

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/Petition No.- 2 of 2022

Case No. HERC/Petition No.- 3 of 2022

Date of Hearing : 31.01.2022

Date of Order : 02.02.2022

IN THE MATTER OF:

Petition under Section 42 of the Electricity Act 2003 read with Regulations 22 of Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 for approval of Additional Surcharge for 2nd half of FY 2021-22 and onwards (HERC/Petition No. 2 of 2022).

AND

Petition under Section 42 of the Electricity Act 2003 read with Regulations 22 of Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 for approval of Additional Surcharge to the DISCOMs – DHBVN and UHBVN recoverable from Open Access Consumers in the 2nd half of FY 2021-22 and onwards (HERC/Petition No. 3 of 2022).

Petitioners

1. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula
2. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar

Respondents

General Public

Present on behalf of the Petitioner(s) through Video Conferencing

1. Shri Shashank Bisht, consultant, UHBVNL
2. Shri B.S. Kamboj, XEN/RA, UHBVNL
3. Shri Shamsher Singh, XEN/RA, DHBVNL

QUORUM

**Shri R.K. Pachnanda,
Shri Naresh Sardana,**

**Chairman
Member**

ORDER

1. The instant petition(s) have been filed by the distribution licensees in Haryana viz. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula and Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar (hereinafter referred to as "DISCOMs") for determination of Additional Surcharge for the 2nd half of the FY 2021-22 onwards on the basis of data for the 1st half of the FY 2021-22 i.e. April, 2021 to Sept., 2021.

2. The DISCOMs have submitted as under:

- a) To ensure that only the power stranded/surrendered due to open access consumers is considered for determination of additional surcharge, the lower of the open access power and surrendered power in each time slot has been taken into account to calculate the quantum of stranded power for determination of the Additional Surcharge.
- b) That based on the time slot wise stranded power, as determined above, the total quantum of backing down, eligible for computation of the Additional Surcharge, has been determined.
- c) That the admissible backing down quantum of power is further multiplied by the per unit fixed charge (Rs. kWh) approved by this Hon'ble Commission to determine the total amount of Additional Surcharge.
- d) That the per unit average fixed charges, approved by the Commission, in the tariff order dated 30.03.2021 (Case No. HERC/PRO - 77 of 2020 & HERC/PRO - 78 of 2020), is Rs. 1.17 per kWh.
- e) Accordingly, the per unit Additional Surcharge is determined by dividing the total Additional Surcharge with the estimated Open Access Units in MUs in the second half of the FY 2021-22, on the assumption that the quantum of power bought by the consumers under open access mechanism will be the same as that in the first half of the FY 2021-22.
- f) The details of the backing down, attributable to Open Access in MW and MUs, for calculation of Additional Surcharges and power brought under Open Access mechanism, is given in the table below:-

Month-wise Stranded Power & Open Access Power

Month	Stranded Power Min. of OA & backdown (MW)	Stranded Power Min. of OA & backdown (MU)	OA Purchase (MW)	OA Purchase (MU)
Apr-21	38.48	27.71	38.68	27.85
May-21	83.54	62.15	90.4	67.26
Jun-21	116.52	83.89	126.33	90.96
Jul-21	112.13	83.42	122.6	91.21
Aug-21	66.32	49.34	75.67	56.30
Sep-21	60.35	43.45	62.45	44.96
Total		349.97		378.54

- g) The calculation of total Additional Surcharge as well as in terms of Rupees per unit (Rs / Unit) to be recovered from the Open Access consumers in the second half of the FY 2021-22, as submitted by the DISCOMs, is as follows:

Calculation of Additional Surcharge

SN	Particulars	Units	Value
1	Total Eligible Quantum (Min of Backing down and OA) to be considered for Additional Surcharge	MU	349.97
2	Actual Fixed cost per unit for FY 2021-22	Rs/kWh	1.173
3	Total Additional Surcharge for H2 of FY 2021-22	Rs. Cr.	41.05
4	Estimated Open Access Units for H2 of FY 2021-22 (considered same as in H1 of FY 2021-22)	MU	378.53
5	Additional Surcharge to be applicable on OA Consumers	Rs /kWh	1.08

- h) That the DISCOMs have proposed to recover additional surcharge of Rs 1.08 per unit from the open access consumers, calculated on the basis of details of the slot wise surrendered power and slot wise open access power, considering data of all days.
- i) In view of the above, following prayers have been made:-
- i) Allow the recovery of Additional Surcharge Rs. 1.08/kWh from the Open Access consumers in the second half of FY 2021-22 and onwards.
 - ii) Determine the additional surcharge under the instant petition filed before the Commission and may set right the submissions made in this regard in other petitions thereof.
 - iii) Condone any inadvertent omissions/errors/shortcomings and permit the petitioners (UHBVN and DHBVN) to add/change/modify/alter this filing and make further submissions as may be required at a future date.
 - iv) To pass any order as deemed fit, for recovery of Additional Surcharge from the Open Access Consumers.

Proceedings in the Case

3. In order to take the process forward, the Commission issued a Public Notice in two newspapers having wide circulation in Haryana i.e. Hindustan Times (English) and Punjab Kesari Haryana (Hindi) dated 20.01.2022, for inviting comments/objections from the general public/stakeholders, on or before 27.01.2022 and intimating that hearing shall be held through video conferencing with a link of the video conference to be shared with the stakeholders who may file comments/objections in the matter. The said public notice was also hosted on the website of the Commission under "Public Notice" heading.
4. In response to the ibid public notice, no comments / objections / suggestions were received by the Commission.

Commission's Order

5. As both the petitions i.e. petition no. 2 and 3 of 2022 were identical, the Commission considered it appropriate to hear them as a bunch matter and decide them through the present common order. Accordingly, both the cases were heard through video conferencing on 31.01.2022, as scheduled, in view of the ongoing COVID-19 pandemic. The representatives of both the Discoms present reiterated the contents of the petition.
6. The Commission has carefully examined the relevant Regulations and earlier orders passed by it in the matter of determination of Additional Surcharge.
7. The Commission observes that while passing the order dated 06.03.2020 (Case No. HERC/PRO-40 of 2019) approving the Additional Surcharge to be recovered w.e.f. 22.10.2019, the Commission had, at length, dealt with almost all the issues including the methodology of calculation of the Additional Surcharge.
8. The Commission has examined the applicable Additional Surcharge in line with the past practice which has attained finality. Regulation 22 of the Haryana Electricity Regulatory Commission Open Access Regulations, 2012, casts an obligation on the DISCOMs to file the requisite data regarding quantum of stranded power on six monthly basis, which forms the basis for determination of Additional Surcharge by the Commission. Accordingly, the DISCOMs have filed the relevant data. The same has been examined as under: -
 - a) That the petitioner has worked out backing down quantum day-wise and slot-wise for six months of the FY 2021-22 (1st half), from the implemented schedule and the entitlements as per their last revision, for a particular day.
 - b) That due to the change in the declared capacity of the inter-state generator during the day, the change in entitlement of the State from that particular generator is automatically accounted for.
 - c) It has been further observed that the generating units which are not at bar due to less demand have not been considered and only the backing down of running units has been considered for arriving at the stranded cost of power for determination of the additional surcharge.
 - d) While calculating the fixed cost for estimating the Additional Surcharge, the DISCOMs have taken the average fixed cost approved by the Commission in its ARR order dated 30.03.2021, for the FY 2021-22. The Commission had approved the fixed cost at Rs. 1.17/kWh (rounded off) i.e. Rs. 70056 Million divided by the approved volume i.e. 59720 MUs.
 - e) Accordingly, the Additional Surcharge, recoverable from the Open Access consumer(s) has been determined as per the details provided in the table below:-

Months	MW	MU	OA (MW)	OA (MU)	
	A= Stranded Power lower of OA & backdown (MW)	B= A converted into MU	C= Open Access Purchase (MW)	D= C converted into MU	
Apr-21	38.48	27.71	38.68	27.85	
May-21	83.54	62.15	90.4	67.26	
Jun-21	116.52	83.89	126.33	90.96	
Jul-21	112.13	83.42	122.6	91.21	
Aug-21	66.32	49.34	75.67	56.30	
Sep-21	60.35	43.45	62.45	44.96	
Total		349.97		378.54	
Quantum considered for Addl. Surcharge (lower of the power backed down/surrendered and open access power)				MU	349.97
Per Unit Fixed Cost of Power Purchase for the FY 2021-22				Rs/kWh	1.17
Avg. Additional Surcharge for H2 of the FY 2021-22				Rs. Millions	41.05
Expected Open Access Power for H2 of FY 2021-22 (considered same as in H1 of the FY 2021-22)				MU	378.53
Additional Surcharge (rounded off)				Rs/kWh	1.08

It is observed that the methodology as well as the calculations placed before this Commission are in order. Hence, the Commission orders that Rs. 1.08/kWh shall be the Additional Surcharge applicable from the date of this order and shall be applicable to the consumers of Uttar Haryana Bijli Vitran Nigam (UHBVN) and Dakshin Haryana Bijli Vitran Nigam (DHBVN) who avail power under the Open Access mechanism in terms of the Haryana Electricity Regulatory Commission (Terms and Conditions for Grant of Connectivity and Open Access for Intra-State Transmission and Distribution System) Regulations, 2012, from any source other than the distribution licensees. The additional surcharge shall continue to be effective till the same is revised / amended by the Commission.

9. In terms of the above order, the present petition is disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 02.02.2022.

Date: 02.02.2022
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman