

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
AT GANDHINAGAR**

**Petition No. 2073 of 2022**

In the matter of:

Tariff for Agricultural Consumers of Torrent Power Limited (Ahmedabad Unit)

Petitioner : Energy & Petrochemicals Department (EPD),  
Government of Gujarat,  
Block No.5, 5<sup>th</sup> Floor,  
New Sachivalaya, Gandhinagar.

Represented by : Smt. Alpana S. Dani

Respondent : Torrent Power Limited (Ahmedabad)  
"Samanvay", 600, Tapovan, Ambawadi,  
Ahmedabad-380015

Represented by : Luna Pal

**CORAM:**

**Shri Anil Mukim, Chairman  
Shri Mehul M. Gandhi, Member**

**Date: 14/07/2022**

**ORDER**

1. The Petitioner, Energy & Petrochemicals Department (EPD), Government of Gujarat (GoG), has filed the present Petition with the prayers allowing a uniform HP based tariff of Rs. 665/HP/Year for Agricultural Consumers of Torrent Power Limited (Ahmedabad Unit) for a further period of one year i.e. from 1<sup>st</sup> April, 2021 to 31<sup>st</sup> March, 2022 and the subsidy amount paid by the State Government within the provisions of the budget estimates for the year 2021-22.

2. The facts mentioned in the Petition are stated as under:

- 2.1. The State Government had decided to subsidize the distribution companies i.e. erstwhile Gujarat Electricity Board (GEB) (now Gujarat Urja Vikas Nigam Limited - GUVNL) as well as the Ahmedabad Electricity Company Ltd. (AEC) (now Torrent Power Limited – Ahmedabad Unit) for losses due to implementation of Horse Power (HP) based Tariff for the agricultural sector since 1987. The State Government has continued the pre-revised HP based Tariff decided on 10.10.2000 for the consumers of erstwhile GEB and TPL-Ahmedabad for the period up till now.
- 2.2. The State Government has been subsidising the agricultural consumers of TPL – Ahmedabad to the extent of difference between the tariff decided by the Commission and the applicable HP based tariff for agricultural consumers of erstwhile GEB (now GUVNL).
- 2.3. The State Government has decided to extend the relief in tariff of Agricultural Consumers of Torrent Power Limited (Ahmedabad Unit) for a further period of one year i.e. from 01.04.2021 to 31.03.2022 in line with the consumers of State DISCOMs subject to the condition that such connections will be supervised by checking / surprise checking by the appropriate authority of the company as well as the Electrical Inspectors, and if the consumption of electricity is found for the purposes other than agriculture, such connections shall be disconnected permanently. This decision has been communicated to Torrent Power Limited (Ahmedabad Unit) vide GR No. TPL-12-2020-2264-K dated 15.02.2022.
- 2.4. The prevailing HP based tariff for the consumers of distribution licensees of unbundled GEB (GUVNL), after exemption of 5% ED is as follows:

<b>Connected Load in HP</b>	<b>Tariff applicable w.e.f. 01.12.2019</b>
Up to 7.5 HP	Uniform Tariff of Rs. 665/HP/Year for all HP based Agricultural consumers
Above 7.5 HP	

- 2.5. The Petitioner submitted that the State Government has approved an amount of Rs. 170.00 Lakh in the Revised Budget Estimates for FY 2021-22 and released an amount of Rs. 170.00 Lakh vide GR No. TPL-12-2020-2264- (I)-K dated 29.03.2022 which is sufficient against the estimated for FY 2021-22 and outstanding claims of the Company.
3. The Respondent filed its reply stating that its claim for FY 2021-22 is Rs. 175.68 Lakhs including the shortfall of previous year of Rs. 0.71 Lakhs. An amount of Rs. 170.00 Lakhs has been received from the State Government during FY 2021-22 vide GR No. TPL-12-2020-2264-(I)-K dated 29.03.2022. Therefore, there is a shortfall of Rs. 5.68 Lakhs.
- 3.1. The Respondent requested the Commission to direct the Petitioner to release the shortfall amount of Rs. 5.86 Lakhs at the earliest and for future years provide the subsidy amount in advance in line with Section 65 of the Electricity Act, 2003 and referred the observation of the Commission's Order dated 15.06.2019 in Petition No. 1790 of 2019 regarding the payment of subsidy, is reproduced as under:
- We also note that the Commission vide its order dated 19.06.2017 in Petition No. 1650 of 2017 has observed that the Petitioner is required to adopt the practice of providing the subsidy amount in advance in line with Section 65 of the Electricity Act, 2003. However, the Petitioner has been unable to comply the same. The Respondent has raised the issue of the outstanding claims of Rs. 47.67 Lakh towards the subsidy. Hence, we once again direct the Petitioner to adopt the practice of providing the subsidy amount in advance as per the provisions of Section 65 of the Electricity Act, 2003 and pay the outstanding amount of subsidy to the Respondent at the earliest."*
4. The matter was heard on 13.07.2022.
5. Smt. Alpana S. Dani, on behalf the Petitioner, has submitted that the present petition has been filed under Section 65 of the Electricity Act, 2003 and further stated that an amount of Rs. 170 Lakhs has been released and Rs. 5.68 Lakhs has remained unpaid.

She has further submitted that this short fall amount of Rs. 5.68 Lakhs will be released at the earliest.

6. Luna Pal, on behalf of the Respondent, has submitted that it has received an amount of Rs. 170.00 Lakhs from the State Government against the total outstanding claim of Rs. 175.68 Lakhs for FY 2021-22. There is shortfall amount of Rs. 5.68 Lakhs, which needs to be released at the earliest and for future years provide the subsidy amount in advance in line with Section 65 of the Electricity Act, 2003 .
7. We have carefully considered the submissions made by the parties. We have also perused the orders passed by the Commission on 05.09.2002 in Petition No. 34 of 2000 regarding the tariff for supply of energy to different categories of consumers by TPL-Ahmedabad in its license area as well as the Commission's Tariff Orders for erstwhile GEB consumers including the agricultural consumers. The Government has decided to extend the relief in agricultural tariff to TPL-Ahmedabad consumers for a period of one year i.e. from 01.04.2020 to 31.03.2021.
8. The agricultural consumer has to pay on the basis of HP based tariff decided by the Government i.e. a Uniform Tariff of Rs. 665/HP/Annum for all HP based Agriculture consumers for the period from 01.04.2021 to 31.03.2022. The difference between the billing on the basis of TPL-Ahmedabad Tariff Schedule and the above payment received from the agricultural consumers shall be the subsidy from the State Government.
- 8.1. In view of the above, we find that relief can be granted to TPL-Ahmedabad agricultural consumers subject to the condition that such connections shall be supervised by checking / surprise checking by the appropriate authority of the Respondent as well as the Electrical Inspectors and if the consumption is found to be for the purposes other than agriculture, such connections shall be disconnected permanently. Hence, we allow the present Petition with the following stipulations:

The HP based tariff as mentioned in para 2.4 above is hereby allowed to be effective for working out subsidy amount for agricultural consumers of TPL-Ahmedabad for the period from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March, 2022 subject to

fulfilment of the condition as mentioned above and that the calculation of consumption for 8 hours shall be verified by the Chief Electrical Inspector, Gandhinagar.

9. The petitioner is directed to pay out Rs. 5.68 Lakhs to the respondent after due verification.
10. This petition is allowed accordingly.
11. With this order, this Petition stands disposed of.

-Sd-

**MEHUL M. GANDHI**  
Member

-Sd-

**ANIL MUKIM**  
Chairman

Place: Gandhinagar  
Date: 14/07/2022

