

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 225 of 2022

Petition of The Tata Power Company Ltd. (Distribution) for approval of True-up of Aggregate Revenue Requirement (ARR) for FY 2019-20, FY 2021-22 and FY 2021- 22, Provisional Truing-up of ARR for FY 2022-23, and approval of Revised ARR and Tariff for FY 2023-24 and FY 2024-25. Case No. 225 of 2022 (Re-opened in pursuance of Hon'ble APTEL's Judgement dated 5 January, 2024 in Appeal No. 369 of 2023.)

Coram

Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member

The Tata Power Company Ltd. (Distribution) (TPC-D)

..... Petitioner

Adani Electricity Mumbai Limited (AEML-D)

.....Respondent

Appearance:

For the Petitioner

: Adv. Venkatesh

For the Respondent

: Adv. Deepa Chawan

ORDER

Dated 23 February 2024

1. TPC-D had filed Mid Term Review (MTR) Petition under MERC (Multi Year Tariff) Regulations 2019 for approval of truing-up of Aggregate Revenue Requirement (ARR) for FY 2019- 20, FY 2020-21 and FY 2021-22, Provisional truing-up of ARR for FY 2022-23, and approval of Revised ARR and Tariff for FY 2023-24 and FY 2024-25 in Case No. 225 of 2022.

Post due public consultation process, the Commission vide Order dated 31 March 2023 had issued MTR Order revising tariff applicable for FY 2023-24 and FY 2024-25.

2. Aggrieved by said MTR Order, TPC-D challenged the Tariff of FY 2023-24 before the APTEL in Appeal No 369 of 2023 mainly contending higher increase in tariff allowed in MTR Order and related matters.
3. Hon'ble APTEL vide Order dated 13 July 2023 in IA No. 732 of 2023 in Appeal No. 369 of 2023 has granted interim stay to the Tariff schedule of FY 2023-24 stipulated in MTR Order and directed that till disposal of Appeal No. 369 of 2023, TPC-D's Tariff for FY 2023-24 be governed by the MYT Order dated 30 March, 2020.
4. Above said interim Order of the APTEL was challenged by AEML-D before Hon'ble the Supreme Court in Civil Appeal (Diary No. 30049 of 2023). The Hon'ble Supreme Court vide Judgement dated 14 August 2023 has not interfered with the APTEL's Interim order and allowed AEML-D the liberty to approach APTEL.
5. Accordingly, AEML-D has filed Intervention Application No. 2105 of 2023 in Appeal No. 369 of 2023 before the APTEL wherein it is highlighted that due to stay of TPC-D's Tariff Scheduled for FY 2023-24 stipulated in MTR Order, APTEL has also stayed true-up part of MTR Order which was never challenged before the APTEL and therefore its interim Order needs to be revised.
6. Thereafter, the APTEL vide Order dated 5 January 2024 in Appeal No. 369 of 2023 and IA No. 1924 of 2023 and IA No. 2105 of 2023 ruled as below:

"...Since the true up part of the impugned order dated 31.03.2023 continues to remain in force as on date, we consider it appropriate to pass the following order:

"As FY 2023-24 is drawing to a close in less than three months from now on 31.03.2024, the MERC shall, after putting both the appellant and the 2nd Respondent on notice and after giving them a reasonable opportunity of being heard, pass an interim or final order afresh with utmost expedition, bearing in mind the observations made by us in our order dated 13.07.2023, and taking into consideration events subsequent thereto. Needless to state that parties on both sides shall co-operate in the early disposal of the proceedings before the MERC."

The impugned order, apart from the true up part, stands set aside. Since the challenge in the present appeal was also to a part of the true up order, liberty is granted to the Appellant, if they so choose, to file an appeal afresh restricting their challenge therein only to the true up part of the order of the MERC dated 31.03.2023.”

7. In view of above remand Order of the Hon’ble APTEL, the Commission has listed the case for hearing on 12 January 2024, after giving notice to TPC-D and AEML-D. During the hearing, the Commission, considering the requests from the both parties, allowed TPC-D to file its submission within a week and AEML-D to file its reply in a week thereafter.

8. TPC-D in its submission dated 19 January 2024 stated as below:

- 8.1. Average Cost of Supply (ACoS) for TPC-D as approved by the Commission in the MYT Order was Rs. 6.41/kWh. Furthermore, in terms of the MTR Order the cumulative revenue gap determined in true-up up to FY 2022-23 was Rs. 861.56 Crore, the recovery of which was distributed in two years (Rs. 137.85 Crore in FY 2023-24 and Rs. 723.71 Crore in FY 2024-25) along with carrying cost. Thus, total true-up impact to be recovered for FY 2023-24 was of Rs. 172.41 Crore [i.e., (Rs. 137.85 Crore + Rs.34.56 Crore (Carrying Cost))] and for FY 2024-25 was Rs. 758.17 Crore [i.e., (Rs. 723.71 Crore + Rs.34.56 Crore (Carrying Cost))], which is to be considered along with the tariff approved in MYT Order while passing the Interim tariff order.
- 8.2. The said revenue gap for FY 2023-24 has an impact of Rs. 0.33/kWh (Rs. 172.41 Crore/5251.57 MU of sale in MYT Order) and said revenue gap for FY 2024-25 has an impact of Rs. 1.38/kWh over the tariff (Rs. 758.17 Crore/5505.87 MU of sale in MYT Order), which may be added to the ACoS of Tata Power-D (as determined in the MYT Order) for the interim tariff. Therefore, following computation of interim tariff rate is proposed for the kind consideration of the Commission:

PARTICULARS	FY 2023-24	FY 2024-25
ACoS approved in MYT Rs./kWh (A)	6.41	6.37
Past gap due to truing up Rs Cr (B)	137.85	723.71
carrying cost on past gap Rs Cr (C)	34.56	34.56
Total Cost to be considered in Interim order Rs Cr (D)	172.41	758.17
Sales Approved in MYT MUs (E)	5251.57	5505.87
Past Gap impact Per kWh F= (D/E*10)	0.33	1.38
Effective ACoS for interim order (A+F) Rs. per kWh	6.74	7.75

- 8.3. The new Tariff design is yet to be fixed by the Commission, as APTEL in its Interim Order dated 13 July 2023 has stayed the Tariff schedule approved in MTR Order, which has subsequently been set aside in APTEL's Order dated 5 January 2024, thereby restoring the Tariff schedule in the MYT Order for Tata Power-D, which is presently being applied.
- 8.4. Therefore, in view of above, as an interim measure and pending final Tariff determination in Case No. 237 of 2023, TPC-D propose to consider the same tariff design of MYT Order for different consumer categories with impact of increase of Rs. 0.33 per unit for FY 2023-24 and Rs. 1.38 per unit for FY 2024-25, as below:

Category	FY 2023-24				FY 2024-25			
	Effective ACoS Rs/kWh (6.41+0.33)	CS as per MYT TO	ABR for FY 23-24	Proposed increase in tariff (Rs/kWh)	Effective ACoS Rs/kWh (6.37+1.38)	CS as per MYT TO	ABR for FY 24-25	Proposed increase in tariff (Rs/kWh)
HT CUSTOMERS	6.74				7.75			
EHV - Industry		99%	6.68	0.33		85%	6.61	1.18
HT I - Industry		107%	7.21	0.35		104%	8.06	1.44
EHV- Commercial		96%	6.49	0.32		82%	6.39	1.14
HT II - Commercial		131%	8.83	0.43		134%	10.39	1.85
HT III - Group Housing Society (Residential)		109%	7.35	0.36		106%	8.22	1.46
HT V(A) - Railways								
HT IV - HT Railways, Metro - 100kV		116%	7.82	0.38		116%	8.99	1.60
EHT IV - Railways, Metro & HT VI - Public Services								
<i>a) Govt. Edu. Inst. & EHV- Public Others'</i>		92%	6.20	0.30		92%	7.13	1.27
<i>b) Others</i>								
HT VIII - EV Charging		122%	8.22	0.40		123%	9.53	1.70
HT total		99%	6.68	0.33		99%	7.67	1.37
LT CUSTOMERS		119%	8.02	0.39		120%	9.30	1.66
LT I (A) - Residential								
LT I (B) - Residential								
- S1 (0-100 units)		82%	5.53	0.27		84%	6.51	1.16
- S2 (101-300 units)		33%	2.24	0.11		29%	2.28	0.41
- S3 (> 301-500 Units)		81%	5.43	0.27		71%	5.51	0.98
- S4 (Above 500 units)		134%	9.04	0.44		116%	9.01	1.60
LT II - Commercial		145%	9.80	0.48		125%	9.72	1.73
(A) - Upto 20 kW								
(B) - > 20 kW & < 50kW		101%	6.81	0.33		102%	7.91	1.41
(C) - > 50kW		121%	8.16	0.40		119%	9.22	1.64
LT III (A) - Industry < 20		125%	8.43	0.41		125%	9.69	1.73
LT III (B) - Industry >		97%	6.54	0.32		98%	7.60	1.35
LT IX - Public Services		115%	7.75	0.38		115%	8.91	1.59
<i>a) Govt. Edu. Inst. & b) Others</i>								
EV Charging Stations		100%	6.74	0.33		99%	7.67	1.37
		108%	7.28	0.36		103%	7.98	1.42

- 8.5. In any case, it is submitted that if the interim tariff for Tata Power-D is not determined, the Tariff schedule approved in the MYT Order will continue to remain applicable for FY 2023-24 and 2024-25, till the final tariff determination in Case No. 237 of 2023.
- 8.6. Adjustment of over-recovery made during April to June 2023, being the difference between the revenue billed at MTR Order Tariff and MYT Order Tariff, may be done simultaneously with the approval of the Final tariff, so as to offset the impact of any upward revision after scrutiny of Petition in Case No. 237 of 2023. Such a measure will prevent tariff shock to

consumers in both years and in line with scheme of section 61 (d) of the Act i.e., safeguarding the interest of the consumers.

9. AEML-D vide its reply dated 4 February 2024 submitted as below:

- 9.1. The APTEL categorically held that the revised Tariff order (*either interim or final*) has to be issued 'afresh' bearing in mind the observations made vide the interim order dated 13 July 2023 and taking into consideration the subsequent events thereto. The same means that the Commission ought to give observations/ findings on all issues, including the issue of transmission constraints.
- 9.2. However, TPC-D willfully chose to ignore the aforesaid findings regarding subsequent events, while proposing the tariff of Rs. 6.74/kWh for FY 2023-24 and Rs. 7.75/kWh for FY 2024-25.
- 9.3. TPC-D has not disclosed in its tariff proposal as to how much quantum it has purchased from its embedded generation (TPC-G) after the passage of the MTR order. TPC-D vehemently contended and alleged before the APTEL that the Commission wrongfully ignored its submission of procuring around 1550.52 MUs only from TPC- G. However, based on the subsequent events, it is apparent that till December 2023, TPC-D had already procured 2427 MUs against 3369 MUs to be procured from TPC-G, as allocated in MTR Order seems to be correct and justified.
- 9.4. Further, TPC-D had filed petition in Case No. 39 of 2023, before the Commission, inter-alia, seeking approval of Power Procurement Plan for FY 2024-25 to FY 2034-35. While originally, TPC-D did not seek extension of its PPAs with embedded generation (*TPC-G*), however, vide its submissions dated 21 October 2023, agreed for PPA extension for a period of 3 years, keeping in mind the issue of prevailing transmission constraint in Mumbai. The Commission vide Order dated 28 November 2023 extended its PPA with TPC-G qua embedded generation for a period of five years, i.e., till March, 2029.
- 9.5. The above establishes the fact that TPC-D continued to falsely claim before the APTEL, that there is no transmission constraint in Mumbai and that it should be allowed to procure power from outside of Mumbai by ignoring approval of the Commission. However, contrary to the submissions made before APTEL, TPC-D is continuing to source power from TPC-G by subsequently admitting transmission constraint.

- 9.6. The increase in revenue gap, including revised carrying costs, basis the interim order of the APTEL, being subsequent event is required to be considered by the Commission.
- 9.7. While mentioning that a creation of regulatory assets/ revenue gap is impermissible, AEML-D has referred to Clause 8.2.2 of the National Tariff Policy, 2016 [*which also has a statutory force of law as held by the Hon'ble Supreme Court in Energy Watchdog v. CERC, reported in (2017) 14 SCC 80*] and Judgment dated 11 November 2011 of the APTEL (3 Judge bench) in O.P No. 1 of 2011, in a Suo Motu petition for Tariff Revision.
- 9.8. TPC-D in its submissions has simply considered the total revenue gap for FY 2023-24 and FY 2024-25 approved in the MTR Order, without segregating between Wires and Retail Supply. This segregation is essential because the open access consumers of a distribution licensee are only affected by the wheeling charges i.e., the Wires part of the ARR. It is pertinent to note that, in the MTR Order, the said recoverable revenue gaps were segregated between Wires and Supply business of TPC-D as follows:

Particulars / (Rs. Cr)	Wires	Supply	Total
FY 2023-24	44.92	127.49	172.41
FY 2024-25	197.53	560.64	758.17

- 9.9. In the interim proposal, TPC-D has considered the total revenue gap as such and determined an ad hoc charge of Rs. 0.33/kWh and Rs. 1.38/kWh for the two years and then it has proposed the “additional tariff” to be recovered from each consumer category. However, there is no clarity as to whether this “additional tariff” is Energy Charge or total variable charge or something else.
- 9.10. In case of TPC-D, there are three kinds of consumers in its system, i.e. native, Change-over and Open Access. Because TPC-D has not split the revenue gap between Wires and Supply, the proposed “additional tariff” includes both elements. Change-over consumers do not pay for any part of TPC-D wires related cost. Similarly, open access consumers arrange for their own energy supply, so they are not supposed to pay for any part of TPC-D energy tariff. Therefore, a combined revenue gap (and combined “additional tariff”) does not work and needs to be segregated to identify its impact on Wheeling Charges and Energy Charges separately, so that each consumer type only pays for the services it uses.
- 9.11. Segregation of revenue gap between wires and supply will amount to change in Wheeling Charges and Energy Charges in the interim. These changes cannot be made without a public hearing, as any change in tariff would require a public consultation by intimating all the stake-holders.

- 9.12. The issues raised before the APTEL and observations of the APTEL have a long-term impact on competitive tariff determination, thereby directly impacting AEML-D. Issues like transmission constraints and subsequent conduct of TPC-D in scheduling embedded generation during FY 2023-24, etc. are to be dealt with, considering the participation from all relevant stakeholders.
- 9.13. The Commission needs to necessarily initiate proceedings to first deal with these issues and direct TPC-D to resubmit its proposal providing its submissions on all the observations of the APTEL and the subsequent events, while also making STU and SLDC parties to the present proceedings, especially qua the issue of transmission constraints. This is important because the APTEL categorically directed that the order to be passed in the present proceedings has to be passed afresh on all the issues.
- 9.14. Apparently, TPC-D's petition for Tariff for FY 2024-25 (Case No. 237 of 2023) also does not deal with any of the issues and observations made by APTEL. As such, at this stage, there is no occasion for the Commission, either on interim or final basis, to deal with the above petition, before adjudicating the present Petition (re-opened Case No. 225 of 2022) by following the procedure envisaged under Section 62 of the EA 2003, including holding of public hearing under Section 64(3).
- 9.15. Until and unless the issues emanating from the APTEL's orders are discussed along with the stakeholders and ruled upon by the Commission, it is not possible for the Commission to proceed with tariff determination for FY 2024-25 as well, under Case No. 237 of 2023.
- 9.16. AEML-D suggests that the best possible course of action would be that a public hearing is conducted for any change in tariff (*even as an interim measure*) in the present proceedings in compliance of Section 64(3) of the Act.
- 9.17. The determination of the issues in the present proceedings is necessary and a pre-requisite before adjudicating the Case No. 237 of 2023 and till such time, the said petition ought to be kept in abeyance.

10. At the hearing held on 16 February 2024:

- 10.1. The advocate for TPC-D reiterated the submissions made and stated that the APTEL has directed to pass an interim or final order afresh with utmost expedition, bearing in mind the

observations made in Order dated 13 July 2023, and taking into consideration events subsequent thereto. Now it's upon the Commission to avail two avenues i.e. to allow interim Tariff as proposed by allowing additional ACoS over and above the Tariff approved in MYT Order dated 30 March 2020 or to approve final Tariff after considering the entire submission made by TPC-D.

- 10.2. The advocate for AEML-D reiterated the submission made in its reply and stated that the APTEL Order dated 5 January 2024 does not restrict the Commission to deal with issues other than the consideration of Truing up part of MTR Order and the Commission is required to look the subsequent events and no party can press the Commission to not to consider these events. The APTEL has rule to decide the matter afresh and therefore, it is absolutely clear that the matter is to be decided from scratch. The Commission in Order dated 28 November 2023 in Case No. 39 of 2023 has approved the extension of TPC-D's PPA with TPC-G, which is an event subsequent to the APTEL's interim Order dated 13 July 2023. TPC-D before the APTEL has contended that there is no transmission constraints to bring power in Mumbai from outside, contrary to that has been submitted in Case No. 39 of 2023. She further stated that as per Commission's daily Order dated 12 January 2024, TPC-D has filed the submission on 19 January 2024, however served the same to AEML-D on 29 January 2024, thus TPC-D must have expeditious to serve the submission considering the lack of time. Truing up part, which has been separately approved by the Commission, cannot be considered without segregation of it in wire and supply business. Further she stated that any change in Tariff shall be after Public consultation, which is the requirement of Law under Section 64 (3) of the Electricity Act, 2003. She further referred the APTEL's ruling in Order dated 22 August, 2014 in Appel No. 295 of 2013 (Tata Motor vs MERC) wherein the APTEL has ruled that the State Commission should follow the mandatory procedures contemplated under section 64 and 86(3) of the Electricity Act, 2003 by issuing public notice and giving opportunity to the consumers to raise objections/suggestions on the retail supply of tariff proposed and only after considering these objections/suggestion, should have determined the tariff. STU and SLDC be impleaded as a party for this matter.
- 10.3. In reply, advocate of TPC-D stated that it has not pressed the Commission to allow interim Tariff only. The present proceeding before the Commission is the culmination of the APTEL's judgement wherein it has been directed the Commission to consider the truing up part in the interim or final Tariff, which has been approved by the Commission after the due process. Therefore, there is no question of PPA extension, revised power procurement, tariff philosophy, classification of Tariff category, supply charges, etc in the present proceeding. TPC-D has filed the Tariff Petition (Case No. 237 of 2023) on 12 December 2023 for FY 2024-25, which is hosted on a website seeking comments from stakeholders and the

Commission has scheduled the public hearing on 27 February, 2024. AEML-D may file suggestions/objections in that matter, and we are bounded to reply to them. It is up to the Commission to adopt which route for tariff revision after taking holistic view in the matter. TPC-D have made proposal for interim Tariff and the detailed submissions in Case No. 237 of 2023 for Final approval. Therefore, TPC-D will accept any of the routes to be adopted by the Commission.

Commission's Analysis and Ruling

11. The Commission has initiated present proceeding to comply with the directions of the APTEL judgment dated 5 January 2024 in Appeal No. 369 of 2023 wherein the APTEL has ruled as below:

"...Since the true up part of the impugned order dated 31.03.2023 continues to remain in force as on date, we consider it appropriate to pass the following order:

*"As FY 2023-24 is drawing to a close in less than three months from now on 31.03.2024, the **MERC shall, after putting both the appellant and the 2nd Respondent on notice and after giving them a reasonable opportunity of being heard, pass an interim or final order afresh with utmost expedition**, bearing in mind the observations made by us in our order dated 13.07.2023, and taking into consideration events subsequent thereto. Needless to state that parties on both sides shall co-operate in the early disposal of the proceedings before the MERC."*

*The impugned order, apart from the true up part, stands set aside. Since the challenge in the present appeal was also to a part of the true up order, liberty is granted to the Appellant, if they so choose, to file an appeal afresh restricting their challenge therein only to the true up part of the order of the MERC dated 31.03.2023." (**emphasis added**)*

12. Accordingly, the Commission listed the matter for hearing on 12 January 2024, wherein parties have sought time for filing their reply. The Commission accepted requests and allowed time of a week to TPC-D and a week thereafter to AEML-D to reply.
13. TPC-D vide submission dated 19 January 2024 proposed to consider tariff design of MYT Order with additional impact to the extent of trueing up part of MTR Order i.e. Rs. 0.33/kWh for FY 2023-24 and Rs. 1.38/kWh for FY 2024-25, as an interim measure and decide final Tariff for FY 2024-25 in Case No. 237 of 2023 for which the Commission has already scheduled Public Hearing on 27 February 2024.

14. While objecting such proposal of TPC-D, AEML-D stated that the APTEL has directed to issue interim or final Order 'afresh', bearing in mind the observations made by APTEL vide the interim order dated 13 July 2023 and taking into consideration the subsequent events thereto. Therefore, the Commission ought to give observations/ findings on all issues, including the issue of transmission constraints and actual power procured by TPC-D from TPC-G. AEML-D further contended that trueing up part needs to be segregated into wire and supply component. Any change in Tariff including interim tariff can be allowed only after Public consultation as mandated by Section 64 (3) of the Electricity Act, 2003.
15. Considering above submissions by parties, the Commission notes following factual aspects:
- a. Hon'ble APTEL in judgment dated 5 January 2024 has directed the Commission to decide the matter afresh after considering APTEL's observations in interim Order dated 13 July 2023 and events subsequent to said interim Order.
 - b. APTEL has also stated that True-up part of the MTR Order is remain in force.
 - c. APTEL has allowed the Commission to decide approach to be adopted while disposing remand matter i.e. interim order or final order or both. As FY 2023-24 is ending soon, expeditious process needs to be adopted.
 - d. Interim tariff proposed by TPC-D does not have segregation of wires costs and supply costs.
 - e. Considering liberty granted under MTR Order, TPC-D has filed Petition in Case No. 237 of 2023 for revision in Tariff for FY 2024-25. Said Petition also includes True-up of FY 2022-23 and provisional true-up of FY 2023-24. Thus, provisional details of power purchase (six months actuals and six months projections for FY 2023-24) for FY 2023-24 are included in the Petition. Public Hearing in this matter is scheduled on 27 February 2024.
 - f. Public consultation is pre-conditions for any tariff revision.
16. In view of above factual aspects, the Commission is of the opinion that as TPC-D's Tariff Petition in Case No. 237 of 2023, which has already been listed for Public Hearing on 27 February 2023, includes provisional true-up of FY 2023-24 and revised ARR for FY 2024-25, all subsequent event such as 5 years extension of PPA with TPC-G can be appropriately considered in that proceeding. AEML-D may file its suggestions and objections in that proceeding which TPC-D will have to reply to and the Commission will consider all such documents before final decision on that Petition. TPC-D shall also forward a copy of its Tariff

Petition in Case No 237 of 2023 to STU and SLDC for their comments, if any, on the issue of transmission constraints. Accordingly, the Commission will issue final Order in Case No. Case No. 237 of 2023 after considering all comments received during public consultation in that matter and observations of the Hon'ble APTEL in interim Order dated 13 July 2023.

17. Having decided approach for final Order, the Commission notes that APTEL has specifically directed the Commission to expeditiously decide remand matter as FY 2023-24 is ending soon. Thus, till issuance of final Order as above, which will decide tariff for FY 2024-25, the Commission needs to issue interim Order revising MYT tariff for FY 2023-24 to reflect impact of true-up undertaken in MTR Order. However, as stated above, TPC-D in its Petition has not submitted segregation of true-up impact into Wire ARR and Supply ARR which would impact different component of tariff viz. wheeling charge, energy charge etc. Therefore TPC-D needs to revise its proposal for interim tariff to that extent. Also, it is well settled legal principle that no tariff (except variation based on FAC formula) can be revised without public consultation process under Section 64 of the Electricity Act 2003. In normal course, Electricity Act provides 120 days for issuance of tariff order post receipt of tariff petition complete in all respect. But in present case, as interim tariff needs to be decided expeditiously, the Commission considered following reduced timelines for each of the activity to be undertaken before issuance of interim tariff order:

- a. TPC-D to file revised Petition providing segregation of true-up impact on wires and supply business and accordingly proposed revision in wheeling or energy charges, as applicable as interim measure – 7 days.
- b. Scrutiny and admission of above said Petition, Publication of Public Notice inviting comments – 7 days.
- c. Mandatory period of Public Consultation – 21 days.
- d. Public Hearing and replies by TPC-D to comments received during public consultation and Public Hearing – 7 days.
- e. Issuance of Order on interim tariff after considering all suggestions and objections – 7 days.

Thus, as against 120 days allowed in the Electricity Act, Order on interim tariff can be issued in 49 days after complying with mandatory process of public consultation for any tariff revision. However, by that period March 2024 i.e. last month of FY 2023-24 would have ended or close to end. Therefore, complete exercise of public consultation would become futile as it is not

appropriate to approve interim tariff in FY 2024-25 and levy retrospectively in FY 2023-24. Further such a new public consultation process would unnecessarily create confusion amongst consumers who are already looking at public notice published for revision in tariff for FY 2024-25.

18. In view of the foregoing discussion, the Commission is taking conscious decision to not to proceed further for deciding interim tariff revision for FY 2023-24 in the present matter. TPC-D is allowed to levy MYT tariff for FY 2023-24 as approved by the APTEL in interim Order dated 13 July 2023. The Commission will consider finding of the Hon'ble APTEL in interim Order dated 13 July 2023 while deciding final tariff for FY 2024-25 in Case No. 237 of 2023.

19. Hence the following Order.

ORDER

- 1. The remanded matter in Case No. 225 of 2022 is disposed off.**
- 2. Due to time constraint and futility of exercise, the Commission decided not to proceed further for determination of interim tariff increase for FY 2023-24.**
- 3. The Commission shall consider observations of Hon'ble APTEL while deciding final tariff for FY 2024-25 in Case No. 237 of 2023.**
- 4. AEML-D is allowed to raise its objections in Case No. 237 of 2023 which has already been scheduled for Public Hearing on 27 February 2024.**
- 5. TPC-D to forward a copy of its Tariff Petition in Case No. 237 of 2023 to STU and MSLDC for their comments, if any, on the issue of transmission constraints.**

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary

