Before the
TRIPURA ELECTRICITY REGULATORY COMMISSION
VidyutBhavan , Bhutoria , Banamalipur , Agartala , Tripura (W) , PIN 799001


AND IN THE MATTER OF : REMITTANCE OF BALANCE PETITION FEE (MYT) AND PRE-FIXED TARIFF PETITION FEE UNDER PM KUSUM SCHEME IN FAVOUR OF TRIPURA STATE ELECTRICITY CORPORATION LIMITED . ----- 

PETITIONER

CORAM

1 . D. Radhakrishna , Chairman , TERC  
2 . Jiban Krishna Sen , Member , TERC

Present for Petitioner :

1 . Debasish Sarkar , Director (Tech.), TSECL  
2 . Arup Gan Choudhuri , DGM (C&T), TSECL .

ORDER

Date of Hearing : 09-06-2019  
Date of Order : 15-06-2020

The Petitioner has filed the review petition in respect of order passed by the Commission relating to “ Remittance of balance petition fee (MYT) and Pre-fixed tariff petition fee under PM KUSUM Scheme in favour of Tripura State Electricity Corporation Limited ” . The petition was heard and following was discussed :-

1. As per Tripura Electricity Regulatory Commission ( Miscellaneous Provisions Relating to Petitions , Fees etc.) , Regulation , 2016 (Annexure-III) , the Schedule of Tariff Petition fee to be paid by the Licensees including a deemed Licensee is as below :
<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Nature of Petition</th>
<th>Fee</th>
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<tbody>
<tr>
<td>5.1</td>
<td>Petition for determination of tariff for supply of electricity, wholesale, bulk or retail, by a distribution Licensee including a deemed Licensee as also for determination of tariff / charges of wheeling in respect of such distribution Licensee including a deemed Licensee.</td>
<td>0.125 paisa per kwh proposed to be dealt in gross during the control period for which the application is being filed subject to a minimum of Rs. 20,00,000/- (Rupees twenty lakh)</td>
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| 5.2   | Petition for determination of tariff for supply of electricity to any distribution Licensee including a deemed Licensee by a generating company of following categories.  
(i) Conventional fuel (coal, gas, oil etc.) based plant except captive generation plant.  
(ii) Conventional fuel (coal, gas, oil etc.) base captive generation plant.  
(iii) For determination of tariff for a class of project (Non-conventional and renewable energy based plants including Wind, Solar, Small Hydro Plant and Cogeneration Plant etc.)  
(iv) Hydro generating station including pumped storage plant, mini or small hydro generating station and captive hydro generating plant.  
(v) Captive hydro generating station other than mini or small hydro generating station.  
(vi) In case bundle licensee like TSECL who is responsible for transmission and distribution  
(vii) In case of bundle Licensee like TSECL who is responsible for Generation, Transmission and Distribution.                                                                                                                                                                                                                                                                                     | Rs. 8000/-per MW of installed capacity or part thereof subject to a Minimum of Rs. 10,00,000/- (Rupees ten lakh)  
Rs. 5,000 per MW of installed capacity or part thereof subject to a Minimum of Rs. 1,00,000/- (Rupees One lakh)  
Rs. 8000/-per MW of installed capacity or part thereof subject to a Minimum of Rs. 2,00,000/- (Rupees Two lakh)  
Rs. 8000/-per MW of installed capacity or part thereof subject to a minimum of Rs. 5,00,000/- (Rupees five lakh)  
Rs. 8000/-per MW of installed capacity or part thereof subject to a minimum of Rs. 3,00,000/- (Rupees three lakh)  
0.18 paisa per kwh on energy proposed to be handled for the concerned year for which petition to be filed subject to minimum of Rs. 30,00,000/- (Rupees thirty lakh)  
0.20 Paisa per kwh on energy proposed to be handled for the concerned year for which petition to be filled subject to Minimum Rs.35,00,000/(Thirty Five Lakh). |
2. The petitioner is a Licensee as he is supplying power to Consumers in the State of Tripura and also selling surplus power off and on to neighbouring states and Bangladesh. The petitioner has filed a Tariff Petition giving details of all the power it handled in past five years and accordingly Petitioner was asked to make payment of Rs.2,82,09,222/= for a total quantity of Energy (15,671.79 MU) handled or to be handled by Petitioner. The Petitioner has made a representation vide letter No.F.CMD/TSECL/380/755-58 dated 24-04-2020 addressed to Chairman and questioned that the Regulations are for the power supplied to consumers only and not for the entire power it had handled during the course of business. As the Regulation is vividly clear that the power handled, therefore Commission has converted the letter as Suo Motu Petition and heard on 05-05-2020 and passed the following order:

“The Commission has considered the plea /request of Petitioner and observes that Regulations in force does not allow any reduction. Regulations were framed in 2016 after observing proper formalities. Here it is also to mention that such regulations are in vogue every-where. Further the request of petitioner that it will burden the Consumers is beyond comprehension that already Tariff in force and substantial part is accounted for. The Tariff is to be decided for the year 20-21 and Commission will ensure all factors required to deburden Consumers reduction but the Statutory fees need to be paid by all Utilities and all across the Country.”

3. Apparently not satisfied with the order, Petitioner filed a Review Petition and Commission accepted the same and heard in person on 9th June 2020.

4. The petitioner has again reiterated that the energy handled means only the Power supplied within the state to the consumers as Multi-Year-Tariff petition does not account for any other sales. It is to mention that the Petitioner has handled or to be handled the following tentative quantities:


**Details of Energy Handling by TSECL**

1. **Energy handled by TSECL for FY 2016-17:**
   b. Own Generation (P/20 of Revised Petition): 0663.52 MU
   
   **Total for FY : 2016-17**: 2645.21 MU

2. **Energy Handled by TSECL for FY 2017-18:**
   a. Energy purchased (Ref. P/29 of Revised Petition): 2434.65 MU
   b. Own Generation (Ref. P/21 of Revised Petition): 0628.14 MU
   
   **Total for FY : 2017-18**: 3062.79 MU

3. **Energy Handled by TSECL for FY 2018-19:**
   a. Energy Purchased (Ref. P/28 of Revised Petition): 2683.16 MU
   b. Own Generation (Ref.P/21 of Revised Petition): 0646.03 MU
   
   **Total for FY : 2018-19**: 3329.19 MU

4. **Energy Handled by TSECL for FY 2019-20:**
   a. Energy purchased (Ref. P/29 of Revised Petition): 2683.16 MU
   b. Own Generation (Ref. P/22 of Revised Petition): 0637.94 MU
   
   **Total for FY : 2019-20**: 3321.10 MU

5. **Energy to be Handled by TSECL for FY 2020-21:**
   a. Energy purchased (Ref. P/29 of Revised Petition): 2683.16 MU
   b. Own Generation (Ref. P/22 of Revised Petition): 0630.34 MU
   
   **Total for FY : 2020-21**: 3313.50 MU

6. Thus, Total energy handled / to be handled (1+2+3+4+5):
   
   : 15,671.79 MU

5. It may be worth to mention that Petitioner has already collected the amount from the consumers till 2019-20.

6. After hearing the petition and considering the present situation following order is issued:

   **It is to mention that Petition fee is being charged by all State Regulators and it is a mandatory exercise as per Section 64 of Electricity Act 2003in accordance with Regulation in vogue. The Commission therefore feels that there is no apparent error in determining quantities as mentioned in Tariff Petition and demanding for payment for disposal of Tariff Petition.**
In past also the Petitioner was making the payment for the entire quantity handled without raising any questions in the matter. The said Regulations is in force which were approved after due consultation with all stake holders. Petitioner is selling its surplus power to other states and even for Cross Boarder like Bangladesh and therefore it is not appropriate to say that the traded power should not be included in the quantities being handled while deciding the tariff.

However, considering the present situation of COVID-19, Commission orders that Tariff Petition Fee has to be paid as per Clause 5.1 (Annexure-III) of Tripura Electricity Regulatory Commission (Miscellaneous Provisions Relating to Petitions, Fee etc.) Regulation, 2016, @ 0.125 Paisa/kwh instead of Clause 5.2(vi), @ 0.18 Paisa/kwh. There will be no change regarding Petition fee in respect of PM KUSUM Scheme.

7. Secretary of TERC is directed to send the copies to the person concerned and intimate the amount to be paid by the Petitioner, so that pending petition can be expedited.

Sd/

( Jiban Krishna Sen )
Member
TERC, Agartala

Sd/

(D. RadhaKrishna )
Chairman
TERC, Agartala

Certified True Copy

Sd/
15-06-2020
( Er. H. K. Das )
Secretary
TERC, Agartala