

# **DRAFT TELANGANA STATE ELECTRICITY REGULATORY COMMISSION (MULTI YEAR TARIFF) REGULATION, 2023**

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## **DRAFT TELANGANA STATE ELECTRICITY REGULATORY COMMISSION (MULTI YEAR TARIFF) REGULATION, 2023**

In exercise of the powers conferred under Section 61 read with Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, the Telangana State Electricity Regulatory Commission hereby makes the following Regulation.

### **PART I: PRELIMINARY**

#### **1 Short title, extent, applicability and commencement**

1.1 This Regulation may be called the Telangana State Electricity Regulatory Commission (Multi Year Tariff) Regulation, 2023.

1.2 This Regulation shall extend to the whole of the State of Telangana.

1.3 This Regulation shall be applicable to existing and future Generation Companies, Transmission Licensees, Distribution Licensees, deemed distribution licensees, distribution/retail supply utilities exempted from Licence, State Load Despatch Centre (SLDC), and their successors for determination of Aggregate Revenue Requirement, Tariff, and SLDC Charges in all matters covered under this Regulation for the period commencing from 01.04.2024 onwards:

Provided that unless expressly specified, the provisions of the Regulation specified for Distribution Licensee shall apply for the deemed distribution licensees, distribution/retail supply utilities exempted from Licence.

1.4 This Regulation shall also be applicable in cases where a generating entity, has the arrangement for supply of coal from the integrated mine(s) allocated to it for its specified end-use generating stations, whose tariff is required to be determined by the Commission under Section 62 of the Act read with Section 86 thereof.

1.5 This Regulation shall come into force from the date of its publication in the Official Gazette:

Provided that for all purposes, including review matters pertaining to the period till 31.03.2024, the issues relating to determination of Aggregate Revenue Requirement and Tariff shall be governed by the provisions of the Regulations and Guidelines in force during the relevant period.

1.6 This Regulation shall supersede the following:

- (a) Regulation No. 3 of 2005 being the (Treatment of Other Businesses of Transmission Licensees and Distribution Licensees) Regulation, 2005.
- (b) Regulation No. 4 of 2005 being the (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation, 2005 along with Amendments thereof.
- (c) Regulation No. 5 of 2005 being the (Terms and Conditions for determination of Transmission Tariff) Regulation, 2005 along with Amendments thereof.
- (d) Guidelines for Investment Approval (February 2006).
- (e) Guidelines for Load Forecasts, Resource Plans, and Power Procurement (December 2006).
- (f) Regulation No. 1 of 2006 being the (Levy and Collection of fees and charges by State Load Despatch Centre) Regulation, 2006 along with Amendments thereof.
- (g) Regulation No. 1 of 2019 being the (Terms and Conditions of Generation Tariff) Regulation, 2019 along with Amendments thereof.

## **2 Definitions**

2.1 In this Regulation, unless the context otherwise requires:

- (1) “**ABT Mechanism**” means Availability Based Tariff Mechanism
- (2) “**Accounting Statement**” means for each Year, the following statements, namely-
  - (i) balance sheet, prepared in accordance with the form contained in the Companies Act, 2013 as amended from time to time, as applicable;
  - (ii) profit and loss account, complying with the requirements contained in the Companies Act, 2013 as amended from time to time, as applicable;
  - (iii) cash flow statement, prepared in accordance with the applicable Accounting Standards of the Institute of Chartered Accountants of India;
  - (iv) report of statutory auditors
  - (v) reconciliation statement, duly certified by the statutory auditors, showing the reconciliation between the total expenses, revenue, assets and liabilities, of the entity as a Company and the expenses,

revenue, assets and liabilities, separately for each business regulated by the Commission and unregulated business operations;

- (vi) cost records prescribed by the Central Government under the Companies Act, 2013, as applicable together with notes thereto, and such other supporting statements and information as the Commission may direct:

Provided that separate Accounting Statements shall be prepared and submitted to the Commission for each licensed Business in accordance with the Licence conditions, and for each regulated Business:

Provided further that, in case separate Accounting Statements are not submitted for each licensed Business in accordance with the Licence conditions and for each regulated Business for the Financial Year (FY) 2024-25 onwards, the Petitions filed by the generating entity or licensee or SLDC, may be rejected by the Commission after giving the Petitioner a reasonable opportunity of being heard:

Provided also that the generating entity or licensee or SLDC shall submit the Statutory Auditor's comments, observations and notes to Accounts, along with the Accounting Statements, and a summary of the key issues highlighted by the Statutory Auditor and the steps taken to address them.

- (3) “**Act**” means the Electricity Act, 2003 (36 of 2003), as amended from time to time;
- (4) “**Aggregate Revenue Requirement**” means the revenue requirement comprising allowable expenses and return on equity pertaining to the generating entity, transmission licensee or distribution licensee or SLDC, to be recovered through Tariff or Charges in accordance with this Regulation;
- (5) “**Allocation Statement**” means, for each Year, a statement in respect of each of the Other Businesses of the generating entity or transmission licensee or distribution licensee undertaken for optimum utilisation of its assets, showing the amounts of any revenue, cost, asset, liability, reserve or provision, etc., which has been charged from or to each such Other Business together with a description of the basis of that charge;



or determined by apportionment or allocation between different Businesses of the Generating Company or Licensee, together with a description of the basis of the apportionment or allocation:

Provided that separate Unit wise and Station wise Accounting Statements for generation business shall be prepared and submitted to the Commission wherever possible;

Provided further that, for the purposes of this Regulation, the Licensed Business of a distribution licensee for its area of supply would be bifurcated into Distribution Wheeling Business and Retail Supply Business.

- (6) **“Annual Target Quantity”** in respect of an integrated mine(s) means the quantity of coal to be extracted during a year from such integrated mine(s) as specified in the Mining Plan:

Provided that in case the integrated mine(s) of coal is ready for supply of coal as per the Mining Plan but is prevented due to reasons not attributable to the generating entity, the Commission may relax the Annual Target Quantity up to a maximum of 15% of the quantity of coal to be extracted during a year as specified in the Mining Plan.”

- (7) **“Auditor”** means an auditor appointed by the generating entity or licensee or SLDC qualified for such appointment in accordance with the relevant provisions of the Companies Act;

- (8) **“Auxiliary Energy Consumption”** in relation to a period, in case of a generating Station or Unit, means the quantum of energy consumed by its auxiliary equipment, such as equipment used for operating plant and machinery, including switchyard of the generating Station and the transformer losses within the generating Station, and shall be expressed as a percentage of the sum of gross energy generated at the generator terminals of all the Units of the Generating Station:

Provided that it shall not include energy consumed for supply of power by the generating Station to its housing colony and other facilities, and for construction works at the generating Station;

- (9) (a) **“Availability”** in relation to a thermal Generating Station/Unit for any period means the average of the daily average declared capacities as certified by SLDC for all the days during that period, expressed as a percentage of the installed capacity of the Generating Station/Unit minus the normative auxiliary consumption in Megawatts (MW), as specified in these Regulations, and shall be computed in accordance with the following formula:

$$\text{Availability} = 100 \times \frac{\sum_{i=1}^N \text{DC}_i}{\{ N \times \text{IC} \times (1 - \text{AUX}_n) \}} \%$$

where - N = number of time blocks in the given period

DC = Average Declared Capacity in MW for the  $i^{\text{th}}$  time block in such period

IC = Installed Capacity of the Generating Station/Unit in MW

AUX = Normative Auxiliary Consumption in MW, expressed as a percentage of gross generation:

- (10) **“Bank Rate”** shall mean the Bank Rate as declared by the Reserve Bank of India from time to time;

- (11) **“Base Rate”** shall mean the one-year Marginal Cost of Funds-based Lending Rate (‘MCLR’) as declared by the State Bank of India from time to time;

- (12) **“Beneficiary”** shall mean

- a. in relation to a Generating Station, the purchaser of electricity generated at such Station whose Tariff is determined under this Regulation;
- b. in relation to a Transmission Licensee, the Transmission System Users;
- c. in relation to the Distribution Wheeling Business, the generating entities connected to the distribution system and consumers;

- d. in relation to the Retail Supply Business, the consumers;
- e. in relation to the SLDC, the distribution licensees and Open Access consumers who utilise the Intra-State Transmission system for transmission of electricity and / or utilise the distribution system of a Licensee in the State for wheeling of electricity and / or avail the services of the SLDC relating to scheduling and real-time grid operations, State energy accounting, operation of pool account, etc.:

(13) "**Change in Law**" means occurrence of any of the following events:

- a. enactment, bringing into effect or promulgation of any new Indian law; or
- b. adoption, amendment, modification, repeal or re-enactment of any existing Indian law; or
- c. change in interpretation or application of any Indian law by a competent court, Tribunal or Indian Governmental Instrumentality, which is the final authority under law for such interpretation or application; or
- d. change of any condition or covenant by any competent statutory authority in relation to any consent or clearances or approval or Licence available or obtained for the Project; or
- e. any change in taxes or duties, or introduction of any taxes or duties levied by the Central or any State Government.

(14) "**Commission**" means the Telangana State Electricity Regulatory Commission;

(15) "**Competitive Bidding**" means a transparent process for procurement of power, equipment, services and works in which bids are invited by the procurer by open advertisement/e-procurement covering the scope and specifications of the power requirement, equipment, services and works required, and the terms and conditions of the proposed contract as well as the criteria by which bids shall be evaluated, and shall include domestic competitive bidding and international competitive bidding;

(16) **“Conduct of Business Regulations”** means the Telangana State Electricity Regulatory Commission (Conduct of Business) Regulation, 2015, as amended from time to time;

(17) **“Cut-off Date”** means the last day of the calendar month after twenty four (24) months from the date of commercial operation of the project;

(18) **“Day”** means the 24-hour period starting at 00:00 hour;

(19) **“Date of Commencement of Production”** in respect of integrated mine(s) means the date of touching of coal, as the case may be, as declared by the generating entity;

(20) **“Date of Commercial Operation” or “COD”** means –

- a. in case of a generating Unit of a thermal generating Station, the date declared by the generating entity after demonstrating the maximum continuous rating (MCR) or the installed capacity (IC) through a successful trial run after notice to the Beneficiaries, if any; and, in case of the generating Station as a whole, the date of commercial operation of the last generating Unit of the generating Station:

Provided that, where arrangements have been entered into with Beneficiaries for purchasing power from the generating Station, the trial run shall commence after seven (7) days’ notice by the Generating Company to the Beneficiaries, and scheduling shall commence from 00:00 hour after completion of the trial run;

Provided further that the Generating Company shall certify that the generating Station meets the technical standards specified by the Central Electricity Authority and the State Grid Code;

- b. in case of a generating Unit of a hydel generating Station, including pumped storage hydel generating Station, the date declared by the Generating Company from 00:00 hour, and in relation to the generating Station as a whole, the date declared by the Generating Company after demonstrating peaking capability corresponding to the installed capacity of the generating Station through a successful trial run:

Provided that, where arrangements have been entered into with Beneficiaries for purchasing power from a generating Station, the scheduling process for a Unit of the generating Station or demonstration of peaking capability corresponding to installed capacity of the generating Station through a successful trial run shall commence after seven (7) days' notice by the Generating Company to the Beneficiaries and scheduling shall commence from 00:00 hour after completion of the trial run;

Provided further that the Generating Company shall certify that the generating Station meets the technical standards specified by the Central Electricity Authority and the State Grid Code;

Provided also that, in case a hydel generating Station with pondage or storage is not able to demonstrate peaking capability corresponding to the installed capacity for the reason of insufficient reservoir or pond level, the date of commercial operation of the last Unit of the generating Station shall be considered as the date of commercial operation of the generating Station as a whole, and it will be mandatory for such hydel generating Station to demonstrate peaking capability equivalent to installed capacity of the generating Unit or the generating Station as and when such reservoir or pond level is achieved:

Provided also that, if a run-of-river hydel generating Station or a generating Unit thereof is declared under commercial operation during lean inflows period when the water inflow is insufficient for such demonstration of peaking capability, such hydel generating Station or generating Unit shall demonstrate peaking capability

equivalent to installed capacity as and when sufficient water inflow is available;

- c. in case of a transmission system, the date declared by the Transmission Licensee from 00:00 hour of which an element of the transmission system is in regular service after successful trial operation for transmitting electricity and communication signal:

Provided that, in case a transmission system or an element thereof is prevented from regular service for reasons not attributable to the Transmission Licensee or its suppliers or contractors but on account of the delay in commissioning of the concerned generating Station or the upstream or downstream transmission system or distribution system, the Transmission Licensee may seek approval of the Commission of the date of commercial operation of such transmission system or an element thereof.

(21) “**De-capitalisation**” means the reduction in Gross Fixed Assets corresponding to the removal of assets as approved by the Commission;

(22) “**Declared Capacity**” means, in relation to a generating Station, the capability to deliver ex-bus electricity in MW declared by such generating Station in respect of any time-block of the day as defined in the State Grid Code or whole of the day, taking into account the availability of fuel and/or water, and subject to further qualification in the relevant Regulation;

(23) “**Distribution Business**” means the Business of operating and maintaining a distribution system for supplying electricity in the area of supply of a distribution licensee;

(24) “**Distribution Licensee**” means a licensee authorised to operate and maintain a distribution system for supplying electricity to consumers in its area of supply;

(25) “**Distribution Wheeling Business**” means the Business of operating and maintaining a distribution system for wheeling of electricity in the area of supply of a distribution licensee;

(26) “**Escrow Account**” means the account for deposit and withdrawal of mine closure expenses of integrated mine(s), maintained in accordance with the guidelines issued by the Coal Controller, Ministry of Coal, Government of India;

(27) “**Existing Generating Unit/Station**” means a Generating Unit or Station declared as under commercial operation prior to 01.04.2024;

(28) “**Force Majeure Event**” means, with respect to any party, any event or circumstance, or combination of events or circumstances, which is not within the reasonable control of, and is not due to an act of omission or commission of that party and which, by the exercise of reasonable care and diligence, could not have been prevented; and, without limiting the generality of the foregoing, shall include the following events or circumstances:

- a. acts of God, including but not limited to lightning, storm, action of the elements, earthquakes, flood, torrential rains, drought and natural disaster;
- b. strikes and industrial disturbances having a State-wide or extensive impact in the area of supply of a Licensee, but excluding strikes and industrial disturbances in the Licensee’s own organisation;
- c. acts of war, invasion, armed conflict or act of foreign enemy, insurrections, riots, revolution, terrorist or military action;
- d. unavoidable accident, including but not limited to fire, explosion, radioactive contamination and toxic chemical contamination;

e. any shutdown or interruption of the grid, which is required or directed by the concerned Load Despatch Centre;

(29) “**Generation Business**” means the Business of production of electricity from a Generating Station for the purpose of (i) giving supply to any premises or enabling supply to be so given, or (ii) for the purpose of supply of electricity to any distribution licensee in accordance with the Act and the rules and regulations made thereunder, or (iii) subject to the Regulations made under sub-section (2) of Section 42 of the Act, supply of electricity to any consumer;

(30) “**Generating Entity**” means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating Station;

(31) “**Generating Station**” (or “**Station**”) means a Station or a Unit thereof for generating electricity, including any building and plant with step-up transformer, switch-gear, switch yard, cables or other appurtenant equipment used for that purpose and the site thereof; a site intended to be used for a generating Station, and any building used for housing the operating staff of a generating Station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not include any sub-Station;

(32) “**Gross Calorific Value**” (or “**GCV**”) in relation to a thermal Generating Station means the heat produced in kilocalories (kcal) by complete combustion of one kilogram (kg) of solid fuel or one litre of liquid fuel, as the case may be;

(33) “**GCV as Received**” means the GCV of coal as measured at the unloading point of the thermal generating station through collection, preparation and testing of samples from the loaded wagons, trucks,



ropeways, Merry-Go-Round (MGR), belt conveyors and ships in accordance with the IS 436 (Part-1/Section 1)- 1964;

Provided that the measurement of coal shall be carried out through sampling by third party to be appointed by the generating entities in accordance with the guidelines, if any, issued by Central Government:

Provided further that samples of coal shall be collected either manually or through hydraulic augur or through any method considered suitable keeping in view the safety of personnel and equipment:

Provided also that the generating entity may adopt any advance technology for collection, preparation and testing of samples for measurement of GCV in a fair and transparent manner;

(34) **“Gross Station Heat Rate”** means the heat energy input in kcal required to generate one kilo Watt hour (kWh) of electrical energy at generator terminals;

(35) **“Indian Governmental Instrumentality”** means the Government of India, State Government and any Ministry or Department or Board or Agency controlled by Government of India or the Government of the State where the Project is located or regulatory or quasi-judicial authority constituted under the relevant statutes in India;

(36) **“Infirm power”** means electricity injected into the grid prior to the commercial operation of a Unit of the Generating Station;

(37) **“Input Price”** means the price of coal sourced from the integrated mine(s) at which coal is transferred to the generating station for the purpose of computing energy charges for generation and supply of electricity to the beneficiaries and determined in accordance with this Regulation.

(38) **“Investment Approval”** means approval by the Board of the generating entity or the transmission licensee or any other competent

authority conveying administrative sanction for the project including funding of the project and the timeline for implementation of the project:

Provided that the Investment Approval shall reckon from the date of the resolution of the Board of the generating entity or the transmission licensee where the Board is competent to accord such approval and from the date of sanction letter of competent authority in other cases:

Provided further that in respect of the integrated mine(s), funding and timeline for implementation shall be indicated separately and distinctly in the Investment Approval:

Provided further that where Investment Approval includes both the generating station and the integrated mine(s), the funding and timeline for implementation of the integrated mine(s) shall be worked out and indicated separately and distinctly in the Investment Approval;

(39) **“Installed Capacity”** means the summation of the name plate capacities of all the Units of the Generating Station or the capacity of the Generating Station (reckoned at the generator terminals);

(40) **“Integrated Mine”** means the captive mine (allocated for use in one or more identified generating station) or banded mine (allocated to a generating entity for use in any of its generating stations) or both being developed by the generating company for supply of coal to one or more specified end use generating stations for generation and sale of electricity to the beneficiaries;

(41) **“Intra-State Transmission System”** (or **“InSTS”**) means any system for conveyance of electricity by transmission lines within the area of the State of Telangana, and includes all transmission lines, sub-stations and associated equipment of Transmission Licensees in the State:

Provided that the definition of point of separation between a transmission system and distribution system and between a Generating Station and transmission system shall be guided by the Regulations notified by the Central Electricity Authority under clause (b) of Section 73 of the Act;

- (42) **“Landed Fuel Cost”** means the total cost of coal delivered at the unloading point of the generating station and shall include the base price or input price, washery charges wherever applicable, transportation cost (overseas or inland or both) and handling cost, charges for third party sampling and applicable statutory charges;
- (43) **“Licensee”** for the purpose of this Regulation shall mean a transmission licensee or distribution licensee, as the case may be, duly authorised by the Commission;
- (44) **“Loading Point”** in respect of integrated mine(s) means the location of railway siding or silo or the coal handling plant or such other arrangements like conveyor belt, whichever is nearest to the mine, for dispatch of coal, as the case may be;
- (45) **“Maximum Continuous Rating”** (or **“MCR”**) in relation to a Unit of a thermal Generating Station means the maximum continuous output at the generator terminals, guaranteed by the manufacturer at rated parameters; and, in relation to a Block of a combined cycle thermal Generating Station, means the maximum continuous output at the generator terminals, guaranteed by the manufacturer with water or steam injection (if applicable) and corrected to 50 Hz grid frequency and specified site conditions;
- (46) **“Mine Infrastructure”** shall include the assets of the integrated mine(s) such as tangible assets used for mining operations, being civil works, workshops, immovable winning equipment, foundations, embankments, pavements, electrical systems, communication systems, relief centres, site administrative offices, fixed installations, handling arrangements, crushing and conveying systems, railway sidings, pits, shafts, inclines, underground transport systems, hauling systems (except movable equipment unless the same is embedded in land for permanent

beneficial enjoyment thereof), land demarcated for afforestation and land for rehabilitation and resettlement of persons affected by mining operations under the relevant law;

(47) **“Mining Plan”** or **“Mine Plan”** in respect of integrated mine(s) means a plan prepared in accordance with the provisions of the Mineral Concession Rules, 1960, as amended from time to time and approved under clause (b) of sub-section (2) of section 5 of the Mines and Minerals (Development and Rehabilitation) Act, 1957 by the Central Government or by the State Government, as the case may be;

(48) **“New Generating Unit/Station”** means a Generating Unit or Station declared under commercial operation on or after 01.04.2024;

(49) **“Non-Tariff Income”** means the income relating to the regulated Business other than from Tariff, excluding any income from Other Business and, in case of the Retail Supply Business of a Distribution Licensee, excluding income from receipts on account of cross-subsidy surcharge and additional surcharge and Other Business;

(50) **“Original Project Cost”** means the capital expenditure incurred by a generating entity or transmission licensee within the original scope of the Project, up to the cut-off date as admitted by the Commission;

(51) **“Peak Rated Capacity”** in respect of integrated mine(s) means the peak rated capacity of the mine, as specified in the Mining Plan;

(52) **“Plant Load Factor”** (or **“PLF”**), in relation to a thermal Generating Station or Unit for a given period, means the total sent-out energy

corresponding to scheduled generation during such period, expressed as a percentage of sent-out energy corresponding to installed capacity in that period, and shall be computed in accordance with the following formula:

$$\text{Plant Load Factor (\%)} = 100 \times \frac{\sum_{i=1}^N \text{SG}_i}{\{ N \times \text{IC} \times (1 - \text{AUX}_n) \}} \%$$

where – N = number of time blocks in the given period  
 SG = Scheduled Generation in MW for the i<sup>th</sup> time block in such period  
 IC = Installed Capacity of the Generating Station in MW  
 AUX<sub>n</sub> = Normative Auxiliary Consumption in MW, expressed as a percentage of gross generation;

(53) “**Project**” means a Generating Station or the transmission system, as the case may be and, in case of a hydel Generating Station, includes all components of the generating facility such as penstocks, head and tail works, main and regulating reservoirs dams and other hydraulic works, intake water conductor system, power Generating Station and generating Units, as apportioned to power generation;

(54) “**Prudence Check**” means the scrutiny of reasonableness of expenditure incurred or proposed to be incurred, financing plan, use of efficient technology, cost and time over-run and such other factors as may be considered appropriate by the Commission for determination of Aggregate Revenue Requirement and Tariff or Charges;

(55) “**Pumped Storage Hydel Generating Station**” means a hydel Station which generates power through energy stored in the form of water energy, pumped from a lower elevation reservoir to a higher elevation reservoir;

- (56) **“Rated Voltage”** means the voltage at which the transmission system is designed to operate or such lower voltage at which the line is charged, for the time being, in consultation with Transmission System Users;
- (57) **“Revised Emission Standards”** in respect of thermal generating station means the revised norms notified as per Environment (Protection) Amendment Rules, 2015 or any other Rules as may be notified from time to time;
- (58) **“Retail Supply Business”** means the Business of sale of electricity by a distribution licensee to its consumers in accordance with the terms of its Licence;
- (59) **“Run-of-river Generating Station”** means a hydel Generating Station, which does not have upstream pondage;
- (60) **“Run-of-river Generating Station with pondage”** means a hydel Generating Station with sufficient pondage for meeting the diurnal variation of power demand;
- (61) **“Scheduled Energy”** means the quantum of energy scheduled by the concerned Load Despatch Centre to be injected into the grid by a generating station for a given time period;
- (62) **“Scheduled Generation” or “SG”** at any time or for any period or time block means schedule of ex-bus generation in MW or MWh, given by the concerned Load Despatch Centre;

- (63) **“Storage-type Power Station”** means a hydel power Generating Station associated with large storage capacity to enable variation in generation of electricity according to demand;
- (64) **“State Grid Code”** means the Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act;
- (65) **“Thermal Generating Station”** means a generating Station or a Unit thereof that generates electricity using fossil fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy;
- (66) **“Transmission System”** means a line or a group of lines with or without associated sub-Station, and includes equipment associated with transmission lines and sub-stations;
- (67) **“Transmission Licensee”** means a licensee authorised by the Commission to establish or operate transmission lines under Section 14 of the Act;
- (68) **“Transmission System User”** for the purpose of this Regulation means the distribution licensees and long-term Open Access Users, but excludes partial Open Access Users;
- (69) **“Unit”** in relation to a thermal Generating Station (other than combined cycle thermal Generating Station) means steam generator, turbine-generator and auxiliaries or, in relation to a combined cycle thermal Generating Station, means turbine-generator and auxiliaries; and, in relation to a hydel Generating Station, means turbine-generator and its auxiliaries;

(70) “**Useful Life**” in relation to a Unit of a Generating Station, transmission system, distribution system and communication system from the date of commercial operation shall mean the following, namely:-

- |       |   |                    |
|-------|---|--------------------|
| i.    | Coal based thermal generating Station:            | 25 years;          |
| ii.   | Hydro Generating Station including Pumped Storage |                    |
|       | Hydro Generating Station:                         | 40 years;          |
| iii.  | AC and DC sub-Station:                            | 35 years;          |
| iv.   | Gas Insulated sub-Station:                        | 35 years;          |
| v.    | Transmission line (including HVAC and HVDC):      | 35 years;          |
| vi.   | Distribution line:                                | 35 years;          |
| vii.  | Communication System:                             | 15 years;          |
| viii. | Integrated Mine:                                  | As per Mining Plan |

Provided further that the extension of life of the projects beyond the completion of their Useful Life shall be decided by the Commission;

(71) “**Year**” means a financial year (‘FY’);

2.2 Words or expressions used in this Regulation but not defined herein shall have the meanings assigned to them in the Act or Rules or Regulations framed thereunder.

### **3 Scope of Regulation**

3.1 The Commission shall determine the Aggregate Revenue Requirement, Tariff and Charges, including terms and conditions thereof, in accordance with this Regulation for all matters for which the Commission has jurisdiction under the Act, including the following:-

- (i) For supply of electricity by a generating entity, except from Renewable Sources of energy, to a distribution licensee;
- (ii) For supply of coal from an integrated mine to a generating entity/station whose tariff for supply of electricity to a distribution licensee is determined under this Regulation;
- (iii) For Intra-State transmission of electricity;



- (iv) For Wheeling of electricity;
  - (v) For Retail supply of electricity;
  - (vi) For SLDC, in terms of SLDC Charges;
  - (vii) For Surcharge in addition to the charges for wheeling under the first proviso to sub-section (2) of Section 42 of the Act, in accordance with the Regulation of the Commission governing Open Access and Orders issued by the Commission;
  - (viii) For Additional surcharge on the charges for wheeling under sub-section (4) of Section 42 of the Act, in accordance with the Regulation of the Commission governing Open Access and Orders of the Commission.
- 3.2 Notwithstanding anything contained in this Regulation, the Commission shall adopt the Tariff if such Tariff has been determined through a transparent process of bidding in accordance with the guidelines issued by the Central Government under Section 63 of the Act:

Provided that the Petitioner shall provide such information as the Commission may require to satisfy itself that the guidelines issued by the Central Government have been duly followed.

## **PART II: MULTI YEAR TARIFF FRAMEWORK**

### **4 Control Period**

- 4.1 The Control Period under this Regulation shall be of five (5) financial years.
- 4.2 The first application under this Regulation shall be made for the Control Period of five (5) financial years starting from 01.04.2024 to 31.03.2029.

### **5 Multi Year Tariff Framework**

- 5.1 The Commission in specifying this Regulation is guided by the principles contained in the Sections 61 and 62 of the Act, the National Electricity Policy, and the Tariff Policy notified by the Central Government for the determination of tariff for the generating stations in the State, transmission licensee/STU and distribution licensee, and Section 32(3) of the Act for determination of SLDC Charges.
- 5.2 The Multi Year Tariff Framework shall be based on the following:
  - (a) Approval of capital investment plan for each year of the Control Period;

- (b) Mechanism for truing up;
- (c) Mechanism for pass-through of uncontrollable items;
- (d) Mechanism for sharing of gains or losses on account of controllable items;
- (e) Determination of separate Aggregate Revenue Requirement and Tariff & Charges for each year of the Control Period;
- (f) Determination of Input Price of coal supplied from integrated mine(s).

## **6 Procedure for filing Petition**

- 6.1 The petitions under MYT by the generating entity, transmission licensee/STU, SLDC and distribution licensee shall be filed as per the timelines specified in this Regulation and in compliance with the principles for determination of Aggregate Revenue Requirement as specified in this Regulation, in such form as may be prescribed by the Commission from time to time.
- 6.2 The petitions to be filed for each Control Period under this Regulation are as under:
- a) Multi Year Tariff petition shall be filed by 30<sup>th</sup> November of the year preceding the first year of the Control Period by generating entity, comprising:
    - i. True-up of preceding year for generation business;
    - ii. True-up of preceding year for integrated mine;
    - iii. Proposal of Tariff for each year of the Control Period for generation business;
    - iv. Proposal of Input Price of coal supplied from integrated mine for each year of the Control Period.
  - b) Multi Year Tariff petition shall be filed by 30<sup>th</sup> November of the year preceding the first year of the Control Period by transmission licensee, distribution licensee (for wheeling business) and SLDC comprising:
    - i. True-up of preceding year;
    - ii. Aggregate Revenue Requirement for each year of the Control Period;
    - iii. Proposal of Tariff and Charges for each year of the Control Period.

- c) Multi Year Tariff petition shall be filed by 30<sup>th</sup> November of the year preceding the first year of the Control Period by distribution licensee (for retail supply business) comprising:
- i. True-up of preceding year;
  - ii. Aggregate Revenue Requirement for each year of the Control Period;
  - iii. Revenue from retail sale of electricity at existing tariffs & charges and projected revenue gap for the first year of the Control Period;
  - iv. Proposal of consumer category wise retail supply tariff and charges for first year of the Control Period.

Provided that the Multi Year Tariff petitions for the Control Period commencing from 01.04.2024 shall be filed by generating entity, transmission licensee, distribution licensee and SLDC by 30.12.2023.

- d) After first year of the Control Period and onwards, the annual petitions by generating entity shall comprise of:
- i. True-up of preceding year for generation business;
  - ii. True-up of preceding year for integrated mine;
  - iii. Proposal of Revised Tariff for ensuing year of the Control Period for generation business;
  - iv. Proposal of Revised Input Price of coal supplied from integrated mine for the ensuing year of the Control Period.
- e) After first year of the Control Period and onwards, the annual petitions by transmission licensee, distribution licensee (for wheeling business) and SLDC shall comprise of:
- i. True-up of preceding year;
  - ii. Aggregate Revenue Requirement for ensuing year of the Control Period;
  - iii. Proposal of Revised Tariff and Charges for ensuing year of the Control Period.
- f) After first year of the Control Period and onwards, the annual petitions by distribution licensee (for retail supply business) shall comprise of:
- i. True-up of preceding year;

- ii. Revised Aggregate Revenue Requirement for ensuing year of the Control Period;
- iii. Revenue from retail sale of electricity at existing tariffs & charges and projected revenue gap for ensuing year of the Control Period;
- iv. Proposal of consumer category wise retail supply tariff and charges for ensuing year of the Control Period.

*Illustration: The timelines for filing the Petitions for the Control Period from FY 2024-25 to FY 2028-29 are as under:*

*Multi Year Tariff petition for the Control Period*

<i>from FY 2024-25 to FY 2028-29:</i>	<i>30.12.2023;</i>
<i>Annual Tariff petition for FY 2025-26:</i>	<i>30.11.2024;</i>
<i>Annual Tariff petition for FY 2026-27:</i>	<i>30.11.2025;</i>
<i>Annual Tariff petition for FY 2027-28:</i>	<i>30.11.2026;</i>
<i>Annual Tariff petition for FY 2028-29:</i>	<i>30.11.2027;</i>

- 6.3 The Petitioner shall submit separate audited Accounting Statements along with the Petition for determination of Tariff or Charges and True up under this Regulation:

Provided that, till such time there is complete segregation of accounts of generation business of Singareni Collieries Company Limited, Singareni Collieries Company Limited shall apportion the common costs, if any, between (i) generation business, (ii) integrated mine and (iii) other businesses, based on an Allocation Statement that shall also contain the methodology adopted for apportionment and such Allocation Statement shall form the part of the audited annual accounts of Singareni Collieries Company Limited.

Provided also that, till such time there is complete segregation of accounts between SLDC activity and Transmission business, the Transmission Licensee shall apportion its costs between (i) SLDC activity and (ii) Transmission business, based on an Allocation Statement that shall also contain the methodology adopted for apportionment and such Allocation Statement shall form the part of the audited annual accounts of the Transmission Licensee.

Provided also that, in case complete accounting segregation has not been done between the Distribution Wheeling Business and Retail Supply

Business of a Distribution Licensee, its Aggregate Revenue Requirement shall be apportioned between the Distribution Wheeling Business and Retail Supply Business in accordance with the Allocation Matrix specified in this Regulation.

## **7 Capital Investment Plan**

7.1 The generating entity, transmission licensee, distribution licensee and SLDC shall file for approval of the Commission a Capital Investment Plan along with its Multi Year Tariff Petition, covering the entire Control Period with separate details for each year of the Control Period.

Provided that the capital investment plan filed by the generating entity/transmission licensee/distribution licensee for the Control Period commencing from 01.04.2024, as on date of notification of this Regulations, shall be deemed to have been filed under this Regulation.

7.2 The capital investment plan shall show separately, on-going projects that will spill over into the Control Period, and such new projects (along with justification) which will commence in the Control Period but may be completed within or beyond the Control Period.

7.3 For renovation and modernisation schemes of power plants and all schemes meant for efficiency gain of power plants, the generating entity shall submit the cost benefit analysis and expected performance targets.

7.4 The transmission planning of Transmission Licensee shall be in accordance with the Manual on Transmission Planning Criteria issued by the Central Electricity Authority from time to time.

7.5 The licensee shall submit the capital investment plan categorising the proposed capital investment schemes in the following groups:

(a) **System improvement:** The schemes under this category shall be those which are primarily driven by a need to improve the performance of the system in terms of reducing losses and/or improving quality and reliability of supply.

(b) **System expansion:** The schemes under this category shall be those which are primarily driven by expected load growth in an area or to serve new connections, and thus include network reinforcement or expansion to cater to such load growth.

(c) **Generation Evacuation:** The schemes under this category shall include those which are framed for the purpose of evacuation of power generated from a generating station.

(d) **System Replacement:** The schemes under this category shall include those which are formulated for the purpose of replacing existing assets due to obsolescence of technology, destruction due to accidents/natural calamities or on expiry of its life period.

7.6 For each capital investment scheme, the licensee shall submit the following details:

- Brief outline of the different components that constitute it and the salient features of the scheme;
- The objectives of the scheme and justification for taking it up along with quantification of the objectives;
- A comprehensive sketch / single line diagrams of the proposed work, grid maps of relevant areas where the scheme is proposed to be executed;
- Detailed cost estimates for each item of work covered by the scheme;
- The scheme shall be supported by the results of the load flow study, or any other appropriate tools/techniques employed by the Licensee to simulate the impact of the scheme on network performance. The results of the load flow shall be provided for each year up to a period of five years from the date of commissioning of the scheme;
- Financing plan supported by documents related to administrative approval, financial tie-up etc;
- Phasing of expenditure quarter wise for each work/module, supported with details of corresponding sources of funding;
- PERT/CPM chart detailing the activities involved in project execution highlighting the anticipated constraints, if any;
- Methodology of evaluation and measurement of the benefits accruing out of the investment;
- Cost benefit analysis;
- Physical benefits of the scheme;
- Financial benefits of the scheme supported by detailed calculations to demonstrate the payback period of the investment;

7.7 The Licensee shall submit the details of the Scheme completed indicating the original cost, interest during construction, expenses capitalised and original schedule of completion, as approved by the Commission for such scheme along with the actual cost, interest during construction, expenses

capitalised, etc. and, date of completion along with true up of respective year.

- 7.8 On completion of a scheme or a usable module of the scheme, a Physical Completion Certificate (PCC) to the effect that the work in question has been fully executed, physically, and the assets created are put to use, is required to be issued by the engineer concerned not below the rank of Superintendent Engineer. The PCC shall be accompanied with a Financial Completion Certificate (FCC) to the effect that the assets created have been duly entered in the Fixed Assets Register by transfer from the CWIP register to OCFA. The FCC shall have to be issued by an officer not below the rank of Senior Accounts Officer. The Licensee shall submit these certificates to the Commission in the true up of the year in which the work/module/scheme is capitalised.
- 7.9 The Commission or its authorized representative shall have the right to verify the correctness of the PCC and FCC.
- 7.10 The Licensee shall also undertake a post-completion review of the Scheme to assess whether the objective of the investment is met or not and whether or not the desired benefits are accruing from the Scheme and submit a report to the Commission after twelve (12) months of its completion.
- 7.11 The licensee, if the need arises, may undertake capital investment schemes that have not been proposed in the capital investment plan:

Provided, that the prior approval of the Commission shall be required for undertaking the capital investment schemes with the estimated capital expenditure above the following limits:

Transmission licensee-Rs. 50 Crore;

Distribution Licensee-Rs. 10 Crore;

SLDC-Rs. 1 Crore;

Provided further that the licensee shall submit proposal for prior approval of the Commission complying with the provisions of clause 7.4 to clause 7.6.

## **8 Filing of Petition for determination of Tariff**

- 8.1 A Petition for determination of Tariff shall be filed in such form and in such manner as specified in these Regulations, and be accompanied by applicable fees.

- 8.2 The proceedings for determination of Tariff shall be undertaken by the Commission in accordance with the Regulations governing its Conduct of Business.
- 8.3 Notwithstanding anything contained in these Regulations, the Commission shall have the authority, either *suo motu* or on a Petition filed by the generating entity or licensee or SLDC, to determine its Tariff and Charges, including terms and conditions thereof.

## **9 Determination of Generation Tariff**

### **9.1 Existing generating station:**

Where the Commission has, at any time prior to 01.04.2024, approved a power purchase agreement or arrangement between a generating entity and a distribution licensee or has adopted the tariff contained therein for supply of electricity from an existing generating Unit/Station, then the tariff for supply of electricity by such generating entity to the distribution licensee shall be in accordance with the tariff mentioned in such power purchase agreement or arrangement for such period as so approved or adopted by the Commission:

Provided that the approved power purchase agreement or arrangement between a generating entity and a distribution licensee provides for determination of tariff in accordance with the Regulations of the Commission, the tariff for such generating entity shall be determined in accordance with this Regulation.

### **9.2 New generating stations**

The tariff for the supply of electricity by a generating entity to a distribution licensee from a new generating Unit/Station shall be in accordance with the tariff determined in accordance with this Regulation.

### **9.3 Determination of Tariff and Charges for Transmission, Distribution Wheeling Business, Retail Supply Business, and SLDC**

The Commission shall determine the Aggregate Revenue Requirement and Tariff for Transmission Licensees, Distribution Wheeling Business, Retail Supply Business, and Charges for SLDC, upon consideration of a Petition filed by the Licensee or SLDC, as the case may be, in accordance with the procedure contained in this Regulation.

- 9.4 The Petitioner shall provide, as part of its Petition and in such form as may be stipulated by the Commission, details of computation of the



Aggregate Revenue Requirement and expected revenue from Tariff and charges, and thereafter shall furnish such further information or particulars or documents as the Commission or its Secretary or any Officer designated for the purpose by the Commission may reasonably require to assess such calculation:

Provided that the Petition shall be accompanied, where relevant, by a detailed Tariff revision proposal showing category-wise Tariffs and how such revision would meet the gap, if any, in Aggregate Revenue Requirement for each year of the Control Period:

Provided further that the Commission may stipulate different formats for details to be submitted by the Petitioner as it may reasonably require for assessing the Aggregate Revenue Requirement and for determining the Tariff:

- 9.5 The Petitioner shall, publish a Public Notice in at least two English and Telugu and One Urdu language daily newspapers having wide circulation in the area to which the Petition pertains, outlining the proposed Tariff, and such other relevant matters, inviting suggestions and objections from the public:

Provided that the Petitioner shall make available a hard copy of the complete Petition to any person, at such locations and at such rates as may be stipulated by the Commission:

Provided further that the Petitioner shall also provide on its internet website, in text-searchable format or in downloadable spreadsheet format and showing detailed computations, the Petition filed before the Commission along with all regulatory filings, information, particulars and documents in the manner stipulated by the Commission:

Provided also that the web link to the information mentioned in the second proviso to this Regulation shall be easily accessible, archived for downloading and be prominently displayed on the Petitioner's internet website:

*Explanation* – For the purpose of this Regulation, the term “downloadable spreadsheet format” shall mean one (or multiple, linked) spreadsheet software files containing all assumptions, formulae, calculations, software macros and outputs forming the basis of the Petition.

- 9.6 The Petitioner shall furnish to the Commission all such books and records (or certified true copies thereof), including the Accounting Statements, operational and cost data, as may be required by it for determination of Tariff.
- 9.7 The Commission may, if it considers necessary, make or cause to be made available to any person such information as has been provided by the Petitioner to it, including abstracts of books and records (or certified true copies thereof) on such terms and conditions as may be specified in Regulations of the Commission governing its Conduct of Business.
- 9.8 The Commission may direct the generating entity or licensee to submit such performance-related data as it may stipulate, with the Petitions to be filed under this Regulation.
- 9.9 The procedural aspects pertaining to the Petition contained in this Regulation shall apply only to such an extent as may be required by the Commission having regard to the circumstances of an individual case, to -
- (a) a Petition filed by a transmission licensee under Section 36 of the Act;
  - (b) a Petition filed by a generating entity or Licensee under Section 64 of the Act;
  - (c) a Petition filed by the SLDC under Section 32 of the Act.

## **10 Tariff Order**

- 10.1 The Commission shall, within one hundred and twenty (120) days from admission of the Petition, and after considering all suggestions and objections received from the public:
- (a) issue a Tariff Order accepting the Petition with such modifications or conditions as may be stipulated in that Order;
  - (b) reject the Petition for reasons to be recorded in writing if such Petition is not in accordance with the provisions of the Act and the rules and Regulations made thereunder or any other provisions of law, after giving the Petitioner a reasonable opportunity of being heard.
- 10.2 The Distribution Licensee shall publish the Retail Supply Tariff approved by the Commission in at least two English, two Telugu and one Urdu language daily newspapers having wide circulation in its Licence area,

provide the approved Tariff schedule on its internet website, and make available for sale a booklet containing such Tariff to any person upon payment of reasonable reproduction charges:

## **11 Adherence to Tariff Order**

11.1 No Tariff or part of any Tariff may ordinarily be amended more frequently than once in a year, except in respect of any changes expressly permitted under Fuel Cost Adjustment as specified in this Regulation.

## **12 Controllable and uncontrollable factors**

12.1 Variations or expected variations in the performance of the Petitioner, which may be attributed by the Commission to controllable factors include, but are not limited to the following:

- (a) Variation in Distribution losses;
- (b) Variation in Transmission losses;
- (c) Variation in operational norms;
- (d) Variation in amount of interest on working capital;
- (e) Variation in Operation & Maintenance expenses;
- (f) Variation in Coal transit losses.

12.2 The “uncontrollable factors” shall comprise the following factors, which were beyond the control of, and could not be mitigated by the Petitioner, as determined by the Commission:

- (a) Force Majeure events;
- (b) Change in law;
- (c) Variation in fuel cost on account of variation in price of primary and/or secondary fuel prices;
- (d) Variation in sales;
- (e) Variation in the cost of power purchase due to variation in the rate of power purchase, subject to clauses in the power purchase agreement or arrangement approved by the Commission;
- (f) Variation in inter-State Transmission Charges and losses;
- (g) Variation in intra-State transmission losses for distribution licensee;
- (h) Variation in market interest rates for long-term loan;
- (i) Variation in income tax rates;

- (j) Variation in freight rates;
- (k) Revenue from sale of power from consumers.

### **13 Mechanism for pass-through of gains or losses on account of uncontrollable factors**

13.1 The aggregate gain or loss to a generating entity on account of variation in cost of fuel from the sources considered in the Tariff Order, including blending ratio of coal procured from different sources, shall be passed through as an adjustment in its Energy Charges on a monthly basis, as specified in clause 46.5 of this Regulation.

13.2 The aggregate gain or loss to a Distribution Licensee on account of variation in cost of fuel, power purchase, and inter-State Transmission Charges, covered under clause 12.1, shall be passed through under the Fuel Cost Adjustment (FCA) as per the procedure specified in this Regulation.

13.3 Collection of FCA charges

- (a) Every distribution licensee shall levy the FCA charges on its consumers as per the voltage level on the consumed units (in kWh) during the billing month in accordance with the provisions in this Regulation as a part of the retail supply tariff payable by a consumer;

*Example: The FCA charges calculated for  $N^{th}$  month shall be levied on the units consumed during  $(N+2^{nd})$  month and shall be included in bills to be issued in  $(N+3^{rd})$  month.*

- (b) The maximum amount of FCA charges that can be levied on the consumers as per this Regulation without the prior approval of the Commission is Rs.0.30 per unit (in kWh):

Provided that where the FCA charges in any billing month exceeds Rs.0.30 per unit, the distribution licensee shall not recover FCA charges in excess of Rs.0.30 per unit without prior approval of the Commission:

Provided further that where the amount of FCA charges is negative, the entire savings in FCA charges shall be passed on to the consumers.

- (c) FCA charges shall be passed on to all categories of consumers except LT-V Agricultural consumers and distribution licensee shall claim the FCA charges of LT-V Agricultural consumers from the Government of

Telangana. Such claims if not received from the Government of Telangana shall not be allowed in annual true up filings.

- (d) In the event of failure of distribution licensees in passing over the FCA charges within the timelines, such claims shall not be allowed in the process of passing through of gains and losses on variations in uncontrollable items of ARR if FCA charges is positive and shall be reduced from the ARR of the ensuing tariff year if the FCA charges is negative.
- (e) For all consumer categories including those for which the billing is being done on kVAh basis, FCA charge shall be billed on the electrical energy recorded in kWh.

13.4 The distribution licensee shall determine the per unit (in kWh) FCA charges recoverable from consumers on the basis of formula as given below:

$$FCA_{EHT} = \{(PPC_{act} - PPC_{app}) + Z\} / (1 - L_{EHT}) \text{ for EHT consumers;}$$

$$FCA_{33 \text{ kV}} = \{(PPC_{act} - PPC_{app}) + Z\} / (1 - L_{33 \text{ kV}}) \text{ for 33 kV consumers;}$$

$$FCA_{11 \text{ kV}} = \{(PPC_{act} - PPC_{app}) + Z\} / (1 - L_{11 \text{ kV}}) \text{ for 11 kV consumers;}$$

$$FCA_{LT} = \{(PPC_{act} - PPC_{app}) + Z\} / (1 - L_{LT}) \text{ for Low Tension consumers;}$$

Where,

$FCA_{EHT}$  = FCA in Rupees per unit to be levied on consumers availing power supply at a voltage level of 132 kV and above;

$FCA_{33 \text{ kV}}$  = FCA in Rupees per unit to be levied on consumers availing power supply at a voltage level of 33 kV;

$FCA_{11 \text{ kV}}$  = FCA in Rupees per unit to be levied on consumers availing power supply at a voltage level of 11 kV;

$FCA_{LT}$  = FCA in Rupees per unit to be levied on consumers availing power supply at Low Tension (230 Volt at Single Phase and 415 Volt at 3-Phase);

$PPC_{act}$  = Actual average power purchase cost including interstate transmission charges for the month in Rs/unit and is worked out by using the formula:

$(TPPC_{act} \text{ in million rupees})/(TPPU_{act} \text{ in MU});$

Where,

$TPPC_{act}$  = Actual Total Power Purchase Cost (with fixed cost least of actuals and approved in Tariff order) from approved sources including interstate transmission charges ( $TPPC_{act}$ );

$TPPU_{act}$  = Actual Total Power Purchase Units ( $TPPU_{act}$ ) shall be arrived by grossing up the approved distribution and transmission losses on the actual metered sales plus agriculture sales (either approved agriculture sales or assessed agriculture sales whichever is less);

$PPC_{app}$  = Approved average power purchase cost including interstate transmission charges for the month as per tariff order in Rs/unit;

$Z$  = Variation in actual FCA charges collected and allowable FCA charges for any previous billing month which has not been factored earlier or Any variations observed by Commission during post facto validation of the data furnished by distribution licensee for any month or any variations in variable costs that would be noticed by the distribution licensees subsequent to incorporation of FCA for a billing month;

$L_{EHT}$  = Transmission losses percentage at 132 kV level and above as approved in relevant tariff orders;

$L_{33 \text{ kV}}$  = Transmission and Distribution (T&D) losses percentage up to 33 kV level as approved in relevant tariff orders;

$L_{11 \text{ kV}}$  = T&D losses percentage up to 11 kV level as approved in relevant tariff orders;

$L_{LT}$  = T&D losses percentage up to LT level as approved in relevant tariff orders;

13.5 For computing the FCA charges, the transmission losses in intra-state transmission network and distribution losses in distribution network of concerned distribution licensee to be considered shall be the losses as approved by the Commission in the relevant MYT Transmission and Wheeling tariff orders.

13.6 While calculating the actual power purchase cost, the actual power purchased units shall be arrived by grossing up the sales i.e., actual metered sales plus agriculture sales (either approved agriculture sales

or assessed agriculture sales whichever is less) with approved transmission and distribution losses in the relevant MYT Transmission and Wheeling tariff orders.

13.7 For arriving the actual Power purchase cost fixed cost of each Generating Station as approved in Retail Supply tariff order or actual fixed cost paid to each generating station, whichever is less, shall be considered.

13.8 The distribution licensee shall compute the monthly FCA charges as per the procedure mentioned in this Regulation and publish in the newspapers duly displaying the FCA charges within 45 days after completion of the particular month. Beyond 45 days such claims shall not be allowed.

13.9 Accounting and Billing of FCA charges

(a) The distribution licensees shall indicate the FCA charges and amount separately in the consumer bills and record the amount of FCA charges collected under a separate head of account in its books of accounts.

(b) The FCA charges determined as per formula provided in this Regulation shall be in Rupees per unit rounded off up to two decimal places.

(c) All documents to be furnished to the Commission for post facto approval and approval of FCA above the ceiling price shall be duly signed by authorised representative of the distribution licensee duly certified by a Chartered Accountant.

13.10 Information and publication of FCA charges

(a) The gist of FCA charges computation should be widely publicized by the distribution licensee in two (2) English, two (2) Telugu and One (1) Urdu leading daily newspapers having wide circulation in their areas of supply for information to consumers, apart from placing in its official website.

(b) Calculations of the FCA charge in Rupees/kWh for the particular month shall be displayed by the distribution licensee in its website for the information of the consumers, which shall remain on the website till passing through of gains and losses on variations in uncontrollable items of ARR of particular year is completed.

(c) If FCA to be recovered is more than ceiling price, Licensees shall levy FCA up to ceiling price on its consumers and shall approach the Commission for approval of FCA charges over and above the ceiling price.

(d) If FCA charges to be refunded, distribution licensee shall refund total FCA charges without any ceiling price and shall approach the Commission for approval of FCA charges.

### 13.11 Post-facto and other approvals by the Commission

- (a) The distribution licensee shall file with the Commission, the detailed computations of FCA charges and supporting documents as may be required for verification by the Commission after completion of the quarter.
- (b) The Commission will prudently verify the calculations and relevant information submitted by the distribution licensee and determine the FCA charges of each month in that quarter as per the procedure stipulated in „Conduct of Business“ Regulations, 2015 [Regulation No.2 of 2015] as amended from time to time.
- (c) The distribution licensee, after completion of audited annual accounts, shall file the true up petition for passing through of gains and losses by claiming variations in “uncontrollable” items in the ARR for the year and also submit details of FCA charges already passed on to the consumers along with the true up petition to the Commission. In case of failure of distribution licensee in filing of true ups of uncontrollable items, the distribution licensee shall not claim the FCA charges in the consumers bill till the true-up petitions for claiming the variations in uncontrollable items are filed.

13.12 Timelines: The distribution licensee shall compute the FCA charges of N<sup>th</sup> month, publish and display the FCA charges in the official websites of distribution licensee by 15<sup>th</sup> of (N+2<sup>nd</sup>) month. The FCA charges calculated for N<sup>th</sup> month shall be levied on the units (in kWh) consumed during (N+2<sup>nd</sup>) month and shall be included in bills to be issued in (N+3<sup>rd</sup>) month. After completion of a quarter year, the distribution licensee shall file before the Commission, the detailed computations of FCA charges and supporting documents as may be required for verification by the Commission within 60 days from the last day of the quarter for post-facto approval of the Commission.

## **14 Mechanism for sharing of gains or losses on account of controllable factors**

14.1 The approved aggregate gain to the generating entity or licensee or SLDC on account of controllable factors shall be dealt with in the following manner:

- (a) Two-third of the amount of such gain shall be passed on as a rebate in tariff over such period as may be stipulated in the Order of the Commission;
- (b) The balance amount of such gain shall be retained by the generating entity or licensee or SLDC.



14.2 The approved aggregate loss to the generating entity or licensee or SLDC on account of controllable factors shall be dealt with in the following manner:

- (a) One-third of the amount of such loss may be passed on as an additional charge in tariff over such period as may be stipulated in the Order of the Commission;
- (b) The balance amount of such loss shall be absorbed by the generating entity or licensee or SLDC.

### **PART III: POWER PROCUREMENT**

#### **15 Applicability**

The provisions contained in this Part shall apply to power procurement by a distribution licensee from a generating entity or trading licensee or distribution licensee or from any other source through agreement or arrangement for purchase of power for distribution and supply within the State.

#### **16 Power procurement guidelines**

16.1 The Distribution Licensee shall undertake its power procurement during the year in accordance with the power procurement plan for the Control Period, which may include long-term, medium-term and short-term power procurement, approved by the Commission in accordance with these Regulations.

16.2 A Distribution Licensee shall follow the guidelines contained in this Part with respect to:

- (a) Procurement of power under any arrangement or agreement with a term or duration exceeding seven years but not exceeding twenty-five years (i.e., long-term power procurement);
- (b) Procurement of power under any arrangement or agreement with a term or duration exceeding one year but not exceeding seven years (i.e., medium-term power procurement); and
- (c) Procurement of power under any arrangement or agreement with a term or duration less than or equal to one year (i.e., short-term power procurement).

16.3 All future procurement of short-term or medium-term or long-term power shall be undertaken only through tariff based competitive bidding in

accordance with Guidelines notified by the Government of India under Section 63 of the Act.

- 16.4 If the Licensee proposes to procure the power by a process other than that specified by the Competitive Bidding Guidelines, it shall, in its filing with the Commission, seek the consent of the Commission and demonstrate to the Commission's satisfaction that the proposed procurement is the preferred least cost option, with reference to the economic, technical, system and environmental aspects of commercially viable alternatives, including arrangements for reducing the level of demand. The Licensee shall describe the procurement procedure, proposed to be adopted, including the steps to be taken to ensure that the purchase is made on the best possible terms.

## **17 Power procurement plan**

- 17.1 The Distribution Licensee shall prepare a plan for procurement of power to serve the demand for electricity in its area of supply and submit such plan to the Commission for approval along with the Multi Year Tariff Petition for the Control Period:

Provided that such power procurement plan may include long-term, medium-term and short-term sources of power procurement, in accordance with this Regulation;

Provided further that the power procurement plan already filed by the distribution licensee for the Control Period commencing from 01.04.2024, as on date of notification of this Regulation shall be deemed to have been filed under this Regulation.

- 17.2 The power procurement plan of the Distribution Licensee shall comprise the following:

- (a) A quantitative forecast of the unrestricted base load and peak load for electricity within its area of supply;
- (b) An estimate of the quantities of electricity supply from the identified sources of power purchase, including own generation if any;
- (c) An estimate of availability of power to meet the base load and peak load requirement:

Provided that such estimate of demand and supply shall be on month-wise basis in Mega-Watt (MW) as well as expressed in Million Units (MU);

- (d) Standards to be maintained with regard to quality and reliability of supply, in accordance with the relevant Regulations of the Commission;
- (e) Measures proposed for energy conservation, energy efficiency, and Demand Side Management;
- (f) The requirement for new sources of power procurement, including augmentation of own generation capacity, if any, and identified new sources of supply, based on (a) to (e) above;
- (g) The sources of power, quantities and cost estimates for such procurement:

Provided that the forecast or estimates contained in the long-term procurement plan shall be separately stated for peak and off-peak periods, in terms of quantities of power to be procured (in MU) and maximum demand (in MW);

Provided further that the forecast or estimates for the Control Period shall be prepared for each month over the Control Period;

Provided also that the long-term/medium-term procurement plan shall be a least cost plan based on available information regarding costs of various sources of supply.

*Explanation – For the purpose of this Regulation, the term “peak period” shall mean such block of four or more continuous hours during a twenty-four hour period representing maximum power demand for the Distribution Licensee.*

- 17.3 The forecast or estimate shall be prepared using forecasting techniques based on past data and reasonable assumptions regarding the future:

Provided that the forecast or estimate shall take into account factors such as overall economic growth, consumption growth of electricity-intensive sectors, advent of competition in the electricity sector, trends in captive power, impact of loss reduction initiatives, improvement in generating station Plant Load Factors and other relevant factors.

- 17.4 Where the Commission has specified a percentage of the total consumption of electricity in the area of a Distribution Licensee to be purchased from renewable sources of energy, the power procurement plan shall include the plan for procurement from such sources up to the specified level.

- 17.5 The Distribution Licensee shall forward a copy of its power procurement plan to the State Transmission Utility for verification of its consistency with the transmission planning criteria for the intra-State Transmission System.
- 17.6 The Commission shall approve the power procurement plan for the Control Period as part of its Order on the MYT Petition.
- 17.7 The Distribution Licensee may, as a result of additional information not previously known or available to it at the time of submission of the procurement plan under clause 17.1, apply for modification in the power procurement plan for the ensuing year of the Control Period, as part of its Petition for tariff determination of the ensuing year.

## **18 Approval of long-term/medium-term power purchase agreement/arrangement**

- 18.1 Every long-term/medium-term agreement or arrangement for power procurement by a distribution licensee from a generating entity or Licensee or from another source of supply, and any change to an existing agreement or arrangement shall come into effect only with the prior approval of the Commission:

Provided that the prior approval of the Commission shall not be required for purchase of power from Renewable Energy sources at the generic/preferential tariff determined by the Commission for meeting its Renewable Power Purchase Obligation (RPPO).

- 18.2 The Commission shall consider a Petition for approval of power procurement agreement or arrangement having regard to the approved power procurement plan of the distribution licensee and the following factors:
- (a) Requirement of power procurement under the approved power procurement plan;
  - (b) Adherence to a transparent process of bidding in accordance with guidelines issued by the Central Government under Section 63 of the Act;
  - (c) Competitiveness of the Tariff vis-a-vis the Tariff prevalent in the market;

- (d) Availability (or expected availability) of capacity in the intra-State transmission system for evacuation and supply of power procured under the agreement or arrangement;
- (e) Need to promote co-generation and generation of electricity from renewable sources of energy.

18.3 Upon completion of its consideration of the power procurement agreement or arrangement, the Commission shall:

- (a) issue an Order approving the power procurement agreement or arrangement, subject to such modifications and conditions as it may stipulate; or
- (b) reject the Petition for reasons to be recorded in writing, after giving the Petitioner an opportunity to be heard.

## **19 Additional power procurement**

19.1 The distribution licensee may undertake additional power procurement during the year, over and above the power procurement plan for the Control Period approved by the Commission, in accordance with this Regulation.

19.2 Where there has been an unanticipated increase in the demand for electricity or a shortfall or failure in the supply of electricity from any approved source of supply during the Year or when the sourcing of power from existing tied-up sources becomes costlier than other available alternative sources, the distribution licensee may enter into additional agreement or arrangement for procurement of power.

19.3 Where the Distribution Licensee has identified a new short-term source of supply from which power can be procured at a tariff that reduces its approved total power procurement cost, it may enter into a short-term power procurement agreement or arrangement with such supplier without the prior approval of the Commission.

19.4 The distribution licensee may enter into a short-term arrangement or agreement for procurement of power without the prior approval of the Commission when faced with emergency conditions that threaten the stability of the distribution system, or when directed to do so by the SLDC to prevent grid failure.

19.5 Within fifteen (15) days from the date of entering into an agreement or arrangement for short-term power procurement for which prior approval

is not required, the distribution licensee shall submit to the Commission its details, including the quantum, tariff computations, duration, supplier particulars, method of supplier selection and such other details as the Commission may require so to assess that the conditions specified in this Regulation have been complied with.

- 19.6 Where the Commission has reasonable grounds to believe that the agreement or arrangement entered into by the Distribution Licensee does not meet the criteria specified in clause 19.2 to clause 19.5, it may disallow any increase in the total cost of power procurement over the approved level arising therefrom or any loss incurred by the distribution licensee as a result, from being passed through to consumers.

#### **PART IV: FINANCIAL PRINCIPLES**

### **20 Financial Prudence**

- 20.1 The generating entity or licensee or SLDC shall manage its finances in an optimum and prudent manner.
- 20.2 In determining the Aggregate Revenue Requirement and Tariff of the generating station or licensee or SLDC, the Commission shall assess the financial prudence exercised with regard to the following factors:
- (a) revenue;
  - (b) revenue expenditure;
  - (c) capital expenditure:

Provided that the Commission may disallow a part of the Aggregate Revenue Requirement, as an efficiency measure, if it finds the exercise of such prudence to have been deficient.

- 20.3 The financial prudence with respect to revenue shall be assessed in terms of the following parameters:
- (a) whether category-wise sales projections are based on realistic estimates, and adequate justification has been provided for any anomalous increase in sales projected by the Distribution Licensee;
  - (b) whether projected generation is based on realistic estimates, and adequate justification has been provided for any anomalous increase in generation projected by the generating company;
  - (c) reduction in arrears receivable from Beneficiaries/consumers;

- (d) percentage of metered consumers and metered consumption out of the total, in the case of distribution licensee;
- (e) percentage of bills raised on the basis of assessed consumption out of the total number of bills raised by the distribution licensee;
- (f) whether revenue collected is in line with the projections made in the Petition and approved by the Commission.

20.4 The financial prudence with respect to revenue expenditure shall be assessed in terms of the following parameters:

- (a) monitoring of the revenue expenditure as against the revenue earned, such that the expenses and payment obligations of the generating company or licensee to other entities are met in a timely manner;
- (b) mechanism put in place for monitoring adherence to the approved revenue expenditure, including schedule of interest payments for long-term loans and working capital;
- (c) transparent method of power procurement, with the objective of optimising the power purchase expenses, as specified in this Regulation;
- (d) optimum purchase of power considering factors such as requirement of power, Merit Order Despatch, potential for earning additional net revenue based on the differential between the rate for purchase of power from different sources and the market rate for sale of surplus power, if any:

Provided that, in case the excess of revenue expenditure over the revenue earned exceeds 5%, the generating company or licensee shall submit detailed justification for the mismatch along with its Petition for true-up, including a comparison of the revenue expenditure and revenue estimated in the Petition with the amounts approved by the Commission and with the actual amount of revenue expenditure and revenue, under key heads;

Provided further that the generating entity or licensee shall submit a detailed cash flow statement for the respective Business showing the various sources of revenue, the actual amount of cash collected against the amount billed to different consumer categories for sale of electricity, the comparison of the actual revenue expenditure and capital

expenditure with the projected and approved revenue expenditure and capital expenditure:

Provided also that, in case its payment obligations to other entities are not regularly met, the generating entity or licensee shall provide justification for such shortfall with reference to its cash flow statement:

Provided also that the generating entity or licensee shall submit the Cost Audit Report along with the true-up Petition to justify the revenue expenses incurred as well as inventory management policies.

20.5 The financial prudence with respect to capital expenditure shall be assessed in terms of the following parameters:

- (a) whether projected capital expenditure and capitalisation is based on realistic estimates, and adequate justification has been provided for any anomalous increase in capital expenditure and capitalisation projected by the generating entity or licensee;
- (b) mechanism put in place for monitoring the physical progress of projects with respect to their original schedule;
- (c) optimum drawl of loans in accordance with the physical progress of the capital expenditure schemes, and efficient utilisation of such loans;
- (d) in case the actual capital expenditure or capitalisation exceeds 10% of that approved by the Commission, the generating entity or licensee shall submit detailed justification for such excess along with its Petition for True-up;
- (e) in case any scheme has not been commenced during the year despite the Commission's approval, detailed justification shall be submitted along with the Petition for True-up.

## **21 Capital Cost**

21.1 Capital cost for a capital investment project shall include:

- (a) the expenditure incurred or projected to be incurred up to the date of commercial operation of the project;
- (b) interest during construction and financing charges, on the loans (i) being limited to 75% of the funds deployed, in the event of actual loan in excess of 75% of the funds deployed, by treating the excess loan



- amount as equity, or (ii) being equal to the actual amount of loan in the event of the actual loan less than 75% of the funds deployed;
- (c) any gain or loss on account of foreign exchange rate variation pertaining to the loan amount availed during the construction period;
  - (d) capitalised initial spares subject to the ceiling rates in accordance with this Regulation;
  - (e) Expenditure on account of additional capitalization and de-capitalisation determined in accordance with this Regulation;
  - (f) Adjustment of revenue due to sale of infirm power in excess of fuel cost prior to the date of commercial operation in case of a thermal generating station;
  - (g) Adjustment of revenue earned by the transmission licensee by using the assets before the date of commercial operation;
  - (h) Capital expenditure on account of emission control system necessary to meet the revised emission standards;
  - (i) Expenditure on account of fulfilment of any conditions for obtaining environment clearance for the project;
  - (j) expenses incurred by the Licensee on obtaining right of way, as admitted by the Commission after prudence check;

Provided that any gain or loss on account of foreign exchange rate variation pertaining to the loan amount availed up to the date of commercial operation shall be adjusted only against the debt component of the capital cost:

Provided further that the capital cost of the assets forming part of the Project but not put to use or not in use, shall be excluded from the capital cost:

Provided also that the following shall be excluded from the capital cost of the existing and new projects:

- (a) The assets forming part of the project, but not in use, as declared in the tariff petition;
- (b) De-capitalised Assets after the date of commercial operation on account of replacement or removal on account of obsolescence or shifting from one project to another project:

Provided that in case replacement of transmission asset is recommended by State Transmission Utility, such asset shall be decapitalised only after its redeployment;

Provided further that unless shifting of an asset from one project to another is of permanent nature, there shall be no de-capitalization of the concerned assets.

- (c) In case of hydro generating stations, any expenditure incurred or committed to be incurred by a project developer for getting the project site allotted by the State Government by following a transparent process;
- (d) Proportionate cost of land of the existing project which is being used for generating power from generating station based on renewable energy; and
- (e) Any grant received from the Central or State Government or any statutory body or authority for the execution of the project, which does not carry any liability of repayment.

**21.2 Interest During Construction (IDC) and Incidental Expenditure During Construction (IEDC):**

- (a) Interest during construction (IDC) shall be computed corresponding to the loan from the date of infusion of debt fund, and after taking into account the prudent phasing of funds upto SCOD.
- (b) Incidental expenditure during construction (IEDC) shall be computed from the zero date, taking into account pre-operative expenses upto SCOD:

Provided that any revenue earned during construction period up to SCOD on account of interest on deposits or advances, or any other receipts shall be taken into account for reduction in incidental expenditure during construction.

- (c) In case of additional costs on account of IDC and IEDC due to delay in achieving the COD, the generating company or the transmission licensee as the case may be, shall be required to furnish detailed justifications with supporting documents for such delay including prudent phasing of funds in case of IDC and details of IEDC during the period of delay and liquidated damages recovered or recoverable corresponding to the delay.
- (d) If the delay in achieving the COD is not attributable to the generating company or the transmission licensee, IDC and IEDC beyond SCOD may be allowed after prudence check and the liquidated damages, if any, recovered from the contractor or supplier or agency shall be adjusted in the capital cost of the generating station or the transmission system, as the case may be.

(e) If the delay in achieving the COD is attributable either in entirety or in part to the generating company or the transmission licensee or its contractor or supplier or agency, in such cases, IDC and IEDC beyond SCOD may be disallowed after prudence check either in entirety or on pro-rata basis corresponding to the period of delay not condoned and the liquidated damages, if any, recovered from the contractor or supplier or agency shall be retained by the generating company or the transmission licensee, as the case may be.

21.3 The capital cost admitted by the Commission after prudence check shall form the basis for determination of Tariff:

Provided that prudence check may include scrutiny of the reasonableness of the capital expenditure, financing plan including the choice and manner of funding, interest during construction, use of efficient technology, cost over-run and time over-run, and such other matters as may be considered appropriate by the Commission for determination of Tariff:

Provided further that the entire gain to the generating company or licensee or SLDC on account of variations in capitalisation, in terms of variation in interest and finance charges, Return on Equity, and Depreciation, shall be passed on as a rebate in tariff over such period as may be stipulated in the Order of the Commission after prudence check:

Provided also that the loss to the generating company or licensee or SLDC on account of variations in capitalisation, in terms of variation in interest and finance Charges, Return on Equity, and Depreciation, shall be shared between the generating company or Licensee or SLDC and the respective Beneficiary or consumer in the manner stipulated by the Commission in its Order after prudence check.

21.4 The capital cost of the concerned asset/s shall be considered after deducting the amount of accumulated depreciation computed till the period of asset utilisation for unregulated business or for the period the assets remain unutilised, for the purpose of tariff determination, in the following instances:

- a) The asset/s have been used for a period of time for unregulated business or the asset/s have become part of the asset base of the regulated business after lapse of time with respect to the COD of the asset;
- b) If the asset has not been put to use for the regulated business after COD.

21.5 The actual capital expenditure on a scheme as on COD for the original scope of work based on audited accounts of the generating entity or licensee or SLDC or Project, as the case may be, shall be considered subject to prudence check by the Commission.

21.6 The actual amount of capitalisation during a year against capital investment schemes for which prior approval of the Commission is not required, shall not exceed 10% of the amount of capitalisation approved against capital investment schemes for which prior approval of the Commission has been accorded:

21.7 Where the power purchase agreement or bulk power transmission agreement provides for a ceiling on capital cost, the capital cost to be considered shall not exceed such ceiling.

21.8 The capital cost may include initial spares capitalised as a percentage of the Plant and Machinery cost up to the cut-off date, subject to the following ceiling norms:

- (a) Coal based fired Generating Stations: 4.0%;
- (b) Hydel Generating Stations, including pumped storage hydel generating Stations: 4.0%;
- (c) Transmission System and Distribution System
  - Transmission Line & Distribution Line: 1.0%;
  - Transmission sub-Station & Distribution sub-Station: 4.0%;

Provided that Plant and Machinery cost shall be considered as the original project cost excluding IDC, IEDC, Land Cost and Cost of Civil Works. The generating company and the transmission licensee for the purpose of estimating Plant and Machinery Cost, shall submit the break-up of head wise IDC and IEDC in its tariff application;

Provided further that where the generating station has any transmission equipment forming part of the generation project, the ceiling norms for initial spares for such equipment shall be as per the ceiling norms specified for transmission system under this Regulation.

21.9 The impact of revaluation of assets shall be permitted provided it does not result in increase in tariff of the generating company or licensee:

Provided that any benefit from such revaluation shall be passed on to persons sharing the capacity charge in case of a generating entity, to long-term intra-State open access customers of the transmission licensee

or distribution licensee or retail supply consumers of distribution licensees, at the time of true-up of the respective year.

## **22 Additional Capitalisation**

22.1 The capital expenditure, actually incurred or projected to be incurred, on the following counts within the original scope of work, after the date of commercial operation and up to the cut-off date, may be admitted by the Commission subject to prudence check:

- (i) Undischarged liabilities recognized to be payable at a future date;
- (ii) Works deferred for execution;
- (iii) Procurement of initial capital spares within the original scope of work, in accordance with the provisions of clause 21.8;
- (iv) Liabilities to meet award of arbitration or for compliance of directions or order of any statutory authority or order or decree of any court of law; and
- (v) Change in law or compliance of any existing law; and
- (vi) Force majeure events:

Provided that the details of works included in the original scope of work along with estimates of expenditure, liabilities recognized to be payable at a future date and the works deferred for execution shall be submitted along with the Petition for determination of final Tariff after the date of commercial operation of the generating Unit/Station or transmission system;

Provided further that in case of replacement of assets, the additional capitalisation shall be worked out after adjusting the gross fixed assets and cumulative depreciation of the assets replaced on account of de-capitalisation;

22.2 The capital expenditure incurred or projected to be incurred in respect of a new Project on the following counts within the original scope of work after the cut-off date may be admitted by the Commission, subject to prudence check:

- (i) Liabilities to meet award of arbitration or for compliance of directions or order of any statutory authority or order or decree of any court of law;
- (ii) Change in law or compliance of any existing law;
- (iii) Deferred works in the original scope of work, upto to a maximum period of 2 years after cut-off date, on case to case basis;

- (iv) Deferred works relating to ash pond or ash handling system in the original scope of work;
- (v) Any liability for works executed prior to the cut-off date, after prudence check of the details of such undischarged liability, total estimated cost of package, reasons for such withholding of payment and release of such payments, etc.;
- (vi) Force majeure events;
- (vii) Liability for works admitted by the Commission after the cut-off date to the extent of discharge of such liabilities by actual payments; and
- (viii) Raising of ash dyke as a part of ash disposal system:

Provided that in case of replacement of assets deployed under the original scope of the existing project after cut-off date, the additional capitalization may be admitted by the Commission, subject to prudence check on the following grounds:

- a) The useful life of the assets is not commensurate with the useful life of the project and such assets have been fully depreciated in accordance with the provisions of these Regulations;
- b) The replacement of the asset or equipment is necessary on account of change in law or Force Majeure conditions;
- c) The replacement of such asset or equipment is necessary on account of obsolescence of technology; and
- d) The replacement of such asset or equipment has otherwise been allowed by the Commission.

22.3 The capital expenditure, in respect of existing generating Station or the transmission system, incurred or projected to be incurred on the following counts beyond the original scope, may be admitted by the Commission, subject to prudence check:

- (i) Liabilities to meet award of arbitration or for compliance of the order or directions of any statutory authority or order or decree of any court of law;
- (ii) Change in law or compliance of any existing law;
- (iii) Force majeure events;
- (iv) Need for higher security and safety of the plant as advised or directed by appropriate Indian Government Instrumentality or statutory authorities responsible for national or internal security;
- (v) Deferred works relating to ash pond or ash handling system in addition to the original scope of work, on case to case basis;
- (vi) Usage of water from sewage treatment plant in thermal generating

station:

Provided that any expenditure, which has been claimed under Renovation and Modernisation or repairs and maintenance under O&M expenses, shall not be claimed under this Regulation.

## **23 Additional capitalisation on account of Revised Emission Standards**

23.1 The additional capital expenditure required to be undertaken by the existing generating station for compliance of the Revised Emissions Standards, may be admitted by the Commission, subject to prudence check based on the following details to be submitted by the generating entity:

- (i) details of proposed technology as specified by the Central Electricity Authority;
- (ii) scope of work;
- (iii) phasing of expenditure;
- (iv) schedule of completion;
- (v) estimated completion cost including foreign exchange component, if any;
- (vi) detailed computation of indicative impact on tariff to the beneficiaries; and
- (vii) any other information considered to be relevant by the Generating Company:

Provided that the Commission may grant approval after due consideration of the reasonableness of the cost estimates, financing plan, schedule of completion, interest during construction, use of efficient technology, cost-benefit analysis, and such other factors, as may be considered relevant by the Commission.

## **24 Renovation and Modernisation**

24.1 The generating entity or the transmission licensee, as the case may be, intending to undertake renovation and modernization (R&M) of the generating station or unit thereof or transmission system or element thereof for the purpose of extension of life beyond the originally recognised useful life for the purpose of tariff, shall file a petition before the Commission for approval of the proposal with a Detailed Project Report giving complete scope, justification, cost-benefit analysis, estimated life extension from a reference date, financial package, phasing of expenditure, schedule of completion, reference price level, estimated

completion cost including foreign exchange component, if any, and any other information considered to be relevant by the generating entity or the transmission licensee:

Provided that the generating company or the transmission licensee intending to undertake renovation and modernization (R&M) shall be required to obtain the consent of the beneficiaries or the long term customers, as the case may be, for such renovation and modernization (R&M) and submit the same along with the petition.

24.2 Where the generating entity or the transmission licensee, as the case may be, makes an application for approval of its proposal for renovation and modernisation (R&M), approval may be granted after due consideration of reasonableness of the proposed cost estimates, financing plan, schedule of completion, interest during construction, use of efficient technology, cost-benefit analysis, expected duration of life extension, consent of the beneficiaries or long term customers, if obtained, and such other factors as may be considered relevant by the Commission.

24.3 After completion of the renovation and modernisation (R&M), the generating entity or the transmission licensee, as the case may be, shall file a petition for determination of tariff. Expenditure incurred or projected to be incurred and admitted by the Commission after prudence check, and after deducting the accumulated depreciation already recovered from the admitted project cost, shall form the basis for determination of tariff.

24.4 Any expenditure on replacement, renovation and modernisation or extension of life of old fixed assets, as applicable to generating entity or licensee, shall be considered after writing off the net value of such replaced assets from the original capital cost, and shall be computed as follows:

Net Value of Replaced Assets = OCRA – AD;

Where;

OCRA: Original Capital Cost of Replaced Assets;

AD: Accumulated depreciation pertaining to the Replaced Assets;

Provided that, in case the original capital cost of the replaced asset is not available for any reason, it shall be considered by the Commission on a case to case basis:



Provided further that the amount of insurance proceeds received, if any, towards damage to any asset requiring its replacement shall be first adjusted towards outstanding actual or normative loan; and the balance amount, if any, shall be utilised to reduce the capital cost of such replaced asset, and any further balance amount shall be considered as Non-Tariff Income.

*Explanation* – For the purpose of this Regulation, the term 'renovation and modernisation' shall have the same meaning as in Section 80 IA of the Income-Tax Act, 1961.

## **25 De-capitalisation**

25.1 In case of de-capitalisation of assets of a generating entity or licensee, as the case may be, the original cost of such asset as on the date of de-capitalisation shall be deducted from the value of gross fixed asset and corresponding loan as well as equity shall be deducted from outstanding loan and the equity respectively in the year such de-capitalisation takes place with corresponding adjustments in cumulative depreciation and cumulative repayment of loan, duly taking into consideration the year in which it was capitalised.

## **26 Consumer Contribution, Deposit Work, Grant and Capital Subsidy**

26.1 The expenses on the following categories of works carried out by the generating entity or licensee or SLDC shall be treated as specified in clause 26.2:

- (a) Works undertaken from funds, partly or fully, provided by the users, which are in the nature of deposit works or consumer contribution works;
- (b) Capital works undertaken with grants or capital subsidy received from the State and Central Governments;
- (c) Other works undertaken with funding received without any obligation of repayment and with no interest costs.

26.2 The expenses on such capital works shall be treated as follows:-

- (a) normative O&M expenses as specified in these Regulations shall be allowed;
- (b) the debt: equity ratio, shall be considered in accordance with clause 27, after deducting the amount of such financial support received;

- (c) provisions related to depreciation, as specified in clause 28, shall not be applicable to the extent of such financial support received;
- (d) provisions related to return on equity, as specified in clause 29 shall not be applicable to the extent of such financial support received;
- (e) provisions related to interest on loan capital, as specified in 31 shall not be applicable to the extent of such financial support received.

## **27 Debt-equity ratio**

27.1 For the purpose of determination of tariff, debt-equity ratio as on date of commercial operation in case of a new generating station, transmission line and distribution line or substation commissioned or capacity expanded on and/or after 01.04.2024, shall be 75:25. Where equity employed is more than 25%, the amount of equity for the purpose of tariff shall be limited to 25% and the balance amount shall be considered as normative loan. Where actual equity employed is less than 25%, the actual equity shall be considered:

Provided that in case of generating entity, Licensee, and SLDC, if any fixed asset is capitalised on account of capital expenditure project prior to 01.04.2024, debt-equity ratio allowed by the Commission for determination of tariff for the period ending 31.03.2024 shall be considered:

Provided further that the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment.

Explanation.- The premium, if any, raised by the generating company or the Licensee while issuing share capital and investment of internal resources created out of its free reserves, for the funding of the project, shall be reckoned as paid up capital for the purpose of computing return on equity, provided such premium amount and internal resources are actually utilised for meeting the capital expenditure of the generating station or the transmission system or the distribution system, and are within the ceiling of 25% of capital cost approved by the Commission.

27.2 In case of the generating entity or licensee, if any fixed asset is capitalised on account of capital expenditure Scheme prior to 01.04.2024, the debt-equity ratio allowed by the Commission for determination of Tariff for the period ending 31.03.2024 shall be considered:

Provided that in case of retirement or replacement or de-capitalisation of the assets, the balance equity capital invested in the regulated Business approved in accordance with clause 27.1, shall be deducted from the regulatory equity of the Business:

Provided further that in case of retirement or replacement or de-capitalisation of the assets, the debt capital approved as mentioned above, shall be reduced to the extent of outstanding debt component based on documentary evidence, or the outstanding normative loan component, as the case may be, of the original cost of such assets.

- 27.3 Any expenditure incurred or projected to be incurred on or after 01.04.2024, as may be admitted by the Commission as additional capital expenditure for determination of Tariff, and renovation and modernisation expenditure for life extension, shall be serviced in the manner specified in this Regulation.
- 27.4 The generating entity or the licensee or the SLDC, as the case may be, shall submit the resolution of the Board of the company or approval of the competent authority in other cases regarding infusion of funds from internal resources in support of the utilization made or proposed to be made to meet the capital expenditure of the generating station or the transmission system or the distribution system or SLDC, as the case may be.
- 27.5 In case of generating station or a transmission system or distribution network asset, which has completed its useful life as on or after 01.04.2024, the accumulated depreciation as on the completion of the useful life less cumulative repayment of loan shall be utilized for reduction of the equity.

## **28 Depreciation**

28.1 The generating entity, licensee, and SLDC shall be permitted to recover depreciation on the value of fixed assets used in their respective regulated businesses, computed in the following manner:

- (a) The approved original cost of the fixed assets shall be the value base for calculation of depreciation:

Provided that the depreciation shall be allowed on the entire capitalised amount of the new assets after reducing the approved original cost of the retired or replaced or de-capitalised assets.

- (b) Depreciation shall be computed annually based on the straight line method on the basis of the expected useful life specified in the **Annexure I** to this Regulation.
- (c) The salvage value of the asset shall be considered at ten per cent of the allowable capital cost and depreciation shall be allowed upto a maximum of ninety per cent of the allowable capital cost of the asset:

Provided that the generating entity or Licensee or SLDC shall submit certification from the Statutory Auditor for the capping of depreciation at ninety per cent of the allowable capital cost of the asset:

Provided further that the salvage value of Information Technology equipment and computer software shall be considered at zero per cent of the allowable capital cost.

28.2 Land other than the land held under lease and the land for reservoir in case of hydel Generating Station shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing depreciable value of the assets.

28.3 In case of existing assets, the balance depreciable value as on 01.04.2024 shall be worked out by deducting the cumulative depreciation as admitted by the Commission up to 31.03.2024 from the gross depreciable value of the assets:

Provided that depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the asset for part of the year, depreciation shall be charged on pro rata basis.

28.4 The generating entity or Licensee or SLDC shall submit the depreciation computations separately for assets added upto 31.03.2024 and assets added on or after 01.04.2024.

28.5 Depreciation allowed for each year of the Control Period shall be deemed to be equal to the loan repayment, up to the ceiling of seventy five percent (75%) of asset cost or actual debt component used for funding such asset in case the debt funding is higher than seventy five percent (75%) of the asset cost:

Provided that depreciation allowed for each year of the Control Period beyond seventy five percent (75%) of asset cost or actual debt component used for funding such asset in case the debt funding is higher

than seventy five percent (75%) of the asset cost, shall be utilised for reduction of equity during that year.

## **29 Return on Equity**

29.1 Return on Equity shall be computed in rupee terms, on the equity base determined in accordance with clause 27.

29.2 Return on Equity shall be computed at the following base rates:

- (a) Thermal generating stations: 15.50%;
- (b) Run of river hydro generating stations: 15.50%;
- (c) Storage type hydro generating stations including pumped storage hydro generating storage and run of river hydro generating station with pondage: 16.50%;

Provided that:

- i. In case of a new project, the rate of return on equity shall be reduced by 1.00% for such period as may be decided by the Commission, if the generating station is found to be declared under commercial operation without commissioning of any of the Restricted Governor Mode Operation (RGMO) or Free Governor Mode Operation (FGMO), data telemetry, communication system up to load dispatch centre or protection system based on the report submitted by the SLDC;
- ii. in case of existing generating station, as and when any of the requirements under (i) above of this clause are found lacking based on the report submitted by the SLDC, rate of return on equity shall be reduced by 1.00% for the period for which the deficiency continues;

(d) Transmission licensee: 14%;

(e) Distribution licensee: 16%;

(f) SLDC: 14%.

Provided that in case of delay in submission of tariff/true-up filings by the generating entity or licensee or SLDC, as required under this Regulation, rate of RoE shall be reduced by 0.5% per month or part thereof.

29.3 The Return on Equity shall be computed in the following manner:

- (a) Return at the allowable rate as per this clause, applied on the amount of equity capital at the commencement of the Year; plus
- (b) Return at the allowable rate as per this Regulation, applied on 50 per cent of the equity capital portion of the allowable capital

cost, for the investments put to use in generation business or transmission business or distribution business or SLDC, for such Year.

### **30 Tax on Return on Equity**

30.1 The Base rate of Return on Equity allowed by the Commission under clause 29.2 shall be grossed up with the effective Income Tax rate of the respective entity for the respective financial year:

Provided that the effective Income Tax rate shall be considered on the basis of actual Income Tax paid in respect of the financial year in line with the provisions of the relevant Finance Acts by the concerned generating entity or licensee, as the case may be:

Provided further that the actual Income Tax on the amount of income from Delayed Payment Charges or Interest on Delayed Payment or Income from Other Business or income from any source that has not been considered for computing the Aggregate Revenue Requirement or income from efficiency gains and incentive approved by the Commission shall be excluded for the calculation of effective Income Tax rate:

Provided also that in case of generating entity or licensee paying Minimum Alternate Tax (MAT), the effective Income Tax rate shall be considered as MAT rate including surcharge and cess:

Provided also that if no Income Tax has been paid by the Company as a whole, then the effective Income Tax rate shall be considered as "Nil".

30.2 Rate of pre-tax Return on Equity shall be rounded off to three decimal places and shall be computed as per the formula given below:

Rate of pre-tax return on equity = Base Rate / (1-t);

Where "Base Rate" is the rate of Base Return on Equity in accordance with clause 29.2;

"t" is the effective Income Tax rate in accordance with clause 30.1.

### **31 Interest and finance charges on loan**

31.1 The loans arrived at in the manner indicated in clause 27 on the assets put to use shall be considered as gross normative loan for calculation of interest on loan:

Provided that in case of retirement or replacement or de-capitalisation of assets, the loan capital approved as mentioned above, shall be reduced to the extent of outstanding loan component of the original cost of such assets based on documentary evidence.

- 31.2 The normative loan outstanding as on 01.04.2024, shall be worked out by deducting the cumulative repayment as admitted by the Commission up to 31.03.2024, from the gross normative loan.
- 31.3 The loan repayment during each year of the Control Period shall be deemed to be equal to the depreciation allowed for that year, up to the ceiling of seventy five percent (75%) of asset cost or actual debt component used for funding such asset in case the debt funding is higher than seventy five percent (75%) of the asset cost.
- 31.4 Notwithstanding any moratorium period availed, the repayment of loan shall be considered from the first year of commercial operation of the project and shall be equal to the annual depreciation allowed.
- 31.5 The rate of interest shall be the weighted average rate of interest computed on the basis of the actual long-term loan portfolio at the beginning of each year:

Provided that at the time of Truing-up, the weighted average rate of interest computed on the basis of the actual long-term loan portfolio during the concerned year shall be considered as the rate of interest:

Provided further that if there is no actual long-term loan for a particular year but normative long-term loan is still outstanding, the last available weighted average rate of interest for actual long-term loan shall be considered:

Provided also that if the generating entity or the licensee or the SLDC, as the case may be, does not have actual long-term loan even in the past, the weighted average rate of interest of its other Businesses regulated by the Commission shall be considered:

Provided also that if the generating entity or the licensee or the SLDC, as the case may be, does not have actual long-term loan, and its other Businesses regulated by the Commission also do not have actual long-term loan even in the past, then the weighted average rate of interest of the entity as a whole shall be considered:

Provided also that if the entity as a whole does not have actual long-term loan, then the Base Rate at the beginning of the respective year shall be considered as the rate of interest for the purpose of allowing the interest on the normative loan.

- 31.6 The interest on loan shall be computed on the normative average loan of the year by applying the weighted average rate of interest:

Provided that at the time of Truing-up, the normative average loan of the concerned year shall be considered on the basis of the actual asset capitalisation approved by the Commission for the year.

- 31.7 The above interest computation shall exclude interest on loan amount, normative or otherwise, to the extent of capital cost funded by Consumer Contribution, Deposit Works, Grants or Capital Subsidy.

- 31.8 The finance charges incurred for obtaining loans from financial institutions for any Year shall be allowed by the Commission at the time of Truing-up, subject to prudence check:

Provided that the finance charges such as credit rating charges, collection facilities charges, financing cost of delayed payment surcharge, bank charges and other finance charges of similar nature shall be part of A&G expenses.

- 31.9 The excess interest during construction on account of time and/or cost overrun as compared to the approved completion schedule and capital cost or on account of excess drawal of the debt funds disproportionate to the actual requirement based on Scheme completion status, shall be allowed or disallowed partly or fully on a case to case basis, after prudence check by the Commission based on the justification to be submitted by the Generating Company or Transmission Licensee or Distribution Licensee along with documentary evidence, as applicable:

Provided that where the excess interest during construction is on account of delay attributable to an agency or contractor or supplier engaged by the generating entity or the transmission licensee, any liquidated damages recovered from such agency or contractor or supplier shall be taken into account for computation of capital cost:

Provided further that the extent of liquidated damages to be considered shall depend on the amount of excess interest during construction that has been allowed by the Commission:



Provided also that the Commission may also take into consideration the impact of time overrun on the supply of electricity to the concerned Beneficiary.

31.10 The generating entity or the licensee or the SLDC, as the case may be, shall make every effort to re-finance the loan as long as it results in net savings on interest and in that event, the costs associated with such re-financing shall be borne by the Beneficiaries and the net savings shall be shared between the Beneficiaries and them in the ratio of 2:1, subject to prudence check by the Commission:

Provided that refinancing shall not be done if it results in net increase on interest:

Provided further that if refinancing is done and it results in net increase on interest, then the rate of interest shall be considered equal to the Base Rate as on the date on which the Petition for determination of Tariff is filed:

Provided also that the re-financing shall not be subject to any conditions that are not in line with standard loan documents:

Provided also that the generating entity or the licensee or the SLDC, as the case may be, shall submit documentary evidence of the costs associated with such re-financing:

Provided also that the net savings in interest shall be computed after factoring all the terms and conditions, and based on the weighted average rate of interest of actual portfolio of loans taken from Banks and Financial Institutions recognised by the Reserve Bank of India, before and after re-financing of loans:

Provided also that the net savings in interest shall be calculated as an annuity for the term of the loan, and the annual net savings shall be shared between the entity and Beneficiaries in the specified ratio.

31.11 Interest shall be allowed only on the amount held in cash as security deposit from Transmission System Users, Distribution System Users and Retail consumers at the Bank Rate as on 1<sup>st</sup> April of the Year for which the interest is payable:

Provided that at the time of Truing-up, the interest on the amount of security deposit for the year shall be considered on the basis of the actual

interest paid by the Licensee during the year, subject to prudence check by the Commission.

## **32 Foreign Exchange Rate Variation**

32.1 The generating entity or licensee may hedge foreign exchange exposure in respect of the interest on foreign currency loan and repayment of foreign loan acquired for the generating Station or the transmission system or distribution system, in part or in full at its discretion.

32.2 The generating company or licensee shall be permitted to recover the cost of hedging of foreign exchange rate variation corresponding to the foreign debt, in the relevant year as expense, subject to prudence check by the Commission, and extra rupee liability corresponding to such variation shall not be allowed against the hedged foreign debt.

32.3 To the extent that the foreign exchange exposure is not hedged, any extra rupee liability towards interest payment and loan repayment corresponding to the foreign currency loan in the relevant year shall be allowed subject to prudence check by the Commission, provided it is not attributable to such Generating Company or the Licensee or its suppliers or contractors.

## **33 Interest on Working Capital**

### **33.1 Generation**

(a) In case of coal-fired thermal generating stations, working capital shall cover:

- (i) Cost of coal towards stock, if applicable, for ten (10) days for pit-head Generating Stations and twenty (20) days for non-pit-head Generating Stations, for generation corresponding to target availability, or the maximum coal stock storage capacity, whichever is lower;
- (ii) Cost of coal for thirty (30) days for generation corresponding to target availability;
- (iii) Cost of secondary fuel oil for one (1) month corresponding to target availability;
- (iv) Normative Operation and Maintenance expenses for one (1) month;

- (v) Maintenance spares at one percent (1%) of the opening Gross Fixed Assets for the Year; and
- (vi) Receivables for sale of electricity equivalent to forty-five (45) days of the sum of annual fixed charges and energy charges approved in the Tariff Order, computed at target availability and excluding incentive, if any:

**minus**

- (vii) Payables for fuel (including oil and secondary fuel oil) to the extent of thirty (30) days of the cost of fuel computed at target availability, depending on the modalities of payment:

Provided that in case the Fuel Supply Agreement provides for payment of cost of fuel in advance, the payables for fuel shall not be deducted for the purpose of computing the working capital requirement to the extent of actual payment of such advance, as substantiated by documentary evidence:

Provided further that for the purpose of Truing-up, the working capital shall be computed based on the scheduled generation or target availability of the generating station, whichever is lower:

Provided also that for the purpose of Truing up, the working capital shall be computed based on the actual average stock of coal and limestone or normative stock of coal and limestone of the generating station, whichever is lower:

Provided also that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from sale of electricity excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

- (b) In case of Hydro power Generating Stations including pumped storage hydel electric generating Station, working capital shall cover:
  - (i) Normative Operation and maintenance expenses for one (1) month;

- (ii) Maintenance spares at one percent (1%) of the opening Gross Fixed Assets for the Year; and
- (iii) Receivables for sale of electricity equivalent to forty-five (45) days of the annual fixed charges, approved in the Tariff Order, excluding incentive, if any:

Provided that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from sale of electricity excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

### 33.2 Transmission

- (a) The working capital requirement of the Transmission Licensee shall cover:

- (i) Normative Operation and maintenance expenses for one (1) month;
- (ii) Maintenance spares at one percent (1%) of the opening Gross Fixed Assets for the Year; and
- (iii) Receivables equivalent to forty-five (45) days of the Aggregate Revenue Requirement;

**minus**

- (iv) Amount held as security deposits other than those in the form of Bank Guarantees, if any, from Transmission System Users:

Provided further that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from transmission charges excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

### 33.3 Distribution

- (a) The working capital requirement of the Distribution Wires Business shall cover:
- (i) Normative Operation and maintenance expenses for one (1) month;
  - (ii) Maintenance spares at one percent (1%) of the opening Gross Fixed Assets for the Year; and
  - (iii) Receivables equivalent to forty-five (45) days of the Aggregate Revenue Requirement;

**minus**

- (iv) Amount held as security deposits other than those in the form of Bank Guarantees, if any, from Distribution System Users:

Provided further that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from sale of electricity excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

#### 33.4 Retail Supply of Electricity

- (a) The working capital requirement of the Retail Supply Business shall cover:
- (i) Normative Operation and maintenance expenses for one (1) month;
  - (ii) Maintenance spares at one percent (1%) of the opening Gross Fixed Assets for the Year; and
  - (iii) Receivables equivalent to sixty (60) days of the Aggregate Revenue Requirement;

**minus**

- (iv) Amount held as security deposits other than those in the form of Bank Guarantees, if any, from retail supply consumers:
- (v) Forty-five (45) days equivalent of cost of power purchased, including the Transmission Charges and SLDC Charges, based on the annual power procurement plan:

Provided further that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from sale of electricity excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

### 33.5 SLDC

(a) The working capital requirement of the SLDC shall cover:

- (i) Operation and maintenance expenses for one (1) month;
- (ii) Receivables equivalent to forty-five (45) days of the Aggregate Revenue Requirement:

Provided further that for the purpose of Truing-up for any year, the working capital requirement shall be re-computed on the basis of the values of revised normative Operation & Maintenance expenses and actual Revenue from SLDC charges excluding incentive, if any, and other components of working capital approved by the Commission in the Truing-up before sharing of gains and losses;

33.6 Rate of interest on working capital shall be on normative basis and shall be equal to the Base Rate as on the date on which the Petition for determination of Tariff is filed, plus 150 basis points:

Provided that for the purpose of Truing-up for any year, interest on working capital shall be allowed at a rate equal to the weighted average Base Rate prevailing during the concerned Year plus 150 basis points.

33.7 For the purpose of Truing-up for each year, the variation between the normative interest on working capital computed at the time of Truing-up and the actual interest on working capital incurred by the generating entity or licensee or SLDC, substantiated by documentary evidence, shall be considered as an efficiency gain or efficiency loss, as the case may be, on account of controllable factors, and shared between it and the respective Beneficiary or consumer as the case may be:

## **34 Carrying Cost or Holding Cost**

34.1 The Commission shall allow Carrying Cost or Holding Cost, as the case may be, on the admissible amounts, with simple interest, at the weighted

average Base Rate prevailing during the concerned Year, plus 150 basis points:

Provided that Carrying Cost or Holding Cost shall be allowed on the net entitlement after sharing of efficiency losses and gains as approved after true-up:

### **35 Rebates and Penalties**

- 35.1 For payment of bills of generation Tariff and Charges within 7 days of presentation of bills, through Letter of Credit or through NEFT/RTGS, a rebate of 2% on billed amount, excluding the taxes, cess, duties, etc., shall be allowed.
- 35.2 Penalties paid, if any, by the Generating Company or Licensee shall not be allowed as an expense for the Generating Company or Licensee.

### **36 Delayed Payment Charge and Delayed Payment Surcharge**

- 36.1 In case the payment of bills of generation Tariff by the Beneficiary is delayed beyond a period of 60 days from the date of billing, Delayed Payment Charge at the Base Rate as on 1<sup>st</sup> day of the respective billing month plus 150 basis points per annum on the billed amount shall be levied for the period of delay by the generating entity, notwithstanding anything to the contrary as may have been stipulated in the Agreement or Arrangement with the Beneficiaries.
- 36.2 Such Delayed Payment Charge earned by the generating entity shall not be considered under its Non-Tariff Income.
- 36.3 In case the payment of bills of transmission Tariff by the Beneficiary is delayed beyond a period of 60 days from the date of billing, Delayed Payment Charge at the Base Rate as on 1<sup>st</sup> day of the respective billing month plus 150 basis points per annum on the billed amount shall be levied for the period of delay by the transmission licensee, notwithstanding anything to the contrary as may have been stipulated in the Agreement or Arrangement with the Beneficiaries.
- 36.4 Such Delayed Payment Charge earned by the transmission licensee shall be considered under its Non-Tariff Income.
- 36.5 In case the payment of bills of SLDC charges is delayed beyond a period of 60 days from the date of billing, Delayed Payment Charge at the Base Rate as on 1<sup>st</sup> day of the respective billing month plus 150 basis points

per annum on the billed amount shall be levied for the period of delay by the SLDC.

- 36.6 In case the payment of bills of retail Tariff by the consumers is delayed beyond a period of 15 days Delayed Payment Surcharge on the billed amount, including the taxes, cess, duties, etc., shall be levied at the Base Rate as on 1<sup>st</sup> of the respective billing month plus 150 basis points per annum on the billed amount shall be levied for the period of delay.
- 36.7 Such Delayed Payment Surcharge earned by the distribution licensee shall be considered under its Non-Tariff Income.
- 36.8 Such Delayed Payment Charge paid or payable by the distribution licensee to the generating entity or the transmission licensee shall not be allowed as an expense for such distribution licensee.

## **PART V: GENERATION**

### **37 Applicability**

- 37.1 The provisions specified in this Part shall apply to the determination of Tariff for supply of electricity to a distribution licensee from conventional sources of generation and hydel generating stations of capacity exceeding 25 MW:

Provided that determination of Tariff for supply of electricity to a distribution licensee from Renewable Energy sources of generation shall be in accordance with the relevant Regulations/Orders of the Commission.

- 37.2 The Commission shall be guided by the terms and conditions contained in this Part in determining the Tariff for supply of electricity from a generating station to a distribution licensee, in the following cases:
- a) where such Tariff is pursuant to a power purchase agreement or arrangement entered into subsequent to the date of coming into effect of these Regulations; or
  - b) where such Tariff is pursuant to a power purchase agreement or arrangement entered into prior to the date of coming into effect of these Regulations, and the Commission has approved such agreement or arrangement and the agreement or arrangement envisages that the Tariff shall be based on the Tariff Regulations prevailing at that time; or

### **38 Petition for determination of generation Tariff**



38.1 A generating entity shall file a Petition for determination of Tariff for supply of electricity to distribution licensees in accordance with the provisions of this Regulation.

38.2 Tariff in respect of a generating station under this Regulation may be determined Stage-wise, Unit-wise or for the whole Generating Station:

Provided that the terms and conditions for determination of Tariff for Generating Stations specified in this Part shall apply in like manner to Stages or Units or the generating station, as the case may be.

38.3 Where the Tariff is being determined for a Stage or Unit of a generating station, the generating entity shall adopt a reasonable basis for allocation of capital cost relating to common facilities and allocation of joint and common costs across all Stages or Units, as the case may be:

Provided that the generating entity shall maintain an Allocation Statement providing the basis for allocation of such costs, which shall be duly audited and certified by the statutory auditors, and submit such audited and certified statement to the Commission along with the Petition for determination of Tariff.

38.4 In the case of existing generating stations, the Commission may allow the generating entity; the Tariff based on the approved capital cost as on 01.04.2024 and projected additional capital expenditure for the ensuing Years:

Provided that the generating entity shall continue to bill the Beneficiaries at the Tariff approved by the Commission and applicable as on 31.03.2024 for the period starting from 01.04.2024 till approval of Tariff by the Commission in accordance with this Regulation.

38.5 The generating entity shall file the Petition for determination of provisional Tariff for new generating station/unit, at least six (6) months prior to the anticipated date of commercial operation of generating unit or stage or generating station as a whole, as the case may be.

38.6 The generating entity shall file a Petition for determination of provisional Tariff for new Generating Station based on capital expenditure incurred and projected to be incurred up to the date of commercial operation and additional capital expenditure incurred, duly certified by the statutory auditors:

Provided that the Petition shall contain details of underlying assumptions for the projected capital cost and additional capital cost, wherever applicable.

- 38.7 In the case of new projects, the generating entity may be allowed provisional Tariff by the Commission from the anticipated date of commercial operation, based on the projected capital expenditure, subject to prudence check.
- 38.8 If the date of commercial operation is likely to be delayed beyond six (6) months from the date of issue of the order approving the provisional Tariff, the generating entity may submit a Petition for seeking extension of the validity of the applicability of the provisional Tariff, giving details of the present status of completion and justification for the delay in project completion, which may be considered by the Commission after necessary prudence check.
- 38.9 The generating entity shall file the Petition for determination of final Tariff for new Generating Station within six (6) months from the date of commercial operation of generating unit or stage or generating station as a whole, as the case may be, based on the audited capital expenditure and capitalisation as on the date of commercial operation:

Provided that in case of more than one Unit in the generating station, such Petition shall be filed for each Unit as and when such Unit achieves COD and without waiting for the COD of the entire Station.

- 38.10 The final Tariff determination for the new generating station shall be done by the Commission based on prudence check of the audited capital expenditure and capitalisation as on the date of commercial operation.
- 38.11 In relation to multi-purpose hydroelectric Projects, with irrigation, flood control and power components, the capital cost chargeable to the power component of the Project only shall be considered for determination of Tariff.

## **39 Components of Tariff**

- 39.1 The Tariff for sale of electricity from a thermal power Generating Station shall comprise two parts, namely, Annual Fixed Charge and Energy Charge.
- 39.2 The Tariff for sale of electricity from a hydel Generating Station shall comprise one part, namely, Capacity Charge.

## **40 Annual Fixed Charges**

40.1 The Annual Fixed Charges shall comprise the following components:

- (a) Operation & Maintenance Expenses;
- (b) Depreciation;
- (c) Interest and finance charges on loan;
- (d) Interest on Working Capital;
- (e) Return on Equity;

**Less:**

- (f) Non-Tariff Income:

Provided that Depreciation, Interest and finance charges on loan, Interest on Working Capital, Return on Equity, for Thermal and Hydro Generating Stations shall be allowed, in accordance with the provisions specified in **Part IV** of this Regulation:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of Truing-up based on audited accounts, on a case to case basis, if the income/expenses in that prior period have been allowed on actual basis, subject to prudence check:

Provided also that all penalties and compensation payable by the generating entity to any party for failure to comply with any directions or for damages, as a consequence of the orders of the Commission, Courts, etc., shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the generating entity shall maintain separate details of such penalties and compensation paid or payable by the Generating Company, if any, and shall submit them to the Commission along with its Petition.

## **41 Renovation & Modernisation**

41.1 For undertaking Renovation and Modernisation for the purpose of extension of life beyond the useful life of the generating station or a Unit thereof, the generating company shall file a Petition for approval with a Detailed Project Report giving complete scope, justification, cost-benefit analysis, estimated life extension from a reference date, financial package, phasing of expenditure, schedule of completion, reference price level, estimated completion cost, record of consultation with Beneficiaries and any other relevant information.

41.2 Approval of such proposal for Renovation and Modernisation shall be granted after consideration of reasonableness of the cost estimates, schedule of completion, use of efficient technology, cost-benefit analysis, and such other factors as may be considered relevant by the Commission.

41.3 The expenditure approved by the Commission after prudence check based on the estimates of Renovation and Modernisation expenditure and life extension, and after deducting the accumulated depreciation already recovered from the original Project cost, shall form the basis for determination of Tariff.

## **42 Sale of Infirm Power**

42.1 The supply of Infirm Power shall be accounted as deviation and shall be paid at Charges for Deviation for Infirm Power in accordance with the Telangana State Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2021:

Provided that any revenue earned by the generating station from supply of Infirm Power after accounting for the fuel cost shall be used for reduction in Capital Cost and shall not be treated as revenue.

## **43 Non-Tariff Income**

43.1 The amount of Non-Tariff Income of the Generating Company as approved by the Commission shall be deducted while determining its Annual Fixed Charge:

Provided that the Generating Company shall submit full details of its forecast of Non-Tariff Income to the Commission in such form as may be stipulated by the Commission.

43.2 The Non-Tariff Income shall include:

- a) Income from rent of land or buildings;
- b) Net income from sale of de-capitalised assets;
- c) Income from sale of scrap;
- d) Income from statutory investments;
- e) Interest income on advances to suppliers/contractors;
- f) Income from rental from staff quarters;
- g) Income from rental from contractors;
- h) Income from hire charges from contractors and others;

- i) Income from sale of ash/rejected coal;
- j) Income from advertisements;
- k) Income from sale of tender documents;
- l) Any other Non-Tariff Income:

#### **44 Operational Norms for Thermal Generating Stations**

44.1 Recovery of capacity charge, energy charge and any incentive by the generating station shall be based on the achievement of operational norms specified in this Regulation.

44.2 The Normative Annual Plant Availability Factor (NAPAF) for full recovery of Annual Fixed Charges shall be 85 per cent.

44.3 Normative Annual Plant Load Factor (NAPLF) for incentive for thermal Generating Stations/Units shall be 85 per cent.

44.4 Gross Station Heat Rate for existing coal-based thermal Generating Stations, except those covered under clause 44.5 shall be:

<b>62.5 MW</b>	<b>250 MW sets</b>	<b>500 MW sets (sub-critical boilers)</b>	<b>600 MW sets (sub-critical boilers)</b>
3000 kcal/kWh	2500 kcal/kWh	2450 kcal/kWh	2300 kcal/kWh

##### **Note 1**

In respect of 500 MW/600 MW Units, where the boiler feed pumps are electrically operated, the Gross Station Heat Rate shall be 40 kcal/kWh lower than the gross Station Heat Rate specified above.

##### **Note 2**

For Generating Stations having combination of 250 MW sets and 500 MW and 600 MW sets, the normative gross Station Heat Rate shall be the weighted average Station Heat Rate.

44.5 Gross Station Heat Rate for Coal based thermal power Generating Stations /Units achieving COD after 01.04.2019 shall be equal to **1.05 times the Design Heat Rate** (kcal/kWh);

Where the Design Heat Rate of a Unit means the Unit Heat Rate guaranteed by the supplier at conditions of 100% MCR, zero percent make up, design coal and design cooling water temperature/back pressure:

Provided that the Design Heat Rate shall not exceed the following maximum design Unit Heat Rates depending upon the pressure and temperature ratings of the Units:

<b>Pressure Rating (kg/cm<sup>2</sup>)</b>	<b>150</b>	<b>170</b>	<b>170</b>	<b>247</b>
SHT/RHT (°C)	535/535	537/537	537/565	537/565
Type of Boiler Feed Pump	Electrical Driven	Turbine driven	Turbine driven	Turbine driven
Maximum Turbine Cycle Heat Rate (kcal/kWh)	1955	1950	1935	1900
<b>Minimum Boiler Efficiency</b>				
Sub-Bituminous Indian Coal	0.86	0.86	0.86	0.86
Bituminous Imported Coal	0.89	0.89	0.89	0.89
<b>Maximum Design Unit Heat Rate (kcal/kWh)</b>				
Sub-Bituminous Indian Coal	2273	2267	2250	2222
Bituminous Imported Coal	2197	2191	2174	2135

<b>Pressure Rating (kg/cm<sup>2</sup>)</b>	<b>247</b>	<b>270</b>	<b>270</b>
SHT/RHT (°C)	565/593	593/593	600/600
Type of Boiler Feed Pump	Turbine driven	Turbine driven	Turbine driven
Maximum Turbine Cycle Heat Rate (kcal/kWh)	1850	1810	1800
<b>Minimum Boiler Efficiency</b>			
Sub-Bituminous Indian Coal	0.86	0.865	0.865
Bituminous Imported Coal	0.89	0.895	0.895
<b>Maximum Design Unit Heat Rate (kcal/kWh)</b>			
Sub-Bituminous Indian Coal	2151	2105	2081
Bituminous Imported Coal	2078	2034	2022

Provided further that in case pressure and temperature parameters of a Unit are different from above ratings, the maximum design Unit Heat Rate of the nearest class shall be taken:

Provided also that where Unit Heat Rate has not been guaranteed but turbine cycle Heat Rate and boiler efficiency are guaranteed separately by the same supplier or different suppliers, the Unit Design Heat Rate shall be arrived at by using guaranteed turbine cycle Heat Rate and boiler efficiency:

Provided also that where the boiler efficiency is below 86% for sub-bituminous Indian coal and 89% for bituminous imported coal, the same shall be considered as 86% and 89%, respectively, for sub-bituminous Indian coal and bituminous imported coal for computation of Gross Station Heat Rate:

Provided also that maximum turbine cycle Heat Rate shall be adjusted for type of dry cooling system:

Provided also that if one or more Units are declared under commercial operation prior to 01.04.2019, the Heat Rate norms for those Units as well as Units declared under commercial operation on or after 01.04.2019 shall be lower of the Heat Rate norms arrived at by the above methodology and the norms specified in clause 44.4:

Note: In respect of Units where the boiler feed pumps are electrically operated, the maximum design Unit Heat Rate shall be 40 kcal/kWh lower than the maximum design Unit Heat Rate specified above with turbine driven boiler feed pumps.

44.6 Secondary fuel oil consumption norm for all thermal Generating Stations, shall be:

a) Coal-based Generating Stations: 0.50 ml/kWh

44.7 Auxiliary Energy Consumption for all coal-based thermal Generating Stations shall be as given in the Table below:

Particulars	With Natural Draft cooling tower or without cooling tower
(i) 62.5 MW	10.00%
(ii) 250 MW series	8.50%
(iii) 500 MW & above	
Steam driven boiler feed pumps	5.25%
Electrically driven boiler feed pumps	7.75%

Provided that for thermal Generating Stations with induced draft cooling towers and where tube type coal mill is used, the norms shall be further increased by 0.5% and 0.8%, respectively:

Provided further that additional Auxiliary Energy Consumption as follows may be allowed for plants with Dry Cooling Systems:

<b>Type of Dry Cooling System</b>	<b>(% of gross generation)</b>
Direct cooling air cooled condensers with mechanical draft fans	1.0%
Indirect cooling system employing jet condensers with pressure recovery turbine and natural draft tower	0.5%

Provided also that for thermal Generating Stations with Flue Gas De-sulphuriser (FGD), additional Auxiliary Energy Consumption shall be allowed on case to case basis after prudence check.

44.8 Auxiliary Energy Consumption for hydro generating stations be as under:

<b>Type of Station</b>	<b>Auxiliary Energy Consumption</b>
<b>Surface</b>	
Rotating Excitation	0.7%
Static	1.0%
<b>Underground</b>	
Rotating Excitation	0.9%
Static	1.2%

44.9 In case of In case of pumped storage hydro generating stations, the quantum of electricity required for pumping water from down-stream reservoir to up-stream reservoir shall be arranged by the beneficiaries duly taking into account the transmission and distribution losses up to the bus bar of the generating station. In return, beneficiaries shall be entitled to equivalent energy of 75% of the energy utilized in pumping the water from the lower elevation reservoir to the higher elevation reservoir from the generating station during peak hours and the generating station shall be under obligation to supply such quantum of electricity during peak hours.



#### 44.10 Transit and handling Losses

44.11 Normative transit and handling losses for coal based Generating Stations, as a percentage of quantity of coal dispatched by the coal company during the month shall be:

- (a) Pit head Generating Stations : 0.2%
- (b) Non-pit head Generating Stations : 0.8%

Provided that in case of pit head stations if coal is procured from sources other than the pit head mines, which is transported to the Station through rail, normative transit loss of 0.8% shall be applicable:

Provided further that the above norms shall be applicable for domestic coal and washed coal:

Provided also that in case of imported coal, the normative transit and handling losses shall be 0.2%:

Provided also that for procurement of coal on delivery basis, no transit and handling loss shall be allowed.

#### 45 Operation and Maintenance (O&M) expenses

45.1 The O&M expenses for each generating station shall comprise of:

- Employee cost including unfunded past liabilities of pension and gratuity;
- Repairs and Maintenance (R&M) expenses; and
- Administrative and Generation (A&G) expenses.

45.2 The O&M expenses for existing generating station for each year of the Control Period shall be approved based on the formula shown below:

$$\mathbf{O\&M_n = EMP_n + R\&M_n + A\&G_n}$$

Where,

- $O\&M_n$  – Operation and Maintenance expense for the  $n^{\text{th}}$  year;
- $EMP_n$  – Employee Costs for the  $n^{\text{th}}$  year;
- $R\&M_n$  – Repair and Maintenance Costs for the  $n^{\text{th}}$  year;
- $A\&G_n$  – Administrative and General Costs for the  $n^{\text{th}}$  year;

45.3 The above components shall be computed in the manner specified below:

$$\mathbf{EMP_n = (EMP_{n-1}) \times (CPI\ Inflation);}$$

$$\mathbf{R\&M_n = K \times (GFA_n) \times (WPI\ Inflation)\ and}$$

$$\mathbf{A\&G_n = (A\&G_{n-1}) \times (WPI\ Inflation)}$$

Where,

- $EMP_{n-1}$  – Employee Costs for the (n-1)<sup>th</sup> year;
- “K” is a constant specified by the Commission in %. Value of K for each year of the control period shall be determined by the Commission in the MYT order based on generating entity’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;
- $GFA_n$  - Opening Gross Fixed Asset of the generating station for the n<sup>th</sup> year;
- $A\&G_{n-1}$  – Administrative and General Costs for the (n-1)<sup>th</sup> year;
- CPI Inflation – is the point to point change in the Consumer Price Index (CPI) for Industrial Workers (all India) as per Labour Bureau, Government of India; in case CPI Inflation is negative, the escalation/change shall be 0%;
- WPI Inflation – is the point to point change in the Wholesale Price Index (WPI) as per the Office of Economic Advisor of Government of India;

Provided that for the first year of the Control Period, the employee cost and A&G expenses shall be the average of the trued-up expenses after adding/deducting the share of efficiency gains/losses, for the immediately preceding Control Period, excluding abnormal expenses, if any, subject to prudence check by the Commission.

45.4 Provisioning of expenses shall not be considered as actual expenses at the time of true-up, and only expenses as actually incurred shall be considered.

45.5 The O&M expenses of new generating stations that have achieved COD during the Control Period shall be approved based on the norms specified by the Central Electricity Regulatory Commission in its Multi Year Tariff Regulations prevailing during the subject Control Period.

## 46 Computation and Payment of Capacity Charges and Energy Charges for Thermal Generating Stations

### A. Capacity Charges

46.1 The Annual Fixed Cost of a thermal generating station shall be computed on annual basis based on the norms specified under these Regulations and recovered on monthly basis under Capacity Charge. The total Capacity Charge payable for a generating station shall be shared by its beneficiaries as per their respective percentage share or allocation in the capacity of the generating station.

46.2 The Capacity Charge payable to a thermal generating station for a calendar month shall be calculated in accordance with the following formulae:

$$CC_1 = (AFC) \times \left(\frac{1}{12}\right) \times \left(\frac{PAF1}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{1}{12}\right)$$

$$CC_2 = (AFC) \times \left(\frac{1}{6}\right) \times \left(\frac{PAF2}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{1}{6}\right) \} - CC_1$$

$$CC_3 = (AFC) \times \left(\frac{1}{4}\right) \times \left(\frac{PAF3}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{1}{4}\right) \} - (CC_1 + CC_2)$$

$$CC_4 = (AFC) \times \left(\frac{1}{3}\right) \times \left(\frac{PAF4}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{1}{3}\right) \} - (CC_1 + CC_2 + CC_3)$$

$$CC_5 = (AFC) \times \left(\frac{5}{12}\right) \times \left(\frac{PAF5}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{5}{12}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4)$$

$$CC_{p6} = (AFC) \times \left(\frac{1}{2}\right) \times \left(\frac{PAF6}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{1}{2}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5)$$

$$CC_7 = (AFC) \times \left(\frac{7}{12}\right) \times \left(\frac{PAF7}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{7}{12}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6)$$

$$CC_8 = (AFC) \times \left(\frac{2}{3}\right) \times \left(\frac{PAF8}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{2}{3}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6 + CC_7)$$

$$CC_9 = (AFC) \times \left(\frac{3}{4}\right) \times \left(\frac{PAF9}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{3}{4}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6 + CC_7 + CC_8)$$

$$CC_{10} = (AFC) \times \left(\frac{5}{6}\right) \times \left(\frac{PAF10}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{5}{6}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6 + CC_7 + CC_8 + CC_9)$$

$$CC_{11} = (AFC) \times \left(\frac{11}{12}\right) \times \left(\frac{PAF11}{NAPAF}\right) \text{ subject to ceiling of } (AFC) \times \left(\frac{5}{6}\right) \} - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6 + CC_7 + CC_8 + CC_9 + CC_{10})$$

$$CC_{12} = (AFC) \times \left( \frac{PAFY}{NAPAF} \right) \text{ subject to ceiling of } (AFC) - (CC_1 + CC_2 + CC_3 + CC_4 + CC_5 + CC_6 + CC_7 + CC_8 + CC_9 + CC_{10} + CC_{11})$$

Provided that in case of generating station or unit thereof under shutdown due to Renovation and Modernisation, the Generating Company shall be allowed to recover O&M expenses and interest on loan only,

Where,

AFC = Annual Fixed Cost specified for the year, in Rupees;

NAPAF = Normative Annual Plant Availability Factor in percentage.

PAF<sub>n</sub> = Plant Availability Factor achieved upto the end of n<sup>th</sup> month;

PAFY = Plant Availability Factor achieved during the year;

CC<sub>1</sub>, CC<sub>2</sub>, CC<sub>3</sub>, CC<sub>4</sub>, CC<sub>5</sub>, CC<sub>6</sub>, CC<sub>7</sub>, CC<sub>8</sub>, CC<sub>9</sub>, CC<sub>10</sub>, CC<sub>11</sub>, and CC<sub>12</sub> are the Capacity Charges of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> months respectively.

## B. Energy Charges

46.3 The Energy Charges shall cover landed cost of primary fuel and secondary fuel oil and shall be worked out on the basis of total energy scheduled to be supplied to the Beneficiary/ies during the calendar month on ex-power plant basis, at the Energy Charge Rate of the month (with fuel price adjustment) as per the following formula:

$$\text{Energy Charges (Rs)} = (\text{Energy Charge Rate in Rs/kWh}) \times [\text{Scheduled Energy (ex-bus) for the month in kWh}]$$

46.4 Energy Charge Rate (ECR) in Rs/kWh shall be computed up to three decimal places and shall be the sum of the cost of normative quantities of primary and secondary fuel for delivering ex-bus one kWh of electricity, and shall be computed as per the following formula:

$$ECR = \frac{(GSHR - SFC \times CVSF) \times LPPF}{CVPF + SFC \times LPSF_i} \times 100 / (100 - AUX)$$

Where,

AUX = Normative Auxiliary Energy Consumption in percentage;

- CVPF = Weighted average Gross Calorific Value of coal as received in kcal/kg less 85 kcal/kg on account of variation during storage at generating station; in case of blending of fuel from different sources, the weighted average Gross Calorific Value of primary fuel shall be arrived in proportion of blending ratio;
- CVSF = Calorific value of secondary fuel, in kcal/ml;
- GSHR = Normative Gross Station Heat Rate, in kcal/kWh;
- LPPF = Weighted average landed price of primary fuel, in Rs./kg, as applicable, during the month; in case of blending of fuel from different sources, the weighted average landed price of primary fuel shall be arrived in proportion of blending ratio;
- SFC = Normative Secondary Fuel Oil Consumption, in ml/kWh;
- LPSF<sub>i</sub> = Weighted average landed price of secondary fuel in Rs./ml during the month.

Provided that the landed cost of primary fuel and secondary fuel for tariff determination shall be based on actual weighted average cost of primary fuel and secondary fuel of the three (3) preceding months, and in the absence of landed costs for the three (3) preceding months, latest procurement price of primary fuel and secondary fuel for the generating Station, preceding the first month for which the Tariff is to be determined for existing stations, and immediately preceding three (3) months in case of new generating stations shall be taken into account:

Provided further that the landed cost of fuel shall mean the total cost of coal delivered to the generating station and shall include the base price of fuel corresponding to the grade/quality/calorific value of fuel inclusive of royalty, taxes and duties as applicable, washery charges as applicable, transportation cost by rail/road or any other means, charges for third-party sampling, and, for the purpose of computation of energy charges, shall be arrived at after considering normative transit and handling losses as percentage of the quantity of fuel dispatched by the fuel supply company during the month:

Provided also that any refund of taxes and duties along with any amount received on account of penalties from fuel supplier shall have to be adjusted in fuel cost:

Provided also that the Energy Charges, for the purpose of billing/Fuel Surcharge shall be worked out Station-wise/Unit-wise based on weighted average rate based on scheduled generation from each Unit.

**46.5 Adjustment of ECR on account of variation in price or heat value of fuels**

Any variation in Price and Gross Calorific Value of coal or liquid fuel as received less stacking loss of 85 kcal/kg vis-a-vis approved values shall be adjusted on month to month basis on the basis of average Gross Calorific Value of coal in stock received and weighted average landed cost incurred by the Generating Company for procurement of coal, or oil as the case may be for a generating station:

Provided that in its bills, the Generating Company shall indicate Energy Charge Rates at base price of primary and secondary fuel approved by the Commission and the ECR adjustment to it separately:

Provided further that the Generating Company shall provide to the Beneficiaries of the generating Station, the details of parameters of GCV and price of fuel for each type of fuel, i.e., domestic coal, imported coal, e-auction coal, liquid fuel, etc., as per the forms prescribed by the Commission:

Provided also that in case of part or full use of alternative source of fuel supply by coal based thermal generating stations other than as agreed by the Generating Company and beneficiary/ies in their power purchase agreement for supply of contracted power on account of shortage of fuel or optimization of economical operation through blending, the use of alternative source of fuel supply shall be permitted to generating station:

Provided also that in such case, prior permission from beneficiaries shall not be a precondition, unless otherwise agreed specifically in the power purchase agreement:

Provided also that the weighted average price of alternative source of fuel shall not exceed 30% of base price of primary and secondary fuel approved by the Commission:

Provided also that where the Energy Charge Rate based on weighted average price of fuel upon use of alternative source of fuel supply exceeds 20% of base Energy Charge Rate as approved by the Commission for that year, prior consultation with beneficiary/ies shall be made at least three days in advance:

Provided also that the details of blending ratio of the imported coal with domestic coal, proportion of e-auction coal and the weighted average GCV of the fuels as received shall also be provided separately, along with the bills of the respective month:

Provided also that copies of the bills and details of parameters of GCV and price of fuel, i.e., domestic coal, imported coal, e-auction coal, etc., details of blending ratio of the imported coal with domestic coal, proportion of e-auction coal shall also be displayed month-wise on the website of the Generating Company, and should be available on its website for a period of three (3) months.

### **C. Incentive**

46.6 Incentive shall be payable at a flat rate of 50.0 paise/kWh for actual energy generation in excess of ex-bus energy corresponding to Normative Annual Plant Load Factor.

### **47 Computation and Payment of Capacity Charges for Hydro Generating Stations**

47.1 The Annual Fixed Cost of a hydro generating station shall be computed on annual basis, based on norms specified under this Regulation, and shall be recovered one twelfth of Annual Fixed Cost on every month which shall be payable by the Beneficiaries in proportion to their respective allocation in saleable capacity of the generating station.

### **48 Pumped Storage Hydro Generating Stations**

48.1 The fixed cost of pumped storage hydro generating station shall be computed on annual basis, based on norms specified under this Regulation, and recovered on monthly basis as Capacity Charge.

48.2 The Capacity Charge shall be payable by the Beneficiaries in proportion to their respective allocation in the saleable capacity of the generating station:

Provided that during the period between the date of commercial operation of the first Unit of the generating Station and the date of

commercial operation of the generating Station, the annual fixed cost shall be worked out based on the latest estimate of the completion cost for the generating Station, for the purpose of determining the Capacity Charge payment during such period.

48.3 The Capacity Charge payable to a pumped storage hydel generating Station for a calendar month shall be:

(AFC x NDM / NDY) (in Rupees), if actual Generation during the month is greater than or equal to 75 % of the Pumping Energy consumed by the Station during the month, and

{(AFC x NDM / NDY) x (Actual Generation during the month during peak hours/ 75% of the Pumping Energy consumed by the Station during the month) (in Rupees)}, if actual Generation during the month is lower than 75 % of the Pumping Energy consumed by the Station during the month.

Where,

AFC = Annual fixed cost specified for the year, in Rupees;

NDM = Number of days in the month;

NDY = Number of days in the year:

Provided that there would be adjustment at the end of the year based on actual generation and actual pumping energy consumed by the Station during the year;

Provided further that the above norms shall be applicable to the dedicated pump storage hydro generating station only.

48.4 The energy charge shall be payable by every Beneficiary for the total energy scheduled to be supplied to the Beneficiary in excess of the design energy plus 75% of the energy utilized in pumping the water from the lower elevation reservoir to the higher elevation reservoir, at a flat rate equal to the average Energy Charge Rate of 20 paise per kWh on ex power plant basis.

48.5 Energy charge payable to the Generating Company for a month shall be:

= 0.20 x {Energy generated (ex-bus) for the month in kWh – (Design Energy for the month ( $DE_m$ ) + 75% of the energy utilized in pumping the water from the lower elevation reservoir to the higher elevation reservoir for the month)},

Where,



$DE_m$  = Design energy for the month specified for the hydro generating Station, in kWh:

Provided that in case the scheduled energy in a month is less than the Design Energy for the month plus 75% of the energy utilized in pumping the water from the lower elevation reservoir to the higher elevation reservoir of the month, then the energy charges payable by the Beneficiaries shall be zero.

48.6 The Generating Company shall maintain the record of daily inflows of natural water into the upper elevation reservoir and the reservoir levels of upper elevation reservoir and lower elevation reservoir on hourly basis.

48.7 The generator shall be required to maximize the peak hour supplies with the available water including the natural flow of water:

Provided that in case it is established that the generating entity is deliberately or otherwise without any valid reason, is not pumping water from lower elevation reservoir to the higher elevation during off-peak period or not generating power to its potential or wasting natural flow of water, the Capacity Charges of the day shall not be payable by the Beneficiary:

Provided further that for this purpose, outages of the Unit(s)/Station including planned outages and the forced outages up to 15% in a year shall be construed as the valid reason for not pumping water from lower elevation reservoir to the higher elevation during off-peak period or not generating power using energy of pumped water or natural flow of water:

Provided also that the total capacity charges recovered during the year shall be adjusted on pro-rata basis in the following manner in the event of total machine outages in a year exceeds 15%:

$$(ACC)_{adj} = (ACC)_R \times (1 - ATO)/85$$

Where,

$(ACC)_{adj}$  = Adjusted Annual Capacity Charges

$(ACC)_R$  = Annual Capacity Charges recovered

ATO = Total Outages in percentage for the year including forced and planned outages:

Provided also that the generating entity shall be required to declare its machine availability daily on day ahead basis for all the time blocks of the

day in line with the scheduling procedure laid down under the State Grid Code.

- 48.8 The SLDC shall finalise the schedules for the hydro generating stations in consultation with the Beneficiaries for optimal utilisation of all the energy declared to be available, which shall be scheduled for all Beneficiaries in proportion to their respective allocations in the generating station.

#### **49 Deviation Charges**

- 49.1 Variations between actual injection and scheduled injection of energy for the generating stations, and variations between actual drawal of energy and scheduled drawal of energy for the Beneficiary/ies shall be treated as their respective deviations, and charges for such deviations shall be governed by the Telangana State Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2021.

### **PART VI: DETERMINATION OF INPUT PRICE OF COAL FROM INTEGRATED MINE(S)**

#### **50 Input Price of coal for energy charges**

- 50.1 Where the generating station, has the arrangement for supply of coal from the integrated mine(s) allocated to it for its end use, the energy charge component of tariff of the generating station shall be determined based on the input price of coal, from such integrated mines determined in accordance with the provisions specified in this Part.
- 50.2 The Commission shall determine the Input Price of coal from the Date of Commercial Operation of the integrated mine.
- 50.3 The input price for supply of coal from the integrated mine(s) prior to their date of commercial operation shall be the estimated price available in the investment approval, or the notified price of Coal India Limited for the corresponding grade of coal supplied to the power sector, whichever is lower:
- Provided that any revenue earned from supply of coal prior to the date of commercial operation of the integrated mine(s) shall be applied in adjusting the capital cost of the said integrated mine(s).
- 50.4 The generating company/station shall, after the date of commercial operation of the integrated mine(s) till the input price of coal is determined by the Commission under this Regulation, adopt the notified price of Coal India Limited commensurate with the grade of the coal from the integrated mine(s) or the estimated price available in the investment approval, whichever is lower, as the input price of coal for the generating station:

Provided that the difference between the input price of coal determined under this Regulation and the input price of coal so adopted prior to such determination, for the quantity of coal billed, shall be adjusted as under:

In case of excess or short recovery of input price, the generating company/station shall refund the excess amount or recover the shortfall amount, as the case may be, with simple rate of interest, equal to the bank rate prevailing as on 1<sup>st</sup> April of the respective years of the tariff period, in six equal monthly instalments.

50.5 Input price of coal from the integrated mine(s) shall be determined based on the following components:

- I) Run of Mine (ROM) Cost; and
- II) Additional charges:
  - a. crushing charges;
  - b. transportation charge within the mine up to the washery end or coal handling plant associated with the integrated mine, as the case may be;
  - c. handling charges at mine end;
  - d. washing charges; and
  - e. transportation charges beyond the washery end or coal handling plant, as the case may be, and up to the loading point:

Provided that one or more components of additional charges may be applicable in case of the integrated mine(s), based on the scope and nature of the mining activities;

Provided further that the input price of coal shall be computed based on ROM based on the technology such as bucket excavator-conveyor or belt-spreader or its combination and handling charges, if any;

50.6 The input price of coal shall be determined as under:

$$\text{Input Price} = [\text{ROM Cost} + \text{Additional charges}]$$

50.7 The credit arising on account of adjustment due to shortfall in overburden removal, GCV Adjustment and Non-tariff Income, if any, shall be dealt separately in the manner specified in this Regulation.

50.8 Statutory Charges, as applicable, shall be allowed.

## **51 Capital Cost of Integrated Mine(s)**

51.1 The expenditure incurred, including IDC and IEDC, duly certified by the Auditor, for development of the integrated mine(s) up to the date of commercial operation, shall be considered for arriving at the capital cost.

51.2 Capital expenditure incurred shall be admitted by the Commission after prudence check.

51.3 Capital expenditure incurred on infrastructure for crushing, transportation, handling, washing and other mining activities required for mining operations shall be arrived at separately in accordance with this Regulation:

Provided that where crushing, transportation, handling or washing are undertaken by the generating company/station, the expenditure incurred on infrastructures of these components shall be capitalized:

Provided further that where mine development and operation, with or without any component of crushing, transportation, handling or washing are undertaken by the generating company/station by engaging Mine Developer and Operator or an agency other than Mine Developer and Operator, the capital expenditure incurred by Mine Developer and Operator or such agency shall not be capitalised by the generating company/station and shall not be considered for the determination of input price.

51.4 The capital expenditure shall be determined by considering, but not limited to, the Mining Plan, detailed project report, mine closure plan, cost audit report and such other details as deemed fit by the Commission.

## **52 Additional Capital Expenditure of Integrated Mine(s)**

52.1 The expenditure, in respect of the integrated mine(s), incurred or projected to be incurred after the date of commercial operation and up to the date of achieving the Peak Rated Capacity may be admitted by the Commission, subject to prudence check and shall be capitalized in the respective year of the tariff period as additional capital expenditure corresponding to the Annual Target Quantity of the year as specified in the Mining Plan or actual extraction in that year, whichever is higher, on following counts:

- i. expenditure incurred on activities as per the Mining Plan;
- ii. expenditure for works deferred for execution and un-discharged liabilities recognized for works executed prior to date of commercial operation;
- iii. expenditure for works required to be carried out for complying with directions or orders of any statutory authorities;
- iv. liabilities arising out of compliance of order or decree of any court of law or award of arbitration;
- v. expenditure for procurement and development of land as per the Mining Plan;
- vi. expenditure for procurement of additional heavy earth moving machineries for replacement, on completion of their useful life; and
- vii. liabilities due to Change in Law or Force Majeure events:

Provided that in case of replacement of any assets, the additional capitalization shall be worked out after adjusting the gross fixed assets

and cumulative depreciation of the assets replaced on account of de-capitalization:

Provided further that the generating company/station shall prepare guidelines for procurement and replacement of heavy mining equipment such as Heavy Earth Moving Machineries and share the same with the beneficiaries and submit it to the Commission along with its Petition.

52.2 The expenditure, in respect of the integrated mine(s), incurred or projected to be incurred after the date of achieving the Peak Rated Capacity may be admitted by the Commission subject to prudence check, and shall be capitalized as Additional Capital Expenditure, corresponding to the Annual Target Quantity of the respective years as specified in the Mining Plan, on following counts:

- (a) expenditure incurred on activities, if any, as per Mining Plan;
- (b) expenditure for works required to be carried out for complying with directions or order of any statutory authority;
- (c) liabilities arising out of compliance of order or decree of any court of law or award of arbitration;
- (d) expenditure for procurement and development of land as per the Mining Plan; and
- (e) liabilities due to Change in Law or Force Majeure events:

Provided that in case of replacement of any assets, the additional capitalization shall be worked out after adjusting the gross fixed assets and cumulative depreciation of the assets replaced on account of de-capitalization.

52.3 The expenditure on following counts shall not be considered as additional capital expenditure for the purpose of this Regulation:

- (a) expenditure incurred but not capitalized as the assets have not been put in service (capital work in progress);
- (b) mine closure expenses;
- (c) expenditure on works not covered under Mining Plan, unless covered under sub-clause (g) of clause 52.1 or sub-clause (e) of clause 52.2 of this Regulation;
- (d) expenditure on replacement due to obsolescence of assets on account of completion of the useful life or due to obsolescence of technology, if the original cost of such assets have not been de-capitalised from the gross fixed assets.

### **53 Run of Mine (ROM) Cost**

53.1 Run of Mine Cost of coal in case of integrated mine(s) allocated through allotment route under Coal Mines (Special Provisions) Act, 2015 shall be worked out as under:

$$\text{ROM Cost} = [(\text{Annual Extraction Cost} \div \text{ATQ}) + \text{Mining Charge}] +$$

(Fixed Reserve Price).

Where,

Annual Extraction Cost is the cost of extraction of coal as computed in accordance with this Regulation;

Mining Charge is the charge per tonne of coal paid by the generating company to the Mine Developer and Operator engaged by the Generating Company for mining, wherever applicable; and

Fixed Reserve Price is the fixed reserve price per tonne along with subsequent escalation, if any, as provided in the Coal Mine Development and Production Agreement or Allotment Agreement.

53.2 The generating company shall adhere to the Mining Plan for extraction of coal on annual basis and shall submit a certificate to that effect from the Coal Controller or the competent authority.

Provided that deviations from the Mining Plan shall be considered only if such deviations have been approved by the Coal Controller or the revised Mining Plan has been approved by the competent authority.

53.3 ROM Cost of coal shall be worked out in terms of Rupees per tonne.

#### **54 Annual Extraction Cost**

54.1 The Annual Extraction Cost of integrated mine(s) shall consist of the following components:

- (i) Depreciation;
- (ii) Interest on Loan;
- (iii) Return on Equity;
- (iv) Operation and Maintenance Expenses, excluding mining charge;
- (v) Interest on Working Capital;
- (vi) Mine closure expenses, if not included in mining charge; and
- (vii) Statutory charges, if applicable.

#### **55 Capital Structure, Return on Equity and Interest on Loan**

55.1 For integrated mine(s), debt-equity ratio as on the date of commercial operation and as on the date of achieving Peak Rated Capacity shall be considered in the manner as specified under clause 27 of this Regulation.

55.2 For integrated mine(s), debt-equity ratio for additional capital expenditure admitted by the Commission under this Regulation shall be considered in the manner as specified under clause 27 of this Regulation.

55.3 Return on Equity shall be computed in rupee terms on the equity base arrived under clause 55.1 at the base rate of 14%.

55.4 The base rate of Return on Equity as per clause 55.3 shall be grossed up with the effective tax rate computed in the manner specified under clause 30.

55.5 Interest on loan, including normative loan, if any, determined under clause 55.1, shall be arrived at by considering the weighted average rate of interest calculated on the basis of actual loan portfolio, in accordance with clause 31.5 of this Regulation.

## **56 Depreciation**

56.1 Depreciation in respect of integrated mine(s) shall be computed from the date of commercial operation by applying Straight Line Method.

56.2 The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission:

- a. freehold land or assets purchased from grant shall not be considered as depreciable assets and their cost shall be excluded from the capital cost while computing depreciable value of the assets;
- b. where the allotment of freehold land is conditional and is required to be returned, the cost of such land shall be part of value base for the purpose of depreciation, subject to prudence check by the Commission; and
- c. lease hold land shall be amortized over the lease period or remaining life of the integrated mine(s), whichever is lower.

56.3 The salvage value of an asset shall be considered as 10% of the capital cost of the asset:

Provided that the salvage value shall be:

- i) zero for IT equipment and software;
- ii) zero or as agreed by the Generating Company with the State Government for land; and
- iii) as notified by the Ministry of Corporate Affairs under the Companies Act, 2013 for specialized mining equipment.

56.4 Depreciation in respect of integrated mine(s) shall be arrived at annually by applying depreciation rates or on the basis of expected useful life specified in Annexure-1(A) of this Regulation:

Provided that specialized mining equipment shall be depreciated as per the useful life and depreciation rate as notified by the Ministry of Corporate Affairs under the Companies Act, 2013.

## **57 Operation and Maintenance Expenses**

57.1 The Operation and Maintenance expenses in respect of integrated mine(s) of coal, for the tariff period shall be allowed based on the projected Operation and Maintenance Expenses for each year of the tariff period subject to prudence check by the Commission:

Provided that the Operation and Maintenance expenses allowed under this clause shall be trued up based on actual expenses for the tariff period.

57.2 Where the development and operation of the integrated mine(s) is undertaken by engaging Mine Developer and Operator, the Mining Charge of such Mine Developer and Operator shall not be included in Operation and Maintenance Expenses under clause 57.1.

57.3 Where an agency other than Mine Developer and Operator is engaged through a transparent competitive bidding process, for crushing or transportation or handling or washing or any combination thereof, the annual charges of such agency shall be considered as part of Operation and Maintenance Expenses under clause 57.1, subject to prudence check by the Commission.

## **58 Interest on Working Capital**

58.1 The working capital of the integrated mine(s) of coal shall cover:

- i. Input cost of coal stock for 7 days of production corresponding to the Annual Target Quantity for the relevant year;
- ii. Consumption of stores and spares including explosives, lubricants and fuel @ 1% of opening Gross Fixed Assets, excluding mining charge of Mine Developer and Operator and annual charges of the agency other than Mine Developer and Operator, engaged by the Generating Company; and
- iii. Operation and maintenance expenses for one month, excluding mining charge of Mine Developer and Operator and annual charges of the agency other than Mine Developer and Operator, engaged by the Generating Company.

58.2 The rate and payment of interest on working capital shall be determined in accordance with clauses 33.6 of this Regulation.

## **59 Mine Closure Expenses**

59.1 Where the mine closure is undertaken by the generating company/station, the amount deposited in the Escrow Account as per the Mining Plan, after adjusting interest earned, if any, on the said deposits shall be admitted as Mine Closure Expenses:

Provided that

- a. the amount deposited in the Escrow Account as per the Mining Plan prior to the Date of Commercial Operation of the integrated mine(s) shall be indicated separately and shall be recovered over the useful life of the integrated mine(s) in the form of annuity linked to the borrowing rate;
- b. the amount deposited in the Escrow Account as per the Mining Plan or any expenditure incurred towards mine closure shall be excluded from the capital cost for computing input price;
- c. where the expenditure incurred towards mine closure falls short of or is in excess of the reimbursement received from the Escrow Account during each year, the shortfall or excess shall be carried forward to the subsequent years for adjustments.



59.2 The amount towards mine closure shall be deposited in the Escrow Account as per the Mining Plan and shall be recovered as part of input price irrespective of the expenditure incurred towards mine closure during any of the years of the tariff period.

59.3 Where mine closure is within the scope of Mine Developer and Operator engaged by the Generating Company and mine closure expenses are part of the Mining Charge of Mine Developer and Operator, the mine closure expenses shall be met out of the Mining Charge and no mine closure expenses shall be admissible to the generating company/station separately:

Provided that,

- a) the amount deposited in the Escrow Account by the Mine Developer and Operator or by the generating company/station and any amount received from the Escrow Account against expenditure incurred towards mine closure shall not be considered for computing input price; and
- b) the difference between the borrowing cost, arrived at by considering the weighted average rate of interest calculated on the basis of actual loan portfolio in accordance with the methodology specified in clause 31.5 of this Regulation, and the amount deposited in Escrow Account and the interest received from Escrow Account in a year shall be adjusted in the input price of the respective year, as part of mine closure expenses, on case-to-case basis.

59.4 Where the mine closure is within the scope of Mine Developer and Operator engaged by the generating company/station only for a part of useful life of the integrated mine(s) and the generating company/station undertakes the mine closure for the balance useful life, the treatment of mine closure during the period undertaken by the generating company/station shall be in accordance with clause 59.1 and mine closure during the period undertaken by the Mine Developer and Operator shall be in accordance with clause 59.3:

Provided that the treatment of mine closure at the end of useful life of the integrated mine(s) shall be decided by the Commission on case-to-case basis.

## **60 Additional Charges**

60.1 Where crushing or transportation or handling or washing are undertaken by the generating company without engaging Mine Developer and Operator or an agency other than Mine Developer and Operator, additional charges shall be worked out as under:

(i)  $\text{Crushing Charges} = \text{Annual Crushing Cost} \div \text{Quantity}$ ;

(ii)  $\text{Transportation Charges} = \text{Annual Transportation Cost} \div \text{Quantity}$ :

Provided that separate transportation charges, as applicable, shall be considered from mine up to washery end or coal handling plant

associated with the integrated mine(s) and beyond washery end or coal handling plant associated with the integrated mine(s) and up to the loading point, as the case may be;

(iii) Handling charges = Annual Handling Cost ÷ Quantity; and

(iv) Washing Charges = Annual Washing Cost ÷ Quantity.

Where,

(a) Annual Crushing Cost, Annual Transportation Cost, Annual Handling Cost and Annual Washing Cost shall be worked out on the basis of following components, for which the generating company shall submit the capital cost separately:

- i. Depreciation;
- ii. Interest on Working Capital;
- iii. Interest on Loan;
- iv. Return on Equity;
- v. Operation and Maintenance Expenses, excluding Mining Charge;
- vi. Statutory charges, if applicable.

(b) Quantity shall be the quantity of coal in tonne crushed or transported or handled or washed, as the case may be, during the year duly certified by the Auditor.

60.2 Where crushing, transportation, handling or washing are within the scope of the Mine Developer and Operator, no additional charges shall be admitted, as the same shall be recovered through Mining Charge of the Mine Developer and Operator.

60.3 Where crushing, transportation, handling or washing are undertaken by the generating company/station by engaging an agency other than Mine Developer and Operator, the annual charges of such agencies shall be considered as part of the Operation and Maintenance Expenses, provided that the charges have been discovered through a transparent competitive bidding process.

60.4 The crushing charges, transportation charges, handling charges, and washing charges shall be admitted by the Commission after prudence check, considering charges of Coal India Limited or similarly placed coal mines or any other reference charges.

60.5 The crushing charges, transportation charges, handling charges, and washing charges shall be worked out in terms of Rupees per tonne.

## **61 Recovery of input charges**

61.1 The input charges of coal shall be recovered as under:

$$\text{Input Charges} = [\text{Input Price} \times \text{Quantity of coal supplied}]$$

+ Statutory charges, as applicable:

Provided that where energy charge rate based on input price of coal from integrated mine(s) exceeds by 20% of energy charge rate based on notified price of Coal India Limited for the commensurate grade of coal in a month, prior consent of the beneficiary(ies) shall be required to be obtained by the generating company/station;

Provided further that where such consents of beneficiaries are not available, input price of coal from such integrated mine(s) shall be so fixed that energy charge rate based on input price of coal from integrated mine(s) does not exceed by more than 20% the energy charge rate based on notified price of Coal India Limited for the commensurate grade of coal in a month;

Provided also that energy charge rate based on input price of coal does not lead to higher energy charge rate throughout the tenure of power purchase agreement than that which would have been obtained as per terms and conditions of the existing power purchase agreement.

- 61.2 The generating company/station shall work out the comparative energy charge rate based on the input price of coal and notified price of Coal India Limited for the commensurate grade of coal for every month from the date of commercial operation of integrated mine(s) and share the same with beneficiaries.

## **62 Adjustment on account of Shortfall of Overburden Removal (OB Adjustment)**

- 62.1 The generating company/station shall remove overburden as specified in the Mining Plan.
- 62.2 In case of shortfall of overburden removal during a year, the generating company/station shall be allowed to adjust such shortfall against excess of overburden removal, if any, during subsequent three years.
- 62.3 In case of excess of overburden removal during a year, the generating company/station shall be allowed to carry forward such excess for adjustment against the shortfall, if any, during subsequent three years.
- 62.4 Where the shortfall of overburden removal of any year is not made good by the generating company/station in accordance with clause 62.2 of this Regulation, the adjustment on account of shortfall of overburden removal (OB Adjustment) for that year shall be worked out as under:

OB Adjustment = [Factor of adjustment for shortfall of overburden removal during the year] x [Mining Charge during the year + Operation and Maintenance expenses during the year]

Where,

- i) Factor of adjustment for shortfall of overburden removal during the year shall be computed as under:
 
$$\frac{[(\text{Actual quantity of coal extracted during the year} \times \text{Annual Stripping Ratio as per Mining Plan}) - (\text{Actual quantity of overburden removed during the year} \div \text{Annual Stripping Ratio as per Mining Plan})]}{(\text{Annual Target Quantity})}$$
- ii) Annual Stripping ratio is the ratio of volume of overburden to be removed for one unit of coal as specified in the Mining Plan.
- iii) Mining Charge is the charge per tonne of coal paid by the generating company/station to the Mine Developer and Operator for mining, wherever applicable.
- iv) Mining Charge and Operation and Maintenance expenses shall be in Rupees per tonne corresponding to the Annual Target Quantity.

### **63 Adjustment on account of shortfall in GCV (GCV Adjustment)**

63.1 In case the weighted average GCV of coal extracted from the integrated mine(s) in a year is higher than the declared GCV of coal for such mine(s), no GCV adjustment shall be allowed.

63.2 In case the weighted average GCV of coal extracted from the integrated mine(s) in a year is lower than the declared GCV of coal of such mine(s), the GCV adjustment in that year shall be worked out as under:

$$\text{GCV Adjustment} = \frac{[(\text{Annual Extraction Cost} \div \text{ATQ}) + (\text{Mining Charge})] \times [(\text{Declared GCV of coal} - \text{Weighted Average GCV of coal extracted in the year}) \div (\text{Declared GCV of coal})]}{1}$$

Where,

- i. Annual Extraction Cost is the cost of extraction of coal as computed in accordance with clause 54.1 of this Regulation;
- ii. Mining Charge is the charge per tonne of coal paid by the generating company/station to the Mine Developer and Operator engaged for mining, wherever applicable; and
- iii. Declared GCV of coal shall be the average GCV as per the Mining Plan or as approved by the Coal Controller.

### **64 Adjustment on account of Non-Tariff Income (NTI Adjustment)**

64.1 Adjustment on account of Non-Tariff Income (NTI Adjustment) for any year, such as income from sale of washery rejects in case of integrated mine of coal and profit, if any, from supply of coal to the Coal India Limited or merchant sale of coal as allowed under the Coal Mines (Special Provisions) Act, 2015 shall be worked out as under:

NTI Adjustment = (All Non-Tariff Income during the year) ÷ (Actual quantity of coal extracted during the year):

Provided that the price of sale of washery rejects shall not be lesser than actual transport cost incurred.

## **65 Credit Adjustment Note**

65.1 The credit arising on account of OB Adjustment, GCV Adjustment and NTI Adjustment shall be dealt through Credit Adjustment Note for any year.

65.2 The Credit Adjustment Note shall be issued in favour of the specified end use generating stations on account of OB Adjustment, GCV Adjustment or NTI Adjustment, as the case may be, for that year as under:

(i) OB Adjustment for the year X Quantity of coal supplied in that year;

(ii) GCV Adjustment for the year X Quantity of coal supplied in that year; and

(iii) NTI Adjustment in the year X Quantity of coal supplied in that year.

65.3 The amount in Credit Adjustment Note shall be adjusted against the charges of coal supplied after the date of issue of Credit Adjustment Note and the integrated mine(s) shall prepare an annual reconciliation statement of such adjustment and furnish the same to all the end use plants and also publish the same on its website.

## **66 Quality Measurement**

66.1 The quality of coal supplied from the integrated mine(s) shall be measured at the loading point through third party sampling as per the guidelines and procedure specified by the Ministry of Coal, Government of India and records of such measurement of quality of coal shall be made available to the beneficiaries on demand.

## **67 Special Provisions**

67.1 The provisions of this Regulation specified in the other Parts shall not be applicable in case of integrated mine(s), except to the extent specifically provided for or referred to in this Part.

67.2 The financial parameters required for determination of input price of coal from integrated mine(s), if not specifically provided for or referred to in this Part, shall be considered as per provisions of these Regulations as applicable to the coal based generating stations.

## PART VII: TRANSMISSION

### 68 Applicability

- 68.1 The provisions contained in this Part shall apply to the determination of Tariff for access and use of the intra-State transmission system pursuant to a Bulk Power Transmission Agreement or other arrangement entered into with a Transmission System User.
- 68.2 The Commission shall be guided by the terms and conditions contained in this Part in specifying the rates, charges, terms and conditions for use of intervening transmission facilities pursuant to a Petition filed in this regard by a Transmission Licensee under the proviso to Section 36 (1) of the Act.
- 68.3 All the new intra-State transmission systems costing above a Threshold Limit of Rs. 300 Crore shall be developed through Tariff Based Competitive Bidding in accordance with the guidelines issued by the Central Government under Section 63 of the Act.

### 69 Components of Tariff

- 69.1 The Annual Transmission Charges for each Year of the Control Period shall provide for the recovery of the Aggregate Revenue Requirement of the Transmission Licensee for the respective Year of the Control Period, as approved by the Commission and comprising the following components:
- (a) Operation and Maintenance expenses;
  - (b) Depreciation;
  - (c) Interest and finance charges on Loan;
  - (d) Interest on working capital;
  - (e) Return on Equity;
- minus:**
- (f) Income from Open Access charges;
  - (g) Non-Tariff income;
  - (h) Income from Other Business, to the extent specified in this Regulation;
- Add:**
- (i) Impact of true-up for prior period as approved by the Commission:

Provided that Depreciation, Interest and finance charges on loan, Interest on working capital and deposits from Transmission System Users, Return on Equity for Transmission Licensees shall be allowed in accordance with the provisions specified in **Part IV** of this Regulation:

Provided further that the components of the Aggregate Revenue Requirement corresponding to the transmission lines owned by Transmission Corporation of Telangana Limited and conveying electricity to other States, being recovered through the Point of Connection (PoC) transmission charges in accordance with the Regulations and Orders of the Central Electricity Regulatory Commission, shall not be recovered from the Annual Transmission Charges determined under these Regulations:

Provided also that in case any such components have already been recovered through the intra-State transmission tariff, then such excess recovery shall be deducted from the Aggregate Revenue Requirement of Transmission Corporation of Telangana Limited for the future years, along with associated holding cost, as applicable:

Provided also that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case to case basis, if the income/expenses in that prior period have been allowed on actual basis, subject to prudence check:

Provided also that all penalties and compensation payable by the Licensee to any party for failure to meet any Standards of Performance or for damages, as a consequence of the orders of the Commission, Courts, etc., shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the Licensee shall maintain separate details of such penalties and compensation paid or payable by the Licensee, if any, and shall submit them to the Commission along with its Petition.

- 69.2 The Annual Transmission Charges of the Transmission Licensee shall be determined by the Commission on the basis of a Petition for determination of Aggregate Revenue Requirement or Petition for adoption of Annual Transmission Charges in case of competitively awarded transmission system Project, as the case may be, filed by the Transmission Licensee.

## **70 Capital Investment Plan**

- 70.1 The transmission licensee shall submit a detailed capital investment plan, financing plan and physical targets for each year of the Control Period for strengthening and augmentation of the intra-State transmission system of the Transmission Licensee, meeting the requirement of load growth, improvement in quality of supply, reliability, metering, reduction in congestion, etc., to the Commission for approval, as a part of the Multi-year Aggregate Revenue Requirement for the entire Control Period.
- 70.2 The Capital Investment Plan shall be a least cost plan for undertaking investments and shall cover all capital expenditure projects of a value exceeding Rs. Ten crore or such other amount as may be stipulated by the Commission from time to time, and shall be in such form as may be stipulated.
- 70.3 The Capital Investment Plan shall be accompanied by such information, particulars and documents as may be required including but not limited to the information such as number of bays, name, configuration and location of grid substations, substation capacity (MVA), transmission line length (circuit kilometres) showing the need for the proposed investments, alternatives considered, cost-benefit analysis and other aspects that may have a bearing on the transmission charges.
- 70.4 The Capital Investment Plan of the transmission licensee shall be consistent with the transmission system plan for the intra-State transmission system developed by the State Transmission Utility bearing in mind the transmission system plan for the inter-State transmission system developed by the Central Transmission Utility:
- Provided that any capital expenditure incurred by the transmission licensee based on the specific requirement of a generating company or distribution licensee shall be substantiated with necessary documentary evidence in the form of request for the same and undertaking given as appropriate.
- 70.5 The Commission shall consider the Capital Investment Plan along with the Multi-year Aggregate Revenue Requirement for the entire Control Period submitted by the transmission licensee taking into consideration the prudence of the proposed expenditure and estimated impact on transmission charges.

## **71 Operation and Maintenance expenses**

- 71.1 The O&M expenses for transmission licensee shall comprise of:



- Employee cost including unfunded past liabilities of pension and gratuity;
- Repairs and Maintenance (R&M) expenses; and
- Administrative and Generation (A&G) expenses.

71.2 The O&M expenses for transmission licensee for each year of the Control Period shall be approved based on the formula shown below:

$$\mathbf{O\&M_n = EMP_n + R\&M_n + A\&G_n}$$

Where,

- O&M<sub>n</sub> – Operation and Maintenance expense for the n<sup>th</sup> year;
- EMP<sub>n</sub> – Employee Costs for the n<sup>th</sup> year;
- R&M<sub>n</sub> – Repair and Maintenance Costs for the n<sup>th</sup> year;
- A&G<sub>n</sub> – Administrative and General Costs for the n<sup>th</sup> year;

71.3 The above components shall be computed in the manner specified below:

$$\mathbf{EMP_n = (EMP_{n-1}) \times (CPI\ Inflation);}$$

$$\mathbf{R\&M_n = K \times (GFA_n) \times (WPI\ Inflation)\ and}$$

$$\mathbf{A\&G_n = (A\&G_{n-1}) \times (WPI\ Inflation)}$$

Where,

- EMP<sub>n-1</sub> – Employee Costs for the (n-1)<sup>th</sup> year;
- “K” is a constant specified by the Commission in %. Value of K for each year of the control period shall be determined by the Commission in the MYT order based on transmission licensee’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;
- GFA<sub>n</sub> - Opening Gross Fixed Asset of the generating station for the n<sup>th</sup> year;
- A&G<sub>n-1</sub> – Administrative and General Costs for the (n-1)<sup>th</sup> year;
- CPI Inflation – is the point to point change in the Consumer Price Index (CPI) for Industrial Workers (all India) as per

Labour Bureau, Government of India; in case CPI Inflation is negative, the escalation/change shall be 0%;

- WPI Inflation – is the point to point change in the Wholesale Price Index (WPI) as per the Office of Economic Advisor of Government of India;

Provided that for the first year of the Control Period, the employee cost and A&G expenses shall be the average of the true-up expenses after adding/deducting the share of efficiency gains/losses, for the immediately preceding Control Period, excluding abnormal expenses, if any, subject to prudence check by the Commission.

71.4 Provisioning of expenses shall not be considered as actual expenses at the time of true-up, and only expenses as actually incurred shall be considered.

## **72 Non-Tariff Income**

72.1 The amount of non-Tariff income relating to the Transmission Business as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in determining the Annual Transmission Charges of the Transmission Licensee:

Provided that the Transmission Licensee shall submit full details of its forecast of non-Tariff income to the Commission in such form as may be stipulated by the Commission.

72.2 The Non-Tariff Income shall include:

- a) Income from rent of land or buildings;
- b) Net income from sale of de-capitalised assets;
- c) Income from sale of scrap;
- d) Income from statutory investments;
- e) Interest income on advances to suppliers/contractors;
- f) Income from rental from staff quarters;
- g) Income from rental from contractors;
- h) Income from hire charges from contractors and others;
- i) Supervision charges for capital works;
- j) Any other Non-Tariff Income.

## **73 Income from Other Business**

73.1 In the event a licensee engages in any other business for optimum utilisation of the assets, the licensee shall give prior intimation in writing to the Commission of such Other Business, along with, inter-alia, the following details:

- (a) nature of other Business;
- (b) proposed capital investment in the other Business;
- (c) impact of the use of assets and facilities of the Licensed Business for Other Business;
- (d) manner in which the assets and facilities of the Licensed Business and of the Other Business shall be used, demonstrating that there would be no adverse impact on the Licensed Business and on the ability of the Licensee to carry out the duties and obligations of the Licensed Business;
- (e) proposal for sharing of revenue derived from the Other Business with the Licensed Business. Such proposal shall include the methodology used for arriving at the proposed sharing.

Provided that a transmission licensee shall not engage in the business of trading of electricity.

73.2 The licensee shall have the absolute responsibility to ensure that the utilisation of the assets and facilities of the Licensed Business for Other Business shall not in any manner affect the performance of the obligations under the Licensed Business or the quality of service required from the licensee, and any such utilisation shall be entirely at the cost and risk of the licensee.

73.3 Failure to submit prior intimation in writing to the Commission will invite a penalty which may extend upto the annual revenue of the Other Business.

73.4 The licensee shall for each of the Other Business:

- (a) maintain separate accounting records, such as amount of revenue, costs, assets liabilities, reserves or provisions which have been charged from or to the Other Business. The licensee shall maintain a description of basis for the charge or its determination by apportionment or allocation between the various business activities;
- (b) prepare on a consistent basis from such records accounting statements for each financial year comprising a profit and loss account, a balance sheet and a statement of sources and application of funds;

- (c) provide in respect of the accounting statements prepared, a report by the Auditors in respect of each financial year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, liabilities, reserves and provisions reasonably attributable to the business to which the statements relate;
- (d) submit copies of the accounting statements and Auditor's report not along with true-up of the relevant year;
- (e) submit to the Commission such additional information that the Commission requires from time to time.

73.5 The licensee shall establish to the satisfaction of the Commission that the Other Business bears an appropriate share of overhead costs and other common costs.

73.6 Where the transmission licensee has engaged in any Other Business under Section 41 of the Act for optimum utilisation of its assets, an amount equal to two-thirds of the revenues from such Other Business after deduction of all direct and indirect costs attributed to such Other Business shall be deducted from the Aggregate Revenue Requirement in calculating the Annual Transmission Charges of the Transmission Licensee:

Provided that the Transmission Licensee shall follow a reasonable basis for allocation of all joint and common costs between the Transmission Business and the Other Business and shall submit the Allocation Statement, duly certified by the Statutory Auditor, to the Commission along with its Petition for determination of Aggregate Revenue Requirement:

Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the Transmission Licensee on account of such Other Business.

73.7 The licensee shall not in any manner utilise the assets and facilities of the Licensed Business or otherwise directly or indirectly allow the Other Business to be undertaken in a manner that the Licensed Business results in subsidising the Other Business.

73.8 The licensee shall not in any manner, directly or indirectly encumber the assets and facilities of the Licensed Business for Other Business or for any activities other than the Licensed Business.

73.9 The Other Business shall pay to the Licensed Business a reasonable proportion of the revenue of the Other Business, subject to a maximum amount which may reflect the allocable costs or market value of the assets and facilities of the Licensed Business utilised/being utilised for Other Business.

73.10 The Commission will determine the reasonable proportion of revenue of the Other Business and the minimum amount to be paid to the Licensed Business, on a case-to-case basis, as and when a licensee informs the Commission about its intention of utilising the assets and facilities for use for any Other Business. In deciding the amount to be paid by the Other Business, the Commission will consider the submissions of the licensee, but may use any alternate approach or methodology that it considers appropriate.

Provided that as and if deemed appropriate by it, the Commission may determine the reasonable proportion of revenues, etc. to be paid to the Licensed Business in respect of a class of Other Businesses as a whole, instead of on a case-to-case basis.

## **74 Determination of Intra-State Transmission Tariff**

74.1 The transmission tariff payable by the long-term and medium-term users of the transmission system shall be determined in accordance with the following formula:

$$TR = \frac{ARR \div 12}{TCC}$$

Where,

TR = Transmission Rate in Rs./kW/month;

ARR = Aggregate Revenue Requirement as determined under clause 69.1;

TCC = Total Contracted Capacity in kW of the Transmission system by all Long-Term and Medium-Term Users.

74.2 The transmission tariff payable by the short-term users of the transmission system shall be determined in accordance with the following formula:

$$TR = \frac{ARR \div \text{number of hours in the year}}{TCC}$$

Where,

TR = Transmission Rate in Rs./kW/hr;

ARR = Aggregate Revenue Requirement as determined under clause 69.1;

TCC = Total Contracted Capacity in kW of the Transmission system by all Long-Term and Medium-Term Users.

## **75 Billing and Payment of Charges**

75.1 The transmission licensee shall raise monthly bill for Intra-State Transmission Charges on every Transmission System User (TSU) on the first working day of the month for the Transmission Charges of preceding month.

75.2 The monthly bill for transmission Tariff shall be payable within thirty days of receipt of bill by the TSUs.

75.3 All TSUs shall ensure timely payment of Transmission Tariff to the transmission licensees.

## **76 Transmission Losses**

76.1 The transmission licensee shall propose the trajectory of the transmission losses for the Control Period in its MYT Petition for the Control Period with detailed justification for the proposed loss trajectory.

76.2 The energy losses in the intra-State transmission system, as approved by the Commission, shall be considered as transmission losses and borne by the Transmission System Users in proportion to their usage of the intra-State transmission system:

## **PART VIII: DISTRIBUTION WHEELING BUSINESS**

### **77 Separation of Accounts of Distribution Licensee**

77.1 Every distribution licensee shall maintain separate accounting records for the Wheeling Business and Retail Supply Business and shall prepare an Allocation Statement to enable the Commission to determine the Tariff separately for:

(a) Distribution Wheeling Business;

(b) Retail Supply of electricity:

Provided that in case complete accounting segregation has not been done between the Wheeling Business and Retail Supply Business of the distribution licensee, the Aggregate Revenue Requirement of the distribution licensee shall be apportioned between the Wheeling Business and Retail Supply Business in accordance with the following Allocation Matrix:

<b>Particulars</b>	<b>Wheeling Business (%)</b>	<b>Retail Supply Business (%)</b>
Power Purchase Expenses	0%	100%
Inter-State Transmission Charges	0%	100%
Intra-State Transmission Charges	0%	100%
Operation & Maintenance Expenses	90%	10%
Depreciation	90%	10%
Interest and finance charges on Loan	90%	10%
Interest on working capital	90%	10%
Return on Equity	90%	10%

Provided further that the above Allocation Matrix shall be applied for all or any of the heads of expenditure and revenue, where actual accounting separation has not been done between the Distribution Wires Business and Retail Supply Business:

Provided also that the Commission may require the Distribution Licensee to file separate Petitions for determination of Tariff for the Distribution Wires Business and Retail Supply Business.

## **78 Applicability**

78.1 The provisions contained in this Part shall apply to the determination of Wheeling Charges payable for usage of distribution wires of a Distribution Licensee by a Distribution System User.

## **79 Components of Aggregate Revenue Requirement for Distribution Wheeling Business**

79.1 The Wheeling Charges of the distribution licensee shall provide for the recovery of the Aggregate Revenue Requirement of the Distribution Wheeling Business for the respective Years of the Control Period, as approved by the Commission and comprising the following components:

- (a) Operation and maintenance expenses;
- (b) Depreciation;
- (c) Interest and finance charges on Loan;
- (d) Interest on working capital;

(e) Return on Equity;

**minus:**

(f) Income from Open Access charges;

(g) Non-Tariff income;

(h) Income from Other Business, to the extent specified in these Regulations;

**Add:**

(i) Impact of true-up for prior period as approved by the Commission:

Provided that Depreciation, Interest and finance charges on Loan, Interest on working capital, Return on Equity for Distribution Wheeling Business shall be allowed in accordance with the provisions specified in **Part IV** of this Regulation:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case to case basis, if the income/expenses in that prior period have been allowed on actual basis, subject to prudence check:

Provided also that all penalties and compensation payable by the Licensee to any party for failure to meet any Standards of Performance or for damages, as a consequence of the orders of the Commission, Courts, Consumer Grievance Redressal Forum, and Ombudsman, etc., shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the Distribution Licensee shall maintain separate details of such penalties and compensation paid or payable by the Licensee, if any, and shall submit them to the Commission along with its Petition.

79.2 The Wheeling Charges of the Distribution Licensee shall be determined by the Commission on the basis of a Petition for determination of Tariff filed by the Distribution Licensee:

Provided that the Wheeling Charges shall be denominated in terms of Rupees/kVA/month for long-term and medium-term Open Access and in terms of Rupees/kVA/hr for short-term Open Access, for the purpose of recovery from the Distribution System User, or any such denomination, as may be stipulated by the Commission:



Provided further that the Wheeling Charges shall be determined separately for LT voltage, 11 kV voltage, and 33 kV voltage, as applicable.

## **80 Capital Investment Plan**

- 80.1 The distribution licensee shall submit a detailed Capital Investment Plan, financing plan and physical targets for each Year of the Control Period for strengthening and augmentation of its distribution network, meeting the requirement of load growth, reduction in distribution losses, improvement in quality of supply, reliability, metering, reduction in congestion, etc., to the Commission for approval, as a part of the Multi-Year Tariff Petition for the entire Control Period.
- 80.2 The Capital Investment Plan shall be a least cost plan for undertaking investments and shall cover all capital expenditure projects of a value exceeding Rs. 10 Crore or such other amount as may be stipulated by the Commission from time to time and shall be in such form as may be stipulated by the Commission from time to time.
- 80.3 The Capital Investment Plan shall be accompanied by such information, particulars and documents as may be required including but not limited to the information such as number of distribution sub-stations, consumer sub-stations, transformation capacity in MVA and details of distribution transformers of different capacities, HT:LT ratio as well as distribution line length showing the need for the proposed investments, alternatives considered, cost-benefit analysis and other aspects that may have a bearing on the Wheeling Charges.
- 80.4 The Commission shall consider the Capital Investment Plan along with the Multi-Year Aggregate Revenue Requirement for the entire Control Period submitted by the distribution licensee taking into consideration the prudence of the proposed expenditure and estimated impact on Wheeling Charges.

## **81 Operation and Maintenance Expenses**

- 81.1 The O&M expenses for distribution licensee shall comprise of:
- Employee cost including unfunded past liabilities of pension and gratuity;
  - Repairs and Maintenance (R&M) expenses; and
  - Administrative and Generation (A&G) expenses.

81.2 The O&M expenses for distribution licensee for each year of the Control Period shall be approved based on the formula shown below:

$$\mathbf{O\&M_n = EMP_n + R\&M_n + A\&G_n}$$

Where,

- O&M<sub>n</sub> – Operation and Maintenance expense for the n<sup>th</sup> year;
- EMP<sub>n</sub> – Employee Costs for the n<sup>th</sup> year;
- R&M<sub>n</sub> – Repair and Maintenance Costs for the n<sup>th</sup> year;
- A&G<sub>n</sub> – Administrative and General Costs for the n<sup>th</sup> year;

81.3 The above components shall be computed in the manner specified below:

$$\mathbf{EMP_n = (EMP_{n-1}) \times (CPI\ Inflation);}$$

$$\mathbf{R\&M_n = K \times (GFA_n) \times (WPI\ Inflation)\ and}$$

$$\mathbf{A\&G_n = (A\&G_{n-1}) \times (WPI\ Inflation)}$$

Where,

- EMP<sub>n-1</sub> – Employee Costs for the (n-1)<sup>th</sup> year;
- “K” is a constant specified by the Commission in %. Value of K for each year of the control period shall be determined by the Commission in the MYT order based on distribution licensee’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;
- GFA<sub>n</sub> - Opening Gross Fixed Asset of the generating station for the n<sup>th</sup> year;
- A&G<sub>n-1</sub> – Administrative and General Costs for the (n-1)<sup>th</sup> year;
- CPI Inflation – is the point to point change in the Consumer Price Index (CPI) for Industrial Workers (all India) as per Labour Bureau, Government of India; in case CPI Inflation is negative, the escalation/change shall be 0%;
- WPI Inflation – is the point to point change in the Wholesale Price Index (WPI) as per the Office of Economic Advisor of Government of India;

Provided that for the first year of the Control Period, the employee cost and A&G expenses shall be the average of the true-up expenses after adding/deducting the share of efficiency gains/losses, for the immediately preceding Control Period, excluding abnormal expenses, if any, subject to prudence check by the Commission.

81.4 For a new deemed distribution licensee commencing operations during a Control Period, the O&M expenses shall be approved based on the proposal of such deemed distribution licensee in its petition for tariff determination.

81.5 Provisioning of expenses shall not be considered as actual expenses at the time of true-up, and only expenses as actually incurred shall be considered.

## **82 Non-Tariff Income**

82.1 The amount of Non-Tariff Income relating to the Distribution Wheeling Business as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in determining the Wheeling Charges of the Distribution Wheeling Business:

82.2 The Non-Tariff Income shall include:

- a) Income from rent of land or buildings;
- b) Net income from sale of de-capitalised assets;
- c) Income from sale of scrap;
- d) Income from statutory investments;
- e) Interest income on advances to suppliers/contractors;
- f) Income from rental from staff quarters;
- g) Income from rental from contractors;
- h) Income from hire charges from contractors and others;
- i) Income from consumer charges levied in accordance with Schedule of Charges approved by the Commission;
- j) Supervision charges for capital works;
- k) Income from advertisements;
- l) Income from sale of tender documents;
- m) Any other Non-Tariff Income.

### **83 Income from Other Business**

83.1 In the event a licensee engages in any other business for optimum utilisation of the assets, the licensee shall give prior intimation in writing to the Commission of such Other Business, along with, inter-alia, the following details:

- (a) nature of other Business;
- (b) proposed capital investment in the other Business;
- (c) impact of the use of assets and facilities of the Licensed Business for Other Business;
- (d) manner in which the assets and facilities of the Licensed Business and of the Other Business shall be used, demonstrating that there would be no adverse impact on the Licensed Business and on the ability of the Licensee to carry out the duties and obligations of the Licensed Business;
- (e) proposal for sharing of revenue derived from the Other Business with the Licensed Business. Such proposal shall include the methodology used for arriving at the proposed sharing.

83.2 The licensee shall have the absolute responsibility to ensure that the utilisation of the assets and facilities of the Licensed Business for Other Business shall not in any manner affect the performance of the obligations under the Licensed Business or the quality of service required from the licensee, and any such utilisation shall be entirely at the cost and risk of the licensee.

83.3 Failure to submit prior intimation in writing to the Commission will invite a penalty which may extend upto the annual revenue of the Other Business.

83.4 The licensee shall for each of the Other Business:

- (a) maintain separate accounting records, such as amount of revenue, costs, assets liabilities, reserves or provisions which have been charged from or to the Other Business. The licensee shall maintain a description of basis for the charge or its determination by apportionment or allocation between the various business activities;
- (b) prepare on a consistent basis from such records accounting statements for each financial year comprising a profit and loss account, a balance sheet and a statement of sources and application of funds;
- (c) provide in respect of the accounting statements prepared, a report by the Auditors in respect of each financial year, stating whether in their

opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, liabilities, reserves and provisions reasonably attributable to the business to which the statements relate;

(d) submit copies of the accounting statements and Auditor's report not along with true-up of the relevant year;

(e) submit to the Commission such additional information that the Commission requires from time to time.

83.5 The licensee shall establish to the satisfaction of the Commission that the Other Business bears an appropriate share of overhead costs and other common costs.

83.6 Where the distribution licensee has engaged in any Other Business under Section 41 of the Act for optimum utilisation of its assets, an amount equal to two-thirds of the revenues from such Other Business after deduction of all direct and indirect costs attributed to such Other Business shall be deducted from the Aggregate Revenue Requirement in calculating the Aggregate Revenue Requirement of the Distribution Wheeling Business:

Provided that the distribution licensee shall follow a reasonable basis for allocation of all joint and common costs between the Transmission Business and the Other Business and shall submit the Allocation Statement, duly certified by the Statutory Auditor, to the Commission along with its Petition for determination of Aggregate Revenue Requirement:

Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the distribution licensee on account of such Other Business.

83.7 The licensee shall not in any manner utilise the assets and facilities of the Licensed Business or otherwise directly or indirectly allow the Other Business to be undertaken in a manner that the Licensed Business results in subsidising the Other Business.

83.8 The licensee shall not in any manner, directly or indirectly encumber the assets and facilities of the Licensed Business for Other Business or for any activities other than the Licensed Business.

83.9 The Other Business shall pay to the Licensed Business a reasonable proportion of the revenue of the Other Business, subject to a maximum amount which may reflect the allocable costs or market value of the assets and facilities of the Licensed Business utilised/being utilised for Other Business.

83.10 The Commission will determine the reasonable proportion of revenue of the Other Business and the minimum amount to be paid to the Licensed Business, on a case-to-case basis, as and when a licensee informs the Commission about its intention of utilising the assets and facilities for use for any Other Business. In deciding the amount to be paid by the Other Business, the Commission will consider the submissions of the licensee, but may use any alternate approach or methodology that it considers appropriate.

Provided that as and if deemed appropriate by it, the Commission may determine the reasonable proportion of revenues, etc. to be paid to the Licensed Business in respect of a class of Other Businesses as a whole, instead of on a case-to-case basis.

#### **84 Wheeling Losses**

84.1 The distribution licensee shall propose the trajectory of the voltage wise wheeling losses for the Control Period in its MYT Petition for the Control Period with detailed justification for the proposed loss trajectory.

84.2 The Distribution Wheeling Business shall be allowed to recover, in kind, the approved target level of Wheeling Losses arising from the operation of the distribution system:

### **PART IX: RETAIL SUPPLY OF ELECTRICITY**

#### **85 Applicability**

85.1 The provisions contained in this Part shall apply to the determination of Tariff for retail supply of electricity by a distribution licensee to its consumers.

#### **86 Components of Aggregate Revenue Requirement for Retail Supply Business**

86.1 The Tariff for retail supply of the Distribution Licensee shall provide for the recovery of the Aggregate Revenue Requirement of the Retail Supply Business for the respective Years of the Control Period, as approved by the Commission and comprising the following components:

- (a) Power purchase expenses;
- (b) Inter-State Transmission Charges;
- (c) Intra-State Transmission Charges;
- (d) SLDC Charges;
- (e) Operation and Maintenance expenses;
- (f) Depreciation;
- (g) Interest and finance charges on loan;
- (h) Interest on working capital;
- (i) Interest on consumer security deposits;
- (j) Return on Equity Capital;

**minus:**

- (k) Non-Tariff income;
- (l) Income from Other Business, to the extent specified in these Regulations;
- (m) Receipts on account of Cross-Subsidy Surcharge;
- (n) Receipts on account of Additional Surcharge:

**Add:**

- (o) Impact of true-up for prior period as approved by the Commission:

Provided that Depreciation, Interest and finance charges on loan, Interest on working capital, Interest on consumer security deposits, Return on Equity, for Retail Supply Business shall be allowed in accordance with the provisions specified in **Part IV** of this Regulation:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case to case basis, if the income/expenses in that prior period have been allowed on actual basis, subject to prudence check:

Provided also that all penalties and compensation payable by the Licensee to any party for failure to meet any Standards of Performance or for damages, as a consequence of the orders of the Commission, Courts, Consumer Grievance Redressal Forum, and Ombudsman, etc., shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the Distribution Licensee shall maintain separate details of such penalties and compensation paid or payable by the Licensee, if any, and shall submit them to the Commission along with its Petition.

86.2 The Tariff for retail supply by the Distribution Licensee shall be determined by the Commission on the basis of a Petition for determination of Tariff filed by the Distribution Licensee in accordance with this Regulation:

Provided that the Aggregate Revenue Requirement of the Distribution Licensee shall be allocated or apportioned between the Wheeling Business and Retail Supply Business in accordance with the provisions of clause 77.1:

Provided further that the Tariff for retail supply may comprise any combination of fixed/demand charges, energy charges, and any other charges, for the purpose of recovery from the consumers, as may be stipulated by the Commission:

## **87 Sales forecast**

87.1 The distribution licensee shall submit a month-wise forecast of the expected sales of electricity to each Tariff category/sub-category and to each Tariff slab within such Tariff category/sub-category to the Commission for approval along with the Multi-Year Tariff Petition, as specified in this Regulation:

Provided that the sales forecast filed by the distribution licensee for the Control Period commencing from 01.04.2024, before the notification of this Regulation shall be deemed to have been filed under this Regulation.

87.2 The sales forecast shall be consistent with the load forecast prepared as part of the power procurement plan and shall be based on past data and reasonable assumptions regarding the future.

## **88 Capital Investment Plan**

88.1 The distribution licensee shall submit a detailed Capital Investment Plan, financing plan and physical targets for each Year of the Control Period for meeting the requirement of growth in number of consumers, reduction in distribution losses, metering, etc., to the Commission for approval, as a part of the Multi-Year Tariff Petition for the entire Control Period.



88.2 The Capital Investment Plan shall be a least cost plan for undertaking investments and shall cover all capital expenditure projects of a value exceeding Rs. 10 Crore or such other amount as may be stipulated by the Commission and shall be in such form as may be stipulated by the Commission from time to time.

88.3 The Capital Investment Plan shall be accompanied by such information, particulars and documents as may be required showing the need for the proposed investments, alternatives considered, cost-benefit analysis and other aspects that may have a bearing on the Tariff for retail supply of electricity.

88.4 The Commission shall consider the Capital Investment Plan along with the Multi-Year Aggregate Revenue Requirement for the entire Control Period submitted by the distribution licensee taking into consideration the prudence of the proposed expenditure and estimated impact on the Tariff for retail supply of electricity.

## **89 Operation and Maintenance Expenses**

89.1 The O&M expenses for distribution licensee shall comprise of:

- Employee cost including the unfunded past liabilities of pension and gratuity;
- Repairs and Maintenance (R&M) expenses; and
- Administrative and Generation (A&G) expenses.

89.2 The O&M expenses for distribution licensee for each year of the Control Period shall be approved based on the formula shown below:

$$\mathbf{O\&M_n = EMP_n + R\&M_n + A\&G_n}$$

Where,

- $O\&M_n$  – Operation and Maintenance expense for the  $n^{\text{th}}$  year;
- $EMP_n$  – Employee Costs for the  $n^{\text{th}}$  year;
- $R\&M_n$  – Repair and Maintenance Costs for the  $n^{\text{th}}$  year;
- $A\&G_n$  – Administrative and General Costs for the  $n^{\text{th}}$  year;

89.3 The above components shall be computed in the manner specified below:

$$\mathbf{EMP_n = (EMP_{n-1}) \times (CPI\ Inflation);}$$

$$\mathbf{R\&M_n = K \times (GFA_n) \times (WPI\ Inflation)\ and}$$

## **$A\&G_n = (A\&G_{n-1}) \times (\text{WPI Inflation})$**

Where,

- $EMP_{n-1}$  – Employee Costs for the (n-1)<sup>th</sup> year;
- “K” is a constant specified by the Commission in %. Value of K for each year of the control period shall be determined by the Commission in the MYT order based on distribution licensee’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;
- $GFA_n$  - Opening Gross Fixed Asset of the generating station for the n<sup>th</sup> year;
- $A\&G_{n-1}$  – Administrative and General Costs for the (n-1)<sup>th</sup> year;
- CPI Inflation – is the point to point change in the Consumer Price Index (CPI) for Industrial Workers (all India) as per Labour Bureau, Government of India; in case CPI Inflation is negative, the escalation/change shall be 0%;
- WPI Inflation – is the point to point change in the Wholesale Price Index (WPI) as per the Office of Economic Advisor of Government of India;

Provided that for the first year of the Control Period, the employee cost and A&G expenses shall be the average of the true-up expenses after adding/deducting the share of efficiency gains/losses, for the immediately preceding Control Period, excluding abnormal expenses, if any, subject to prudence check by the Commission.

89.4 For a new deemed distribution licensee commencing operations during a Control Period, the O&M expenses shall be approved based on the proposal of such deemed distribution licensee in its petition for tariff determination.

89.5 Provisioning of expenses shall not be considered as actual expenses at the time of true-up, and only expenses as actually incurred shall be considered.

## **90 Non-Tariff Income**

90.1 The amount of Non-Tariff Income relating to the Retail Supply Business as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in determining the Tariff for retail supply of electricity by the distribution licensee:

90.2 The Non-Tariff Income shall include:

- a) Income from rent of land or buildings;
- b) Net income from sale of de-capitalised assets;
- c) Income from sale of scrap;
- d) Income from statutory investments;
- e) Interest income on advances to suppliers/contractors;
- f) Income from rental from staff quarters;
- g) Income from rental from contractors;
- h) Income from hire charges from contactors and others;
- i) Supervision charges for capital works;
- a) Income from consumer charges levied in accordance with Schedule of Charges approved by the Commission;
- b) Income from recovery against theft and/or pilferage of electricity;
- c) Income from advertisements;
- d) Income from sale of tender documents;
- e) Any other Non-Tariff Income:

## **91 Income from Other Business**

91.1 In the event a licensee engages in any other business for optimum utilisation of the assets, the licensee shall give prior intimation in writing to the Commission of such Other Business, along with, inter-alia, the following details:

- (a) nature of other Business;
- (b) proposed capital investment in the other Business;
- (c) impact of the use of assets and facilities of the Licensed Business for Other Business;
- (d) manner in which the assets and facilities of the Licensed Business and of the Other Business shall be used, demonstrating that there would be no adverse impact on the Licensed Business and on the ability of

the Licensee to carry out the duties and obligations of the Licensed Business;

(e) proposal for sharing of revenue derived from the Other Business with the Licensed Business. Such proposal shall include the methodology used for arriving at the proposed sharing.

91.2 The licensee shall have the absolute responsibility to ensure that the utilisation of the assets and facilities of the Licensed Business for Other Business shall not in any manner affect the performance of the obligations under the Licensed Business or the quality of service required from the licensee, and any such utilisation shall be entirely at the cost and risk of the licensee.

91.3 Failure to submit prior intimation in writing to the Commission will invite a penalty which may extend upto the annual revenue of the Other Business.

91.4 The licensee shall for each of the Other Business:

(a) maintain separate accounting records, such as amount of revenue, costs, assets liabilities, reserves or provisions which have been charged from or to the Other Business. The licensee shall maintain a description of basis for the charge or its determination by apportionment or allocation between the various business activities;

(b) prepare on a consistent basis from such records accounting statements for each financial year comprising a profit and loss account, a balance sheet and a statement of sources and application of funds;

(c) provide in respect of the accounting statements prepared, a report by the Auditors in respect of each financial year, stating whether in their opinion the statements have been properly prepared and give a true and fair view of the revenue, costs, assets, liabilities, reserves and provisions reasonably attributable to the business to which the statements relate;

(d) submit copies of the accounting statements and Auditor's report not along with true-up of the relevant year;

(e) submit to the Commission such additional information that the Commission requires from time to time.

91.5 The licensee shall establish to the satisfaction of the Commission that the Other Business bears an appropriate share of overhead costs and other common costs.

91.6 Where the distribution licensee has engaged in any Other Business under Section 41 of the Act for optimum utilisation of its assets, an amount equal to two-thirds of the revenues from such Other Business after deduction of all direct and indirect costs attributed to such Other Business shall be deducted from the Aggregate Revenue Requirement in calculating the Aggregate Revenue Requirement of the Distribution Wheeling Business:

Provided that the distribution licensee shall follow a reasonable basis for allocation of all joint and common costs between the Transmission Business and the Other Business and shall submit the Allocation Statement, duly certified by the Statutory Auditor, to the Commission along with its Petition for determination of Aggregate Revenue Requirement:

Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the distribution licensee on account of such Other Business.

91.7 The licensee shall not in any manner utilise the assets and facilities of the Licensed Business or otherwise directly or indirectly allow the Other Business to be undertaken in a manner that the Licensed Business results in subsidising the Other Business.

91.8 The licensee shall not in any manner, directly or indirectly encumber the assets and facilities of the Licensed Business for Other Business or for any activities other than the Licensed Business.

91.9 The Other Business shall pay to the Licensed Business a reasonable proportion of the revenue of the Other Business, subject to a maximum amount which may reflect the allocable costs or market value of the assets and facilities of the Licensed Business utilised/being utilised for Other Business.

91.10 The Commission will determine the reasonable proportion of revenue of the Other Business and the minimum amount to be paid to the Licensed Business, on a case-to-case basis, as and when a licensee informs the Commission about its intention of utilising the assets and facilities for use for any Other Business. In deciding the amount to be paid by the Other Business, the Commission will consider the submissions of the licensee,

but may use any alternate approach or methodology that it considers appropriate.

Provided that as and if deemed appropriate by it, the Commission may determine the reasonable proportion of revenues, etc. to be paid to the Licensed Business in respect of a class of Other Businesses as a whole, instead of on a case-to-case basis.

## **92 Receipts on account of Cross-Subsidy Surcharge**

92.1 The amount received by the distribution licensee by way of Cross-Subsidy Surcharge, as approved by the Commission in accordance with the Regulation of the Commission governing Open Access, shall be deducted from the Aggregate Revenue Requirement in determining the Tariff for retail supply of electricity by such distribution licensee.

## **93 Receipts on account of Additional Surcharge**

93.1 The amount received by the distribution licensee by way of Additional Surcharge, as approved by the Commission in accordance with the Regulations of the Commission governing Open Access, shall be deducted from the Aggregate Revenue Requirement for determining the Tariff for retail supply of electricity by such distribution licensee.

## **94 Determination of Retail Supply Tariff**

94.1 The Commission may categorize consumers on the basis of their load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required:

94.2 The distribution licensee shall submit the consumer category wise and voltage wise Cost of Service in its Petition for determination of retail supply tariff.

94.3 The Commission shall determine the Full Cost tariffs for retail sale of electricity to enable the distribution licensee to recover the Aggregate Revenue Requirement approved by the Commission based on the proposal of the distribution licensee.

## **PART X: SLDC CHARGES**

## **95 Applicability**

- 95.1 The provisions contained in this Part shall apply in determining the SLDC Charges to be levied by the SLDC after 01.04.2024.
- 95.2 The generating companies, distribution licensees and trading licensees intending to get connected to the State Grid after 01.04.2024 shall be required to register themselves with SLDC on payment of Rs.1000/- per generating station (irrespective of the installed capacity) as Registration fee. SLDC shall devise an application format for the same before 01.04.2024 and publish the same on its website.

## **96 Capital Investment Plan**

- 96.1 The SLDC shall submit a detailed capital investment plan, financing plan and physical targets for each Year of the Control Period based on the operational requirements prescribed by the Commission and recommendations of various Committees constituted for looking into matters related to strengthening and ring fencing of the State Load Despatch Centres by the Ministry of Power, Government of India or any such other statutory authorities, to the Commission for approval, as a part of the Multi-Year Aggregate Revenue Requirement for the entire Control Period.
- 96.2 The Capital Investment Plan shall be a least cost plan for undertaking investments and shall cover all capital expenditure projects of a value exceeding Rs. One crore or any other limit as may be stipulated by the Commission from time to time and shall be in such form as may be stipulated by the Commission.
- 96.3 The Capital Investment Plan shall be accompanied by such information, particulars and documents as may be required showing the need for the proposed investments, alternatives considered, cost/benefit analysis and other aspects that may have a bearing on the SLDC Charges.
- 96.4 The Commission shall consider the Capital Investment Plan along with the Multi-Year Aggregate Revenue Requirement for the entire Control Period submitted by the SLDC taking into consideration the prudence of the proposed expenditure and estimated impact on SLDC Fees and Charges.

## **97 Aggregate Revenue Requirement for SLDC**

- 97.1 The Aggregate Revenue Requirement SLDC for the respective Year of the Control Period, as reduced by the amount of Non-Tariff Income as approved by the Commission and comprising the following:

- (a) Operation and Maintenance expenses;
- (b) Depreciation;
- (c) Interest and finance charges on loan;
- (d) Interest on working capital
- (e) Return on Equity;

**minus:**

- (f) Income from Open Access charges;
- (g) Non-Tariff income;

**Add:**

- (h) Impact of true-up for prior period as approved by the Commission:

Provided that depreciation, Interest and finance charges on loan, and Return on Equity for SLDC shall be allowed in accordance with the provisions specified in **Part IV** of these Regulations:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of true-up based on audited accounts, on a case to case basis, if the income/expenses in that prior period have been allowed on actual basis, subject to prudence check:

Provided also that all penalties and compensation payable by the SLDC to any party for failure to meet its obligations or for damages, as a consequence of the orders of the Commission and Courts shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the SLDC shall maintain separate details of such penalties and compensation paid or payable by the SLDC, if any, and shall submit the same to the Commission along with the Petitions to be submitted under these Regulations.

## **98 Operation and Maintenance expenses**

98.1 The O&M expenses for SLDC shall comprise of:

- Employee cost;
- Repairs and Maintenance (R&M) expenses; and
- Administrative and Generation (A&G) expenses.

98.2 The O&M expenses for SLDC for each year of the Control Period shall be approved based on the formula shown below:



$$\mathbf{O\&M_n = EMP_n + R\&M_n + A\&G_n}$$

Where,

- O&M<sub>n</sub> – Operation and Maintenance expense for the n<sup>th</sup> year;
- EMP<sub>n</sub> – Employee Costs for the n<sup>th</sup> year;
- R&M<sub>n</sub> – Repair and Maintenance Costs for the n<sup>th</sup> year;
- A&G<sub>n</sub> – Administrative and General Costs for the n<sup>th</sup> year;

98.3 The above components shall be computed in the manner specified below:

$$\mathbf{EMP_n = (EMP_{n-1}) \times (CPI\ Inflation);}$$

$$\mathbf{R\&M_n = K \times (GFA_n) \times (WPI\ Inflation)\ and}$$

$$\mathbf{A\&G_n = (A\&G_{n-1}) \times (WPI\ Inflation)}$$

Where,

- EMP<sub>n-1</sub> – Employee Costs for the (n-1)<sup>th</sup> year;
- “K” is a constant specified by the Commission in %. Value of K for each year of the control period shall be determined by the Commission in the MYT order based on SLDC’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;
- GFA<sub>n</sub> - Opening Gross Fixed Asset of the generating station for the n<sup>th</sup> year;
- A&G<sub>n-1</sub> – Administrative and General Costs for the (n-1)<sup>th</sup> year;
- Provision: Cost for initiatives or other one-time expenses as proposed by the Transmission Licensee and approved by the Commission after prudence check.
- CPI Inflation – is the point to point change in the Consumer Price Index (CPI) for Industrial Workers (all India) as per Labour Bureau, Government of India; in case CPI Inflation is negative, the escalation/change shall be 0%;

- WPI Inflation – is the point to point change in the Wholesale Price Index (WPI) as per the Office of Economic Advisor of Government of India;

Provided that for the first year of the Control Period, the employee cost and A&G expenses shall be the average of the true-up expenses after adding/deducting the share of efficiency gains/losses, for the immediately preceding Control Period, excluding abnormal expenses, if any, subject to prudence check by the Commission.

98.4 Provisioning of expenses shall not be considered as actual expenses at the time of true-up, and only expenses as actually incurred shall be considered.

## **99 Non-Tariff Income**

99.1 The amount of Non-Tariff Income relating to the SLDC as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in determining the SLDC Charges:

99.2 The Non-Tariff Income shall include:

- a) Income from rent of land or buildings;
- b) Net income from sale of de-capitalised assets;
- c) Income from sale of scrap;
- d) Income from statutory investments;
- e) Interest income on advances to suppliers/contractors;
- f) Income from rental from staff quarters;
- g) Income from rental from contractors;
- a) Income from sale of tender documents;
- b) Any other Non-Tariff Income:

## **100 SLDC Charges**

100.1 The SLDC Charges payable by the Transmission System Users shall be computed in accordance with the following formula:

$$\text{SLDC Charges} = \frac{\text{ARR} \div 12}{\text{Total generation capacity in MW}}$$

Where,

SLDC Charges are in Rs./MW/month

ARR = Aggregate Revenue Requirement as determined under clause 97.1;

### **101 Billing and Payment of Charges**

101.1 The SLDC Charges shall be payable by generating companies (including captive generating plants), distribution licensees and trading licensees using the intra-State transmission network under any agreement or arrangement with the transmission licensee in proportion to the capacity contracted.

101.2 The monthly bill for SLDC Charges shall be payable within thirty days of receipt of bill.

## **PART XI: MISCELLANEOUS**

### **102 Issue of Practice Directions**

Subject to the provisions of the Act, the Commission may, from time to time, issue Practice Directions in regard to implementation of this Regulation.

### **103 Power to amend**

The Commission may, at any time, vary, alter, modify or amend any provisions of this Regulation.

### **104 Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of this Regulation, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

### Annexure-I: DEPRECIATION SCHEDULE

Description of Assets		Life in Years
A.	Land owned under full title	99
B.	Land held under lease	Least of lease agreement/useful life/right to use period
C.	Assets Purchased New:	
a.	Plant and machinery in Generating Stations including plant foundations	
	i) Hydro-electric	40
	ii) Steam electric	25
b.	Cooling towers and circulating water systems	25
c.	Hydraulic works forming part of Hydro-electric systems including:-	
	i) Dams, Spillways, weirs, canals, reinforced concrete Flumes and siphons	40
	ii) Reinforced concrete pipelines and surge tanks, steel pipelines, sluice gates, steel surge (tanks) hydraulic control valves and other hydraulic works	40
d.	Building & civil engineering works of permanent character	
	i) Offices & showrooms	60
	ii) Containing thermo-electric generating plant	30
	iii) Containing hydro-electric generating plant	30
	iv) Temporary erection such as wooden structures	1
	v) Roads other than kutcha roads	10
	vi) Others	30
e.	Transformer	
	i) Power Transformer	25
	ii) Distribution Transformer	
	<100 kVA	15
	>=100 kVA	20
f.	Switchgear	
	Circuit Breakers (33 kV S/s)	15
	Circuit Breakers (LV)	10
	Isolators	10
	Bus couplers	15
g.	Lightning arrestors	10
h.	Batteries	5
i.	Overhead lines including supports:	
	i) 11 kV and above	25
	ii) LT Lines	20

Description of Assets			Life in Years
j.		Underground lines including join box and disconnected boxes	25
k.		Meters	10
l.		Self-propelled vehicles	5
m.		Air conditioning plants:	
	i)	Static	10
	ii)	Portable	10
n.			
	i)	Office furniture and fittings	10
	ii)	Office equipment	10
	iii)	Internal wiring including fittings and apparatus	10
	iv)	Street light fittings	10
o.		Communication equipment:	
	i)	Radio and high frequency carrier system	7
	ii)	Telephone lines and telephones	7
	iii)	Fibre Optic	7
p.		I.T. equipment	6
q.		Software	5
r.		Any other assets not covered above	As per Companies Act

#### Annexure-IA: DEPRECIATION SCHEDULE FOR INTEGRATED MINE

S. No.	Asset Particulars	Life in Years
1	Land Freehold @	99
2	Land Leasehold	&&&
3	Temporary Erections	1
4	HEMM \$	8
5	Road, bridges, culverts, helipads	25
6	Main Plant Buildings	30
7	Machinery other than HEMM	15
8	Water Supply, drainage and sewerage	15
9	Furnitures and Fixtures	15
10	Office equipment, other than computers	15
11	Hospital equipment	15
12	EDP, WP machines, SATCOM & communication equipment	15
13	Electrical Installations	15
14	Self-propelled vehicles	10
15	Computers, software	3
16	Mine Development Expenses #	20 or life of mine, whichever is lower
17	Evaluation and exploration #	20 or life of mine, whichever is lower

<b>S. No.</b>	<b>Asset Particulars</b>	<b>Life in Years</b>
18	Others not covered above	15
	Salvage Value shall be other than 5% for following assets – a. IT Equipment, software Zero(0) b. Zero or as agreed with state Government in case of land c. For specialized mining equipment as specified by Ministry of Corporate affairs	
@	Petitioner to submit if the Freehold Land is attached with any conditions for return. If yes, to submit the conditions and period after which the land is to be returned. In such case, the land shall be depreciable based on such details.	
&&&	To be filled by Petitioner, least of lease agreement/mine life/right to use period	
\$	List of individual HEMM with cost of each HEMM be provided separately	
#	In generic sense, Mine Development Expenditure is the expenditure incurred to bring the mine in usable condition after ensuring the economic viability and decision is taken by Mine Owner to develop the mine. While filling under this head, details to the extent feasible are to be given separately. Evaluation and exploration expenditure is generally the expenditure incurred associated with finding the mineral by carrying out topographical, geological, geochemical and geophysical studies, exploratory drilling, trenching, sampling, expenditure for activities in relation to evaluation of technical feasibility and commercial viability, acquisition of rights to explore, etc. While filling under this head details to the extent feasible are to be given separately.	

**(BY ORDER OF THE COMMISSION)**

Hyderabad  
16.11.2023

**Sd/-**  
Secretary,  
Telangana State Electricity  
Regulatory Commission