated 21 <sup>st</sup> May, 2013 (FY 2000-01 to 2007-08)#	1243.96	
Revenue Gap as per True up Petition for 2008-09	4890.32	
Revenue Gap as per True up Petition for 2009-10	4025.94	
Revenue Gap as per True up Petition for 2010-11	5839.97	
Revenue Gap as per True up Petition for 2011-12	7,650.23	
Revenue Gap as per ARR for FY 2014-15	7,725.15	
Total##		

# 50% of the Revenue Gap on account of Truing up for FY 2000-01 to FY 2007-08 has already been allowed by the Commission in the ARR of FY 2013-14 in its Tariff Order dated 31<sup>st</sup> May, 2013

*##* Excluding carrying cost, which has been additionally sought by the Petitioner.

*###* The above gap has been revised based on the subsequent replies submitted by the Licensees

The Petitioners in their Petition have submitted that they have filed True-up / Tariff Petitions long ago but the Commission has till date only issued preliminary data gaps on 21<sup>st</sup> February, 2014, which have been replied to vide letter dated 14<sup>th</sup> March, 2014. In the above situation, it appears that the Tariff Order for FY 2014-15 might get delayed for few months, due to which the recovery of the balance 50% revenue gap amounting to Rs. 1243.96 Crore along with the carrying cost may require imposition of higher Regulatory Surcharge for the remaining period of FY 2014-15. The delay in recovery of balance amount will not only cause acute cash flow problem to the Licensees but it will be an additional burden to the consumers, since recovery is associated with carrying cost. In view of the above, the Petitioners requested the Commission that the Regulatory Surcharge @3.71%, which is applicable till 31<sup>st</sup> March, 2014 as per the Tariff Order dated 31<sup>st</sup> May, 2013, may be extended till issuance of the Tariff Order for FY 2014-15. The Petitioners also submitted that the Commission had allowed M/s NPCL to continue recovery of Regulatory Surcharge at 8% without any condition.

A public notice was published by the Commission in The Hindustan Times (English) and Dainik Jagran (Hindi) on 30<sup>th</sup> May, 2014, for intimating the dated of Public Hearing inviting objections from all the stakeholders. A separate notice was also issued to the Petitioners in which the Petitioners were asked to submit the amount of regulatory surcharge assessed and recovered in FY 2013-14. The Petitioners were also asked to submit whether the regulatory surcharge has been charged as per the clarification issued by the Commission vide its letter no. UPERC/D(T)RAU/2013-14-402 dated 25<sup>th</sup> June, 2013 and compliance of



Hon'ble High Court orders in writ petition no. 47965 of 2013 and 70791 of 2013 before 3rd June 2014.

The Petitioners vide its letter no. 1322/RAU/ARR & Tariff FY 2014-15 dated 29<sup>th</sup> May, 2014 submitted that during FY 2013-14 the assessed and the recovered revenue from Regulatory Surcharge is Rs. 680.68 Crore and Rs. 554.89 Crore respectively.

The public hearing in the matter was held on 3<sup>rd</sup> June, 2014 at the office of the Commission. The list of the stakeholders who attended the public hearing is provided in the Annexure 1 of this Order.

During the proceedings in the present matter and in the Public Hearing some representations have also been received, in particular from UP Rajya Vidyut Upbhokta Parishad, Indian Industries Association, Upbhokta Sanrakshan Evam Kalyan Samiti, Associated Chambers of Commerce & Industry of U.P., L.J.S. Mahamanch, Mahabir Jute Mills, Shri. Rama Shankar Awasthi. They have requested the Commission not to take any decision in this matter on the argument that the matter is pending before the Hon'ble High Court and that the electricity Tariffs are due for revision. Shri. Avadhesh Kumar Verma further, submitted that the amount of Regulatory Surcharge as submitted by the Petitioner is not authentic and it would not be correct to extend the Regulatory Surcharge before validating the actual Regulatory Surcharge recovered in FY 2013-14. Shri. Pramod Maskara submitted that the Distribution Licensees are not charging the Regulatory Surcharge as per the clarification issued by the Commission vide its letter no. UPERC/D(T)RAU/2013-14-402 dated 25<sup>th</sup> June, 2013.

The Petitioners through verbal and written communication submitted the replies to the various objections raised, submissions of the Petitioners in the matter are as discussed below:

As regard the authenticity of the actual amount of Regulatory Surcharge recovered during FY 2013-14 the Petitioner submitted that the data is correct as per the provisional data till date and the final figures would be available by end of September, 2014 when statutory audit would be completed.

As regard the applicability of Regulatory Surcharge as per the clarification issued by the Commission vide its letter dated 25<sup>th</sup> June, 2013, Petitioner submitted that the Commission its Tariff order for FY 2013-14 under para 7.3.11 mentioned as follows:



"...for liquidation of the regulatory asset, the Commission has decided to introduce a surcharge of 3.71% over "RATE" as defined in the Rate Schedule for FY 2013-14."

Further, the "Rate" under the rate schedule for different categories of consumers has been defined as:

"Rate, gives the fixed and energy charges at which the consumer shall be billed for his consumption during the billing period applicable to the category"

Petitioner submitted that the Commission had assessed the total recovery of Rs. 900 Crore through Regulatory Surcharge at 3.71% over a period of 10 months in FY 2013-14. Field units were accordingly intimated to do the billing. Petitioner submitted that subsequently the Commission vide its clarification dated 25<sup>th</sup> June, 2013 clarified as follows:

"The 'Regulatory Surcharge' will be applicable on "Rate" which comprises of fixed / demand & energy charges (including the TOD rates as applicable). Regulatory Surcharge will not be applicable on penalty, rebate or surcharge."

Petitioner submitted that the definition of rate of charge, as defined in the Tariff Order provides "*Rate, gives the fixed and energy charges at which the consumer shall be billed for his consumption during the billing period applicable to the category*". Petitioner submitted that it is established principle of Statutory Interpretation that an explanation or clarification may not be incorporated or construed so as to widen the ambit of the section as has been held in catena of Hon'ble Supreme Court Judgments. Petitioner submitted that since the definition as given in the Tariff Order itself restricts rate as fixed charge plus energy charge for consumption of can be permitted by way of a subsequent clarification, may require a careful consideration. In view of the above the Petitioner submitted it is complying with the clarification / order.

Petitioner further, submitted that if the Regulatory Surcharge is not allowed now, the recovery of the same would have to be allowed subsequently along with the carrying cost. Petitioner submitted that the above would result in burden to the consumer in future years.

# **Comments and observations of the Commission:**

The Commission have carefully considered all the submissions of the Petitioners and the stakeholders and is of the following view:

• As regard the matter pending in the Hon'ble High Court is concerned, there is no stay by the Hon'ble High Court as regards the recovery of the Regulatory Surcharge.



Hon'ble High Court in this case (Malhotra Ice Factory Vs. U.P. Electricity Regulatory Commission and 3 Others, Case: Writ C No. 47965 of 2013) have only directed that the amount for recovering Surcharge be kept in a separate interest bearing account of a Nationalised Bank which we presume, the Licensees are doing. Further, the final decision made by the Hon'ble High Court shall be appropriately considered by the Commission depending upon the prevailing situation.

- As regards the True-up / Tariff Petitions filed by the Discoms, the Commission has issued a detailed Deficiency Note wherein the Petitioner was asked to submit the replies. The Petitioner has submitted the replies, however, many of the deficiencies / queries still remained unanswered and a note on the pending / additional queries were again issued to the Licensees on 21st April, 2014. The replies to the mentioned deficiency notes have been submitted by the Discoms on 22<sup>nd</sup> May, 2014 and the Petitions have been admitted by the Commission on 3<sup>rd</sup> June, 2014.
- Further, Clause 6.12 of the Distribution Tariff Regulations, 2006 specifies that the regulatory assets have to be amortised over a maximum period of 3 (three) years from the date of their creation. In this regard, the Petitioners requested the Commission, that the balance revenue gap after allowing for tariff hike in FY 2014-15 may be retained in a regulatory asset for amortisation in future year(s). However, the Petitioners in their ARR / Tariff Petition has not submitted any detailed proposal mentioning the number of years and % applicable for recovery for regulatory asset in future years.
- The Commission, in its Tariff Order dated 31<sup>st</sup> May, 2013, mentioned that the balance 50% of the revenue gap for FY 2000-01 to FY 2007-08 admitted in the Commission's True-up Order dated 21<sup>st</sup> May, 2013 would be allowed to be recovered from the ARR of FY 2014-15 or any other subsequent year. It is important to note that that as the Petitions filed by the Distribution Licensees for True-up of ARR for FY 2008-09 to FY 2011-12 and approval of ARR for FY 2014-15 are still under consideration of the Commission, the final revenue gap to be allowed is yet to be finalised and may be different from the gap claimed by the Distribution Licensees in their Petitions. Based on the gap approved by the Commission after truing up for the respective years, the final amount to be recovered through Regulatory Surcharge in FY 2014-15 shall be determined.
- Further, the Commission in its Tariff Order for FY 2013-14, also mentioned that the



Regulatory Surcharge shall be applicable till 31<sup>st</sup> March, 2014 unless amended or extended by the Commission through an Order. As the finalisation of Tariff Order for FY 2014-15 has got delayed because of the General Election's Model Code of Conduct and would take some more time. Thus, Commission is of the view that, till the Tariff Order for FY 2014-15 is issued the Regulatory Surcharge shall be applicable as detailed in the following paragraphs.

- As regard the issue raised regarding the authenticity of the actual recovery of Regulatory Surcharge the Commission has noted the submissions made by the Petitioners and the Stakeholders. As the final amount of the Regulatory Surcharge recovery is not available and the submissions of the Petitioners are provisional, the Commission in this Order has computed the Regulatory Surcharge only for the balance 50% of balance revenue gap consequent to True up Order dated 21<sup>st</sup> May, 2013 i.e. Rs. 1243.96 Crore and any adjustment towards the under or over recovery of the Regulatory Surcharge for FY 2013-14 shall be adjusted after the audited figures of Regulatory Surcharge is available. The Commission while computing the applicable Regulatory Surcharge in percentage terms has considered the following:
  - Annual Revenue has been considered as approved by the Commission in its Order dated 31<sup>st</sup> May, 2013.
  - Carrying cost has been computed at rate of 10% from 21<sup>st</sup> May, 2013 i.e. the date of Order in which the Commission admitted the above mentioned revenue gap.
  - The above amount along with the carrying cost has been considered to be recovered in about two years i.e. from the date of this Order to 31<sup>st</sup> March, 2016.
- The Regulatory Surcharge as computed by the Commission based on the above is working out to be around 2.84% and the same shall be applicable from date of this Order on interim basis until amended by the Commission through an Order. It may be noted that as the Commission is processing the ARR / Tariff Petition filed by the Licensees for FY 2014-15, the Commission if required may revise the above computed Regulatory Surcharge in its Tariff Order for FY 2014-15.
- It has been further, observed that the Distribution losses of the Distribution Licensees have been consistently higher as compared to the losses approved by the Commission. The Commission in this regard is of the view that the utilities cannot be given a free hand to keep incurring the losses due to inefficiencies while the



consumers are forced to pay for these losses. Even though the case for Regulatory Surcharge is well made out but it needs to be supported by the positive evidence of the efforts made by the licensee to reduce losses. The Commission is therefore of the view to grant Regulatory Surcharge linked with the performance parameters. This performance indexed Regulatory Surcharge will hopefully motivate the licensee to take concrete steps to reduce the losses.

- The above philosophy of the Commission can be supported by the fact, that in the deficit scenario prevailing in Uttar Pradesh the under-achievement of the Distribution Losses results in lower sales which further, results in lower overall revenue. As the recovery of Regulatory Surcharge is also proportionate to actual Revenue for the year, therefore the higher losses would results in lower recovery of Regulatory Surcharge. In such a case it would not be appropriate to pass on the above under-recovery of Regulatory Surcharge to the consumer which has been resulted due to the under-performance of the Distribution Licensees.
- In view of the above, the applicable Regulatory Surcharge for FY 2014-15 shall be 2.84%. However, the Regulatory Surcharge for FY 2015-16 (i.e. from 1<sup>st</sup> April, 2015 to 31<sup>st</sup> March, 2016) shall be linked with the actual performance of FY 2014-15. That is in case the Distribution Licensees fail to achieve the target Distribution Losses of FY 2014-15, the Regulatory Surcharge for FY 2015-16 shall be reduced in proportion to the losses under-achieved by the Licensees as compared to the target losses for FY 2014-15. The performance of the Distribution Licensee shall be measured from the actual distribution losses as submitted by the Licensee for FY 2012-13 in its Tariff Petition for FY 2014-15.
- As regard the setting of the target loss level for FY 2014-15, UPPCL in the meeting held on 28<sup>th</sup> April, 2014, requested the Commission that the targets for distribution loss reduction as mentioned in the FRP should be considered for the Tariff approval for FY 2014-15 and future years. Considering the same, the target losses as mentioned in FRP shall be considered as Target Losses for the recovery of Regulatory Surcharge.

ы	Distribution Licensees	Approved FRP Losses for	Actual Losses for FY 2012-	
Distribution Licensees	FY 2014-15	13 (Submitted by Licensee)		
Μ	eerut (PVVNL)	21.00%	27.22%	

# Table 2: Comparison of distribution losses



Distribution Licensees	Approved FRP Losses for	Actual Losses for FY 2012-	
Distribution Licensees	FY 2014-15	13 (Submitted by Licensee)	
Agra (DVVNL)	24.55%	36.58%	
Lucknow (MVVNL)	21.00%	24.85%	
Varanasi (PuVVNL)	20.00%	25.66%	

• For the purpose of illustration, the table below shows the applicable Regulatory Surcharge under the two scenarios i.e.

Scenario 1: Distribution loss target fully achieved

Scenario 2: Distribution loss target partially achieved

# Table 3: Illustration for applicability of Regulatory Surcharge in FY 2014-15 and FY 2015-16based on performance in FY 2014-15

Particulars	Formula	Scenario 1 (Distribution loss target fully achieved)	Scenario 2 (Distribution loss target partially achieved)
Target Distribution Losses for DVVNL for 2014-15	А	24.55%	24.55%
Actual Distribution Losses achieved by DVVNL in FY 2014-15	В	24.55%	26.00%
Actual Distribution Losses of DVVNL in FY 2012-13 (As Submitted by the Licensee, which is considered as base)	С	36.58%	36.58%
Regulatory Surcharge applicable for FY 2014-15	D	2.84%	2.84%
Regulatory Surcharge applicable for FY 2015-16	E = D x (C-B) / (C-A)	2.84%	2.50%

- It may be clarified that the Regulatory Surcharge reduced on account of the underachieved performance targets shall be considered as deemed recovery. The Commission after accounting the actual recovery and the deemed recovery shall true-up the over / under recovery of the accumulated Regulatory Surcharge while undertaking the Truing up of the relevant year.
- The Licensees are directed to depict the Regulatory Surcharge distinctly in the electricity bills of the consumers. The Commission directs the Licensee to maintain separate accounting fields to capture the amounts collected as Regulatory Surcharge in both of its financial and commercial statements. This would enable the Licensee to correctly report the amounts collected towards Regulatory Surcharge.



- The Distribution Licensees are directed to submit the actual Regulatory Surcharge recovered in FY 2014-15 on account of the above Revenue Gap admitted by the Commission in its Order dated 21<sup>st</sup> May, 2014 and actual Distribution Losses achieved in FY 2014-15 by 15<sup>th</sup> April, 2015.
- Based on the actual Distribution Losses achieved by the Distribution Licensees in FY 2014-15, Regulatory Surcharge for FY 2015-16 shall be revised as per the formula detailed above in Table 3 and the same shall be applicable in FY 2015-16. The Distribution Licensees shall submit the applicable Regulatory Surcharge for FY 2015-16 by 15<sup>th</sup> April, 2015 for record of the Commission.
- As regard the issue raised regarding the applicability of Regulatory Surcharge as per the clarification issued by the Commission vide its letter dated 25<sup>th</sup> June, 2013, the Commission shall take up take up the matter in due course.

The Petition is disposed of.

(I. B. Pandey) Member (Meenakshi Singh) Member (Desh Deepak Verma) Chairman

Place: Lucknow Date: 6<sup>th</sup> June, 2014



# Annexure 1

List of	List of Person who attended the Public Hearing in Lucknow on 3 <sup>rd</sup> June, 2014			
S.No.	Name	Designation & Organization		
1	Shri. A. K. Arora,	Resident Manager, NPCL		
2	Shri. R.C. Varma	Executive Officer, ASSOCHAM		
3	Shri. Harish Chandra Joshi	-		
4	Shri. Avadhesh Kumar Verma	Chairman, UP Rajya Vidyut Upbhokta Parishad		
5	Shri. A. K. Singh	Advocate, High Court, Lucknow		
6	Shri. Sanjay Masiwal	Social Activist		
7	Shri. Jagdamba Saran Dixit	Mahamantri, L.J.S.Mahamanch		
8	Shri. Pitambar Bhatt	Chairman, L.J.S.Mahamanch		
9	Shri. Pramod Maskara	Mahabir Jute Mills		
10	Shri. D. C. Verma	EE(RAU), UPPCL		
11	Shri. S. Joshi	EE(RAU), UPPCL		
12	Shri. Shashi Bhusan Mishra	-		
13	Shri. Mohd. Ghufran	Advisor & CE (RAU)		
14	Shri. Vivek Dixit	EE, UPPCL		
15	Shri. Rama Shankar Awasthi	Consumer		
16	Shri. S. A. Rizvi	EE(RAU), UPPCL		
17	Shri. V. K. Singh	-		
18	Shri. Prakhar Dixit	-		
19	Shri. Abhishek Yadav	Amar Ujala		
20	Shri. Kamal	-		