

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Petition No. 40 of 2024

In the matter of:

Application seeking approval of the Fuel and Power Purchase Cost Adjustment (FPPCA) charged from/refunded to the consumers against the incremental power purchase cost for the quarter ending March, 2024.

In the matter of:

Uttarakhand Power Corporation Ltd.

... Petitioner

CORAM

Shri M.L. Prasad Member (Technical) - Chairman (I/c)

Shri Anurag Sharma Member (Law)

Date of Order: September 10, 2024

This Order relates to the Petition dated 23.07.2024 filed by Uttarakhand Power Corporation Ltd. (hereinafter referred to as “the Petitioner” or “UPCL” or “Licensee”) under Section 86(1)(a) and Section 62(4) of the Electricity Act, 2003 and Regulation 83 (3) & (4) of UERC (Terms and conditions for Determination of Multi Year Tariff) Regulations, 2021 seeking approval of the Fuel and Power Purchase Cost Adjustment (FPPCA) charged from/refunded to the consumers against the incremental power purchase cost for the quarter ending March, 2024.

1. Background

- 1.1 The Licensee vide its Petition dated 23.07.2024 while referring to UERC (Terms and conditions for Determination of Multi Year Tariff) Regulations, 2021 (hereinafter referred to as “MYT Regulations 2021”) submitted that Regulation 83(4) requires the Petitioner to submit the details of the FPPCA incurred and charged / refunded to the consumers for the quarter ending March, 2024 to the Commission by 14.08.2024. Further, as per Regulation 83 (3), the under or over recovery of FPPCA has to be carried forward till the next quarter of the respective quarter of the year and any amount pending at the end of the next quarter

has to be adjusted with the approval of the Commission.

- 1.2 The Petitioner further submitted that the recovery of incremental power purchase cost has been started by the Petitioner Company from August, 2023, as per provisions of UERC (Terms and Conditions for Determination of Tariff) Regulations, 2021, as amended vide the Commission's notification dated 16.08.2023.
- 1.3 The Petitioner submitted that the detailed computation of FPPCA starting from January, 2024 to March, 2024 has been submitted to the Commission vide UPCL's letter no. 1261/UPCL/RM/B-15, dated 06.03.2024, letter no. 2025/UPCL/RM/B-15, dated 22.04.2024 and letter no. 2461/UPCL/RM/B-15, dated 18.05.2024.
- 1.4 The Petitioner submitted the details of power purchase cost for the month of March, 2024 as summarized in the Table given below:

S. No.	Particulars	Energy (MU)	Amount (Rs. Cr.)
A.	Already claimed upto February, 24		
A.1	August, 23	1,489.33	685.44
A.2	September, 23	1,477.15	739.20
A.3	October, 23	1,315.61	704.97
A.4	November, 23	1,164.97	606.53
A.5	December, 23	1,322.25	650.71
A.6	January, 24	1,465.13	702.10
A.7	February, 24	1,264.75	611.92
A.8	Total	9,499.19	4,700.87
B.	Claim for March,24		
B.1	August, 23	1,489.33	685.44
B.2	September, 23	1,477.15	739.20
B.3	October, 23	1,315.61	704.97
B.4	November, 23	1,164.97	606.53
B.5	December, 23	1,322.25	650.71
B.6	January, 24	1,465.13	702.10
B.7	February, 24 (Revised)	1,271.14	611.37
B.8	March, 24	1,255.34	631.77
B.9	Total	10,760.92	5,332.09
B.10	Net Claim for March, 24 (B.9 - A.8)	1,261.73	631.22

- 1.5 The Petitioner submitted that based on the incremental power purchase cost for the month of January, 2024, February, 2024 and March, 2024 and FPPCA billed against such incremental power purchase cost, the over recovery of FPPCA to be carried forward with the approval of the Commission has been worked out as follows:

S.No.	Particulars	Unit	Value
a	Amount to be charged against Incremental power purchase cost till March, 24	Rs. Cr.	28.17
a.1	Power purchase cost for Jan, 24	Rs. Cr.	-1.66
a.2	Power purchase cost for Feb, 24	Rs. Cr.	7.11
a.3	Power purchase cost for March, 24	Rs. Cr.	28.11
a.4	Brough Forward for quarter ending September, 2023 and added in March, 2024	Rs. Cr.	-5.39
b.	Amount actually billed on the consumption till May, 24	Rs. Cr.	36.68
b.1	Amount actually billed on Consumption of March, 24	Rs. Cr.	16.65
b.2	Amount actually billed on Consumption of April, 24	Rs. Cr.	6.74
b.3	Amount actually billed on Consumption of May, 24	Rs. Cr.	13.29
c	Excess of incremental power purchase cost to be adjusted with the approval of UERC (a-b)	Rs. Cr.	-8.51

- 1.6 The Petitioner submitted the details of month wise and quarter wise incremental power purchase cost, FPPCA billed against these power purchase cost and over / under recovery of FPPCA as summarized in the Table below:

S. No.	Month	Incremental Power Purchase Cost (Rs. Cr.)	FPPCA Billed (Rs. Cr.)	Over / Under Recovery (Rs. Cr.)
1	August, 2023	-26.49	-20.07	-6.42
2	September, 2023	31.69	30.66	1.03
3	Carried Forward	5.20	10.59	-5.39
4	October, 2023	65.92	48.79	17.13
5	November, 2023	41.62	39.09	2.53
6	December, 2023	42.06	47.51	-5.45
7	Carried Forward	149.6	135.39	14.21
8	January, 2024	-1.66	16.65	-18.31
9	February, 2024	7.11	6.74	0.37
10	March, 2024	28.11	13.29	9.43
11	Brough Forward for quarter ending September, 2023 and added in March, 2024 (as approved vide UERC's order dated 10-04-2024)	-5.39		
12	Carried Forward	28.17	36.68	-8.51
13	April, 2024	55.81	The information will be available in the first week of August, 2024	
14	Brought Forward for quarter ending December 2023 and added in April, 2024 (as approved vide UERC's order dated 30-05-2024)	14.21		

- 1.7 The Petitioner submitted that the over recovery of FPPCA of Rs. (-)5.39 Cr. for the quarter ending September, 2023 was adjusted alongwith the incremental power purchase cost for the month of March, 2024 as per approval granted vide Commission's order dated 10.04.2024. Similarly, under recovery of FPPCA of Rs. 14.21 Cr. for the quarter ending

December, 2023 was adjusted alongwith the incremental power purchase cost for the month of April, 2024 as per approval granted vide Commission's order dated 30.05.2024.

- 1.8 The Petitioner submitted the category wise details of FPPCA billed against the incremental power purchase cost for the month of January, 2024 (consumption month March, 2024), February, 2024 (consumption month April, 2024) and March, 2024 (consumption month May, 2024) are as follows:

Category		Consumption month of March, 2024 (Rs. Cr.)	Consumption month of April 2024 (Rs. Cr.)	Consumption month of May, 2024 (Rs. Cr.)
RTS-1	Domestic	2.90	1.57	7.04
RTS-2	Non-Domestic	2.55	1.09	2.51
RTS-3	Government Public Utilities	1.04	0.45	0.45
RTS-4	Private Tube-wells/ Pumping Sets	0.00	0.00	0.54
RTS- 4 A	Agriculture Allied Activities	0.01	0.00	0.01
RTS-5	LT&HT Industry	9.53	3.37	2.52
RTS-6	Mixed Load	0.21	0.07	0.06
RTS-7	Railway Traction	0.11	0.05	0.03
RTS-8	Electric Vehicle Charging Station	0.00	0.00	0.00
RTS-9	Temporary Supply	0.30	0.14	0.14
Total		16.65	6.74	13.29

- 1.9 The Petitioner submitted before the Commission to approve the incremental power purchase cost computed by the Petitioner for the month of January, 24, February, 24 and March, 24 and also approve the FPPCA charged / refunded to the consumers against such incremental power purchase cost. Further, the Petitioner requested the Commission to allow carry forward of incremental power purchase cost of Rs. (-)8.51 Crore pending to be adjusted alongwith the incremental power purchase cost for the quarter ending June, 2024.
- 1.10 The Petitioner submitted the com data for the month of August, 2023 to March, 2024 to substantiate the claims made by it. Further, the Petitioner submitted that it had issued O.M. No. 1222/UPCL/RM/B-15, dated 04.03.2024, 1750/UPCL/RM/B-15, dated 05.04.2024 and no. 2320/UPCL/RM/B-15, dated 07.05.2024 regarding charging of FPPCA from the consumers. The Petitioner further submitted that as per the requirements of Regulation 83 of the MYT Regulations, the Petitioner is required to submit the details of FPPCA incurred and to be charged or refunded to all the consumers for the quarter ending March, 2024 within 45 days of the end of quarter ending June, 2024 for post facto approval of the Commission.

1.11 The Petitioner under the grounds of relief submitted that for the quarter ending March, 2024, submitted that it had incurred the incremental power purchase cost amounting to Rs. 28.17 Crore whereas the billing against such cost is Rs. 36.68 Crore, and accordingly, balance over recovery of Rs. (-)8.51 Crore has to be adjusted with the approval of the Commission.

1.12 The Petitioner through the current Petition sought following relief from the Commission:

- (1) Consider and accept the Petitioner's methodology for computation of incremental power purchase cost for the quarter ending March, 2024 and category wise FPPCA billed against such incremental power purchase cost.
- (2) Grant post facto approval for computation and recovery of incremental power purchase cost through Petitioner's O.M. No. 1222/UPCL/RM/B-15, dated 04.03.2024, 1750/UPCL/RM/B-15, dated 05.04.2024 and no. 2320/UPCL/RM/B-15, dated 07.05.2024.
- (3) Allow carry forward of the amount of over recovered FPPCA of Rs. (-)8.51 Crore against the incremental power purchase cost for the quarter ending March, 2024.

2. Commission's views and decision

2.1 Section 62(4) of the Electricity Act, 2003 specifies as follows:

"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."

2.2 Regulation 83 of the MYT Regulations, 2021 specifies as under:

"(83) Fuel and Power Purchase Cost Adjustment (FPPCA):

- (1) ...
- (2) *The FPPCA charge shall be computed and charged on the basis of actual variation in fuel and power purchase costs for delivery at the periphery of the distribution licensee relating to power generated from own generation stations and power procured during any month subsequent to such costs being incurred, in accordance with these Regulations, and shall not be computed on the basis of estimated or expected variations in fuel and power purchase costs.*
- (3) *The FPPCA charge for the n^{th} month shall be computed and charged for the month from the subsequent $(n+2)^{\text{th}}$ month itself, without prior approval of the Commission and any under or over*

recovery shall be carried forward to the next consumption month e.g.:

The FPPCA charge for the month of June shall be charged for the consumption of August billed in September and any under or over recovery shall be carried forward to be charged alongwith consumption of October billed in November.

Provided also that such carry forward shall be adjusted within the next quarter of the respective quarter of the year. If any amount is still pending to be adjusted under FPPCA after three months period, i.e. at the end of the next quarter of the respective quarter, the licensee shall be eligible to adjust the amount through the regulatory process specified in sub regulation (4) below.

- (4) The Distribution Licensee shall submit the details of the FPPCA incurred and to be charged or refunded to all the consumers for the entire quarter, along with the detailed computations and supporting documents as may be required for verification by the Commission within 45 days of the end of the next quarter for post facto approval of the Commission.*
- (5) The Commission shall examine the FPPCA computations and approve the same with modifications, if required before the end of third quarter. Any variation in FPPCA charged or refunded by the Distribution Licensee and FPPCA approved by the Commission will be adjusted in the FPPCA computations of subsequent months as the Commission may determine.*
- (6) ...*
- (7) ...*
- (8) The formula for calculation of the FPPCA shall be as given under:*

$$FPPCA \text{ (Rs. Crore)} = C + B,$$

Where

FPPCA = Fuel and Power Purchase Cost Adjustment

C = Change in cost of own generation and total power purchase costs (including interstate and intrastate transmission charges) due to the variation in these costs and fuel cost,

B = Adjustment factor for over-recovery / under-recovery for previous month/quarter

$$C \text{ (Rs. Crore)} = A_{Gen} + A_{PP},$$

Where:

A_{Gen} : Change in fuel cost/generation cost of own generation. This would be computed based on the norms and directives of the Commission, including heat rate, auxiliary consumption, generation and power purchase mix, etc.

A_{PP} : Change in energy charges and power purchase cost of power procured (including inter-state and intra – state transmission charges) from all sources other than own generation. This change

would be allowed to the extent it satisfies the criteria prescribed in these Regulations and the prevailing tariff order, and subject to applicable norms. This shall be computed as follows:

Power purchased / Procured during nth month at state periphery (kWh) x (actual weighted average rate of power purchases (Rs. / kWh) – approved weighted average rate of power purchases (Rs. / kWh).

Note :

- 1. Intra – State & Inter-State transmission losses shall be considered as approved in the tariff order.*
- 2. Penalty imposed due to under drawals or over drawals or DSM penalty shall not be allowed as part of the FPPCA computation.*

(9) ...

(10) *Calculation of FPPCA charge shall be as per the following formula:*

*Average FPPCA Charge (Rs/kWh)= (FPPCA/(Estimated sales within the State for the respective month as approved by the Commission in the Tariff Order)*10.*

(11) *Category wise FPPCA Charge (Rs/kWh) shall be calculated as per the following formula:*

(Average Billing Rate (ABR) of Consumer Category (in Rs./kWh) as approved in Tariff Order for the year/Average Billing Rate (ABR) of Distribution Licensee (in Rs./kWh) as approved in Tariff Order for the year) x Average FPPCA (in Rs./kWh).

...

(12) ...

..."

- 2.3 In accordance with the above provisions of the Act and Regulation 83(3) of the MYT Regulations, 2021, the Distribution Licensee has to submit the details of the FPPCA incurred and to be charged or refunded to all the consumers for the entire quarter, along with the detailed computations and supporting documents as may be required for verification by the Commission within 45 days of the end of the next quarter for post facto approval of the Commission.
- 2.4 The distribution licensee is entitled to compute the FPPCA for the nth month and charge the same from the subsequent (n+2)th month itself, without prior approval of the Commission, and any under or over recovery shall be carried forward to the next consumption month. The provision of claiming FPPCA has been made so that the licensee is able to recover the shortfall in the cost of power purchased by the licensee in a month vis-à-vis that approved

by the Commission, which otherwise, would get accumulated till the truing up of expenses for the financial year is carried out by the Commission after the statement of accounts are available, which usually have a lag of 1-2 years and, hence, such accumulated gaps for a substantial period has a carrying cost which could affect the financial health of the distribution licensee and in turn would result in adversely affecting the quality of supply. Any revenue gaps including the gap in power purchase expenses, on account of truing up are to be borne by the consumers. Allowance of FPPCA, on monthly basis, minimizes the impact of such gaps on the licensee's operations.

- 2.5 Regulation 83(5) reproduced above specifies that any variation in FPPCA charged or refunded by the Distribution Licensee and FPPCA approved by the Commission will be adjusted in the FPPCA computations of subsequent months as the Commission may determine. Accordingly, the Commission has analysed the details of the power purchase from the com data provided by the Petitioner for the month of January, 2024, February, 2024 and March, 2024 respectively. Further, Regulation 83(2) reproduced above, specifies that the FPPCA charge shall be computed and charged on the basis of actual variation in fuel and power purchase costs for delivery at the periphery of the distribution licensee relating to power generated from own generation stations and power procured during any month subsequent to such costs being incurred, in accordance with these Regulations, and shall not be computed on the basis of estimated or expected variations in fuel and power purchase costs.
- 2.6 The Commission has gone through the submissions of the Petitioner and observed that the Petitioner had worked out the approved average power purchase cost at State periphery as Rs. 4.78/kWh. In this regard, the Commission in the Order dated 10.04.2024, had accepted the computations made by the Petitioner regarding the approved average rate of power purchase for the purposes of calculating FPPCA as Rs. 4.78/kWh for FY 2023-24, and accordingly, no modification is being carried out w.r.t the same. The relevant extract of Order dt. 10.04.2024 is reproduced hereunder:

"2.7...

The Petitioner during the discussion apprised that the same has been computed after taking into account the approved power purchase cost (including transmission charges, water tax, and UJVNL arrears) and approved energy at State periphery (less energy to be returned in the form of banking

payable). The same is summarized in the table below:

S. No.	Particulars	Approved by the Commission (T.O. dated 30.03.2023 for FY 2023-24)	
		Energy (MU)	Amount (Rs. Crore)
1.	Power Purchase at State Periphery (including banking payable)	17786.87	7174.05
2.	Add: Water Tax	-	178.87
3.	Add: UJVNL Arrears/(Surplus)	-	(-) 25.60
4.	Add: Transmission Charges		
	PGCIL	-	598.40
	PTCUL & SLDC	-	369.75
5.	Total (1 to 4)	17786.87	8295.47
6.	Less: Quantum of Banking payable	420	-
7.	Net Power Purchase Cost (5-6)	17366.87	8295.47

Based on the above, the average rate of power purchase works out to Rs. 4.78/kWh (8295.47*10/17366.87).

2.8 The Commission analyzed the submission made by the Petitioner and accepts the computation made by the Petitioner and has, accordingly, considered the approved average rate of power purchase for the purposes of calculating FPPCA as Rs. 4.78/kWh as discussed in the preceding para."

2.7 The Commission for the purposes of analyzing the computation of FPPCA has relied upon the quantum and cost of power purchase as appearing in the com data submitted by the Petitioner for the respective months, i.e. January, 2024, February, 2024 and March, 2024. The Commission has further taken into account the information submitted by the Petitioner regarding levy of FPPCA vide its letter dated 06.03.2024, 22.04.2024 and 18.05.2024 respectively for the months of January, 2024, February, 2024 and March, 2024. The same shall, however, be subject to the detailed scrutiny at the time of true up of respective years based on the audited accounts.

2.8 The Commission analyzed the computations of the FPPCA made by the Petitioner and observed that the com data of UPCL is updated on regular basis, the same was also apprised by the officers of UPCL during the discussion, and, therefore, the quantum and cost of energy as considered by the Petitioner for levying FPPCA in a particular month is subject to change on account of corrections and modifications in data later. Further, the Petitioner during the discussion informed that to address this concern they are following the practice to take the impact of revised values of quantum and cost of power for the previous months in the FPPCA calculation of the subsequent months.

2.9 The approach followed by the Petitioner can be understood through the following Table related to the levy of FPPCA for the month of March, 2024.

S. No.	Particulars	Energy (MU)	Amount (Rs. Cr.)
A.	Already claimed upto February, 24		
A.1	August, 23	1,489.33	685.44
A.2	September, 23	1,477.15	739.20
A.3	October, 23	1,315.61	704.97
A.4	November, 23	1,164.97	606.53
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A.7	February, 24	1,264.75	611.92
A.8	Total	9,499.19	4,700.87
B.	Claim for March,24		
B.1	August, 23	1,489.33	685.44
B.2	September, 23	1,477.15	739.20
B.3	October, 23	1,315.61	704.97
B.4	November, 23	1,164.97	606.53
B.5	December, 23	1,322.25	650.71
B.6	January, 24	1,465.13	702.10
B.7	February, 24 (Revised)	1,271.14	611.37
B.8	March, 24	1,255.34	631.77
B.9	Total	10,760.92	5,332.09
B.10	Net Claim for March, 24 (B.9 - A.8)	1,261.73	631.22

As can be seen from the above table, the Petitioner, while computing the FPPCA for the month of March, 2024 has claimed actual units purchased at State Periphery as 1261.73 MUs and actual power purchase cost as Rs. 631.22 MUs. Similar calculation has been done by the Petitioner for the months of January, 2024 and February, 2024 while computing the FPPCA for the respective months.

2.10 The Commission analyzed the approach followed by the Petitioner for computing the FPPCA of the respective month as discussed above, and accepts the same, as the same entails the adjustment on account of variations in the power purchase quantum and cost of a particular month, which comes to the notice of the Petitioner after the levy of FPPCA for a particular month, in the FPPCA computations of the subsequent months.

2.11 Accordingly, in view of the above, the Commission finds the computation of FPPCA for the quarter ending March, 2024, to be in order and as per the Regulations. The Commission, accordingly, approves FPPCA of Rs. 28.17 Crore, after adjustment of previous period carry forward as claimed by the Petitioner, for the quarter ending March, 2024, which shall, however, be trued up based on the audited accounts at the time of truing up of FY 2023-24.

2.12 Further, as per the Regulation, the FPPCA charge of a particular month shall be computed and charged from the subsequent (n+2)th month, i.e. average FPPCA charges for the month of January, 2024 shall be calculated on the approved sales for the month of March, 2024 to

be billed in April, 2024. Similarly, the average FPPCA charges for the months of February, 2024 and March, 2024 shall be calculated on the approved sales for the months of April, 2024 and May, 2024 to be billed in May, 2024 and June, 2024 respectively.

2.13 The Petitioner has submitted that there has been over recovery of FPPCA for the fourth quarter of FY 2023-24 amounting to Rs. 8.51 Crore as summarized in the Table below:

S. No.	Particulars	Amount (Rs. Crore)
a.	Amount to be charged against Incremental power purchase cost till March, 2024	28.17*
a.1	Power purchase cost for Jan, 24	-1.66
a.2	Power purchase cost for Feb, 24	7.11
a.3	Power purchase cost for March, 24	28.11
a.4	FPPCA brough Forward for quarter ending September, 2023 and added in March, 2024	-5.39
b.	Amount actually billed through billing on the consumption till May, 24	36.68
b.1	Amount actually billed on Consumption of March, 24	16.65
b.2	Amount actually billed on Consumption of April, 24	6.74
b.3	Amount actually billed on Consumption of May, 24	13.29
c.	Excess of incremental power purchase cost to be adjusted with the approval of UERC (a-b)	(-)8.51

** Without considering past period carry forward / adjustments*

The Petitioner, accordingly, submitted that the over recovery of FPPCA for the fourth quarter of FY 2023-24 amounting to Rs. (-) 8.51 Crore may be carried forward in accordance with the Regulations.

2.14 The Commission analyzed the submission made by the Petitioner and is of the view that the amount of FPPCA of Rs. 8.51 Crore over recovered by UPCL cannot be verified at this stage since the audited commercial statements for the relevant months is not available. Hence, the Commission is allowing UPCL the adjustment of Rs. 8.51 Crore, towards the over recovered FPPCA amount, alongwith the FPPCA for the month of August, 2024 to be billed in the month of November, 2024 on the consumption of October, 2024 as ad-interim. UPCL is further directed to maintain a separate record for such recoveries.

2.15 Ordered accordingly.

(Anurag Sharma)
Member (Law)

(M.L. Prasad)
Member (Technical) / Chairman (I/c)