

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Petition No. 39 of 2023 (Suo-Motu)

In the matter of:

Suo-moto proceedings in the matter of provision of Green Power Tariff at Airport Authority of India's Airports in Uttarakhand;

And

Suo-moto proceedings in the matter of billing of PTW consumers.

In the matter of:

Uttarakhand Power Corporation Ltd.

... Respondent

CORAM

Shri D.P. Gairola Member (Law)-Chairman (I/c)

Shri M.K. Jain Member (Technical)

Date of Order: September 25, 2023

The Order relates to the suo-moto proceedings initiated by the Commission in the matter of provision of Green Power Tariff at Airport Authority of India's (AAI) Airports in Uttarakhand and in the matter of billing of PTW consumers.

1. Background and submissions

- 1.1 UPCL vide its letter dated 16.09.2023 made a reference to GoU's letter no. 12 (32) /18 टीसी (विविध) dated 13.09.2023 wherein the Chairman, Airport Authority of India, vide his letter dated 28.08.2023 had requested to provide Green Power to all AAI Airports.
- 1.2 UPCL submitted that as per Tariff Order for FY 2023-24, the Green Power Tariff is applicable only for RTS-5 (HT Industries) having contracted load above 88 kVA / 75 kW (100 BHP).
- 1.3 UPCL proposed that in case Airport Authority of India is willing to avail 100% RE Power

on payment of Green Power Tariff (Rs. 0.26 / unit) for its electricity connections released in the State irrespective of the consumers category, the same may be allowed to them by UPCL. UPCL submitted that this will promote the Government of India's Policy towards green energy, clean environment, and sustainable development goals. Further, the revenue received from these consumers as green tariff will also reduce the tariff of other remaining consumers of the State.

- 1.4 UPCL through the aforesaid letter sought approval of the Commission to accept the request of AAI, and allow 100% RE Power on payment of Green Power Tariff by UPCL to AAI.
- 1.5 Further, Bhartiya Kisan Union, Uttarakhand (BKU, Uttarakhand) made a representation before the Commission that UPCL is planning to recover PTW bills from the consumers on monthly basis, and it will not be possible for farmers to pay these bills on monthly basis. BKU, Uttarakhand submitted that earlier farmers used to pay PTW bill on 6 monthly basis and before bringing any new policy opportunity of representation may be given to farmers.
- 1.6 The Commission asked UPCL to submit its comments in the matter, in response to which UPCL vide its letter dated 19.09.2023 submitted its comments wherein UPCL submitted that earlier the billing of PTW consumers was based on half yearly billing, and UPCL has no objection if the billing of PTW consumers is changed from existing bi-monthly basis to half yearly basis.
- 1.7 Later, Shri Tika Singh Saini, Block President, Kashipur also represented before the Commission in the matter of billing of PTW consumers. Shri Saini submitted that since Uttarakhand was formed meters have been installed on the private tube wells of farmers, and the bills for the PTW of the farmers are issued after every 6 months. He further submitted that even after the bills are issued there is an exemption to pay the bill without surcharge for a few months, but now UPCL has issued a press release in the newspaper that bills for PTW of the farmers will be issued on bimonthly basis. He further submitted that the farmer gets money only after 6 months of sowing the crop and after harvesting it, and in such a situation, the farmer is unable to pay the electricity bill every two months. Shri Saini submitted that the practice of issuing the bills to farmers may be continued in the earlier manner, i.e. 6 monthly billing, which is in the interest of the farmers.

2. Commission's views and decision

2.1 Regulation 103 and 104 of the UERC (Terms and Conditions for Determination of Multi Year Tariff) Regulations, 2021, specifies as under:

"103. Savings

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.*
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.*
- (3) Nothing in these Regulations shall, expressly or implied, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.*

104. Power to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order give directions, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties."

2.2 The Commission analysed the submissions made by the UPCL and observed that as per Tariff Order for FY 2023-24, the Green Power Tariff is applicable only for RTS-5 (HT Industries) category consumers having contracted load above 88 kVA/75kW (100BHP). The Commission is of the view that extending the applicability of Green Power Tariff to other category of consumers will aid in promotion of Government of India's policy towards green energy, clean environment, and sustainable development goals.

2.3 In this regard, reference is drawn towards Regulation 8 of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2023 which states as follows:

"8. Green Energy (procurement of green energy from distribution licensee)

- (1) Any consumer may elect to purchase green energy either upto a certain percentage of the consumption or its equivalent to 100% of its entire consumption and they may place a*

requisition for this with the distribution licensee, who shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for categories specified in Chapter-3 of these regulations.

- (2) The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of twenty five percent and going upto hundred percent.*
- (3) The tariff for the green energy shall be specified by the Commission in the Tariff Orders of Distribution Licensee which shall comprise of the average pooled power purchase cost of the renewable energy, cross-subsidy charges if any, and service charges covering the prudent cost of the distribution licensee for providing the green energy.*
- (4) Any requisition for green energy from a distribution licensee shall be for a minimum period of one year.*
- (5) The green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of the obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee.*
- (6) The accounting of renewable energy supplied at distribution level shall be on a monthly basis."*

2.4 Accordingly, the Commission in exercise of powers given under Regulation 103, Savings and 104, Power to Remove Difficulties, of the UERC Tariff Regulations, 2021 and in light of the provisions of RE Regulations, 2023 extends the applicability of Green Power Tariff to all the category of consumers without any restrictions in accordance with the provisions of the RE Regulations, 2023.

2.5 UPCL will provide RE power in accordance with the RE Regulations, 2023 to the interested eligible consumers on a request made by them and such consumers shall be required to pay applicable Green Power Tariff over and above the tariff applicable for that consumers category as per the relevant tariff schedule of the Tariff Order in force.

2.6 Further, w.r.t. the matter related to billing of PTW consumers, the Commission while approving the Tariff Order for FY 2023-24, considering the suggestions of PTW consumers decided to introduce bi-monthly billing for PTW consumers with a provision that if payment is made within 30 days from the date of bill, rebate of 5% shall be applicable.

However, the Commission has received representations to the contrary from the PTW consumers through their Kisan Union and other forum and considering the same and also that UPCL vide its letter no. 4481/UPCL/RM/B-6 dated 19.09.2023 has submitted before the Commission that it has no objection if the earlier methodology of raising the bills on half yearly basis on PTW consumers is continued. Hence, based on the above submissions, the Commission allows billing for PTW consumers on half yearly basis. However, since the payment will be made twice in a year the rebate allowed @ 5% to PTW consumers for FY 2023-24 shall not be admissible to the PTW consumers.

- 2.7 Accordingly, the Commission in exercise of powers given under Regulation 103, Savings and 104, Power to Remove Difficulties, of the UERC Tariff Regulations, 2021 modifies the methodology for payments of bills and surcharge for late payment as given in rate schedule annexed to Tariff Order for FY 2023-24 at clause 3 of RTS-4: Private Tube Wells/ Pumping Sets, and the same shall henceforth be read as under:

“3. Payments of bills and Surcharge for Late Payment

The bill shall be raised for this category twice a year only, i.e. by end of December (for period June to November) and end of June (for period December to May). The bill raised in December may be paid by the consumer either in lump-sum or in parts (not more than four times) till 30th April next year for which no DPS shall be levied. Similarly, bill raised in June may be paid by 31st October without any DPS. In case consumer fails to make payment within the specified dates, a surcharge @ 1.25% per month for the period (months or part thereof) shall be payable on the principal outstanding amount of the Bill as per clause 7 of the General Conditions of Supply. “

3. Ordered accordingly.

(M.K. Jain)
Member (Technical)

(D.P. Gairola)
Member (Law) - Chairman (I/c)