

TRIPURA ELECTRICITY REGULATORY COMMISSION
Bidyut Bhavan, Bhutoria, Banamalipur, Agartala, Tripura-799 001
phone nos: 0381-2300137 , 0381-2326372 , Website :
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CORAM

1 Sri. D. Radhakrishna, Chairman

2 Sri. Jiban Krishna Sen, Member

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Petition No. 8 of 2020

Order No. 23 of 2020

IN THE MATTER OF Petition by Reliance Jio Infocomm Ltd./Reliance Jio Infratel Private Ltd requesting for reduction in tariffs and other reliefs in connection with the payment of Electricity Bills for the Telecommunication Towers / Facilities occupied and used by Reliance Jio Infocomm Ltd. / Reliance Jio Infratel Private Ltd. in the state of Tripura owing to the unprecedented situation faced by them due to the COVID-19 pandemic.

And

IN THE MATTER OF Reliance Jio Infocomm Limited (hereinafter referred to as “RJIL”) / Reliance Jio Infratel Private Ltd (hereinafter referred to as “RJIPL”). ...

Applicants / Petitioners.

This Application / Petition came up for hearing on 16th June 2020, 7th July 2020 and on 18th July 2020. Mr.B. K. Ray, SCO, Reliance Jio, Agartala, Runu Deb, EB, Coordinator, Agartala and Mr. B .N. Majumdar, Advocate for Reliance Jio,

appeared for the Applicants/Petitioners and reiterated the facts and circumstances of the case as under :

1. Brief facts of the Petition :

The petitioner filed a petition mentioning the following:

1. Reliance Jio Infocomm Limited (hereinafter referred to as "RJIL") Reliance Jio Infratel Private Ltd. (hereinafter referred to as "RJIPL) as petitioner submitted a petition on 05-05-2020 to the Hon'ble Chairman, Tripura State Electricity Regulatory Commission requesting for reduction in tariffs and other reliefs in connection with the payment of electricity bills for the telecommunication towers/facilities occupied and used by RJIL/RJIPL in the State of Tripura owing to the unprecedented situation faced by RJIL /RJIPL due to Covid-19 pandemic.

2. Subsequently vide no. TERC/RIPL/2705/1 dated 27.05.2020, the applicant filed a formal petition to the Secretary, TERC under the relevant rules again requesting for reduction in tariffs and other reliefs in connection with the payment of electricity bills for the telecommunication towers/facilities occupied and used by RJIL/RJIPL in the State of Tripura owing to the unprecedented situation faced by RJIL/RJIPL due to Covid-19 pandemic praying for the following reliefs:

1. Waiver of Fixed Charges for next 12 months from April 2020;
2. Continuation of rebate of 1% for payment made within due date for the bill amount for next 1 (one) year w.e.f April 2020;
3. Waiver of electricity duty for five years from April 2020;
4. Reduction in existing energy tariff for a period of 12 months w.e.f April 2020.

Summary of Application:

1. That with the country passing through one of the most debilitating pandemic in the form of Covid 19, we have been able to support the subscribers and the public at large by ensuring continuous operations of the telecom and internet services in compliance with the various orders issued by the central and state governments, as Telecom Services are covered under Essential Services category. It is submitted that Reliance Jio Infocomm Ltd and Reliance Jio Infratel Pvt Ltd have about 1034 telecom towers and 54 other facilities operating 24X7 in Tripura to provide services to the subscribers.
2. That Jio in its capacity has also taken certain initiatives to help the subscribers including provision of double data limits across all plans for existing Jio Fibre subscribers. Additionally all Jio users will continue to receive incoming calls post validity of their pre-paid vouchers in recognition of the difficulty being faced in recharging.
3. That as your Honour may kindly appreciate that due to lockdown and restrictions placed by the Ministry of Home Affairs, Government of India (GOI) business as usual has been negatively impacted. The offline recharge outlets remain closed using which majority of existing subscribers get recharges done and new subscribers are onboarded. This has resulted dip in the current revenue generations and new subscriber additions. Since the cost remains same under all the line items, profit margins are being impacted.

4. That in light of the above situation, Government of India (GOI), various State Governments and State Electricity Regulatory Commission (SERCs) have taken initiatives and declared measures to help industries to cope up with the current situation, viz.

(a) Government of India has already declared the situation as Force Majeure (vide O.M.No.18/4/2020-PPD dated 19th February 2020);

(b) Various States including Punjab, Uttar Pradesh, Maharashtra, Odisha etc. have already announced relief to electricity consumers under various categories. In Maharashtra, to boost industrial and Commercial sector in the State, MERC has reduced their tariff by 10 to 12%. Further to mitigate to some extent the difficulties being faced by the Electricity consumers of Maharashtra a moratorium on payment of fixed charges of the electricity bill by consumers under Industrial and Commercial category was also announced for next three billing cycles beginning from the lockdown date of 25/3/2020.

(c) To enable us to continue operating our facilities in the State of Tripura, thus providing uninterrupted telecom connectivity to the people of Tripura in the testing times when it is needed the most, we need support to manage our operations.

5. That in order to reduce the impact of the ongoing restrictions and its impact on business, we kindly seek support from Tripura Electricity Regulatory Commission (TERC) on the following :

(i) Waiver of Fixed Charges for next 12 months from April 20

(ii) Continuation of rebate of 1% for payment made within due date for the amount for next 1(one) year w.e.f April 20

(iii) Waiver of electricity duty for five years from April 2020

(iv) Reduction in existing energy tariff of 10% for a period of 12 months w.e.f April 2020.

Prayer: RJIL / RJIPL respectively prays that the Hon'ble Commission may:

- (a) Admit this Petition;
- (b) Examine the proposal submitted by the Petitioner for a favorable dispensation as detailed above;
- (c) Consider the submissions and approve the proposed waiver / rebate / reductions;
- (d) Condone any inadvertent omissions / errors / shortcomings and permit RJIL / RJIPL to add / modify / alter this filing and make further submissions as may be required at a future date;
- (e) Pass such orders as the Hon'ble Commission may deem fit and proper, keeping in view the facts and circumstances of the case.

The Petitioner has prayed and submitted the documents in support of reduction of Tariff as detailed below:

1. Kerala State Electricity Regulatory Commission (Ann. A):
From the O P No. 19/2020 dated 02-07-2020. following has been found:

- a. **M/S KSEB** Ltd has filed petition for approval of 25% rebate on fixed Charges applicable to consumers of Industrial Commercials and Private Hospitals for the month of March, April and May 2020 and to defer the payment of balance fixed charges of **75%** of these months to **15 Dec 2020**.

b. Exemption of surcharge applicable for the deferred payment on balance fixed charge of Industrial, Commercial and Private Hospital for the month March, April and May **2020** to **15 Dec 2020**.

c. **5% Cash** back for first time online payment.

d. Exemption of application fee for new service connection during online submission.

2. Maharashtra Electricity Regulatory Commission (Ann. B): From the Press NOTE of MERC following has been found during disposal of Tariff in favour of Adani Electricity Mumbai Limited (AEML-D) :

a. Commission approved significant tariff reduction of around **18%** for the FY 2020-21 and it will remain flat for remaining (Four) years of control period for the consumers of AEML due to COVID-19 pandemic.

b. Moratorium on payment of fixed charges for consumers under Industrial and Commercial category for next three billing cycles beginning from the lockdown date of **25-03-2020**.

3. Maharashtra Electricity Regulatory Commission (Ann. C): From the Press NOTE of MERC following has been found during disposal of Tariff in favour of Maharashtra State Electricity Distribution Co. Ltd (MSEDCL):

(a) Moratorium on payment of fixed charges of the electricity bill by consumers under Industrial and Commercial category for next three billing cycles beginning from lockdown date of **25-03-2020**;

(b) Tariff reduction of 7 % for FY 2020-21 to 2024-25 for most of the categories or a further reduced tariff for Industry.

- (c) **10% to 15 %** tariff reduction Industrial and Commercial Sectors.
- (d) Incremental Consumption rebate of **Rs.0.75 KVAh** also allowed for Industrial Consumers.
- (e) **5%** reduction for Residential Tariffs.

4. Maharashtra Electricity Regulatory Commission (Ann. D): From the Press NOTE of MERC following has been found during disposal of Tariff in favour of Brihanmumbai Electric Supply and Transport Undertaking (BEST):

- a. Commission approved significant tariff reduction of around **8%** for the **FY 2020-21** and it will remain flat for remaining 4 (Four) years of control period for the consumers of BEST due to COVID-19 pandemic.
- b. Moratorium on payment of fixed charges of the electricity bill by consumers under Industrial and Commercial category for next three billing cycles beginning from lockdown date of 25-03-2020.

5. Maharashtra Electricity Regulatory Commission (Ann, E): From the Press NOTE of MERC following has been found during disposal of Tariff in favour TATA Power Company Limited (TPC-D).

- a. Commission approved significant tariff reduction of around 19% for the FY 2020-21 and it will be remain flat for remaining 4 (Four) years of control period for the consumers of TPC-D due to COVID-19 pandemic
- b. Moratorium on payment of fixed charges of the electricity bill by consumers under Industrial and Commercial category for next three billing cycles beginning from lockdown date of 25-03-2020.

6. Delhi Electricity Regulatory Commission (Ann. F): From the SUO-MOU order dated 07-04-2020 of DERC following order has been passed in favour of

DISCOMS:

- a. Reduction of Late payment Surcharges (LPSC) @ 12 % per annum i.e. 1 % per month.
- b. Deferring the annual review of Sanctioned Load Contract Demand till COVID-19 situation normalize.
- c. Passed order for Generator not to levy Late Payment Surcharges (LPSC) for any non-payment or short payment of the energy bill.
- d. Moratorium on payment of fixed charges of the electricity bill by consumers under Public utilities Industrial and Non-domestic categories for next three billing cycles after **30 Jun 2020**.

7. Uttar Pradesh Government:

Government of Uttar Pradesh has waived off fixed charges for Industrial and Commercial users during the period of COVID-19 Lockdown.

8 Uttar Pradesh Governments:

- a. Government of Punjab reduced the fixed charge consumers.
- b. 1 % rebate for online payment

Proceedings and Order in this Case:

1. This Petition came up for hearing from time to time i.e. on 16th June 2020, 7th July 2020 and on 18th July 2020.
2. Heard the arguments / submissions made by Mr. B. K. Ray, SCO, Reliance Jio, Agartala, Runu Deb, EB, Coordinator, Agartala and Mr. B. N. Majumdar Advocate for Reliance Jio.

3. The Commission after going through the Application / Petition and the prayers of the Petitioners (mentioned hereinabove in detail), and also after going through the orders of various States, as a special case, this Commission feels that during pandemic, the Petitioners along with medical fraternity, mobile operators and power distributors have played a major role in this pandemic condition in the State of Tripura and passed the following order :

ORDER

1. The Commission, after hearing the submissions and after perusing various documents and also in view that the documents / Press Notes submitted by the Applicants / Petitioners in respect of Kerala State Electric Regulatory Commission, Maharashtra Electric Regulatory Commission, Delhi Electric Regulatory Commission, and Government of Uttar Pradesh, which are mainly in respect of partial relief convened/ granted by the above State Governments. This Commission, after considering the above documents / Press Notes / orders and also considering the adverse impact of Covid – 19 in India, this Commission has granted a Tariff of **5% Rebate** for the prompt payment which is significant and substantial relief to all the consumers during the pandemic and that has been for the year **2020-21** and this Commission feels that the aforesaid relief can give a significant financial relief to the Petitioners.
2. In view of the above observations and order, this Petition is disposed of.
3. The Secretary, TERC is directed to inform to all concerned.

This order is corrected and signed on this 18th day of November 2020.

Sd/
(**Jiban Krishna Sen**)

Member
TERC ,Agartala

Sd/
(**D. RadhaKrishna**)

Chairman
TERC, Agartala

Certified True Copy

Sd/
18/11/2020
(**Sujata Das Chakrabarti**)
Secretary
TERC ,Agartala

