

BEFORE  
THE HON'BLE BIHAR ELECTRICITY REGULATORY COMMISSION



FILING OF THE PETITION FOR TRUE UP OFFY 2020-21,  
ANNUAL PERFORMANCE REVIEW (APR) OFFY 2021-22  
AND  
ANNUAL REVENUE REQUIREMENT (ARR) OFFY 2022-23 TO FY 2024-25  
AND  
DETERMINATION OF TARIFF FOR FY 2022-23  
FILED BY,  
**SOUTH BIHAR POWER DISTRIBUTION COMPANY LIMITED, PATNA**

*CHIEF ENGINEER (COMMERCIAL), SBPDCL*  
*2<sup>nd</sup> FLOOR, VIDYUT BHAWAN, BAILEY ROAD, PATNA - 800 001*

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## BEFORE THE BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA

IN THE MATTER OF: Filing of the Petition for Truing up for FY 2020-21, Annual Performance Review (APR) for FY 2021-22 and Annual Revenue Requirement (ARR) for FY 2022-23 to FY 2024-25 and Determination of Tariff for FY 2022-23 under Bihar Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2018 and its amendments thereof if any and Bihar Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2021 along with the other guidelines and directives issued by the BERC from time to time and under Section 45, 46, 47, 61, 62, 64 and 86 of The Electricity Act 2003 read with the relevant guidelines.

AND

IN THE MATTER OF: South Bihar Power Distribution Company Limited (hereinafter referred to as "SBPDCL" or "Petitioner" which shall mean for the purpose of this petition the Licensee), having its registered office at Vidyut Bhawan, Bailey Road, Patna.

The Petitioner respectfully submits as under: -

1. The Petitioner was formerly integrated as a part of the Bihar State Electricity Board (hereinafter referred to as "BSEB" or "Board") which was engaged in electricity generation, transmission, distribution and related activities in the State of Bihar.
2. The Board has been unbundled into five (5) successor companies – Bihar State Power (Holding) Company Limited (hereinafter referred to as "BSPHCL"), Bihar State Power Generating Company Limited (hereinafter referred to as "BSPGCL"), Bihar State Power Transmission Company Limited (hereinafter referred to as "BSPTCL"), North Bihar Power Distribution Company Limited and South Bihar Power Distribution Company Limited (hereinafter referred to as "DISCOMs") as per Energy Department, Government of Bihar Notification no: संख्या प्र०-२/बोर्ड पुर्न० सं०-३१/२००८ (खंड-१) 17 under The Bihar State Electricity Reforms Transfer Scheme 2012.
3. Pursuant to the enactment of the Electricity Act, 2003, every utility is required to submit its Aggregate Revenue Requirement (ARR) for the control period and Tariff Petitions as per procedures outlined in section 61, 62 and 64, of Electricity Act 2003, and the governing regulations thereof.
4. The Petition for True-up for FY 2019-20, Annual Performance Review (APR) for the FY 2021-22 and Annual Revenue Requirement (ARR) for FY 2021-22 was filed by SBPDCL on 31.12.2020, and accordingly the Hon'ble Commission had issued the relevant tariff order on 26.03.2021.

5. The present petition is filed with the Hon'ble Commission for True up for FY 2020-21, Annual Performance Review (APR) of FY 2021-22, Annual Revenue Requirement (ARR) for FY 2022-23 to FY 2024-25 and Tariff Proposal for FY 2022-23.
6. This Petition has been prepared in accordance with the provisions of Sections 61 and 62 of the Electricity Act, 2003 and has taken into consideration Bihar Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2018 and its amendments, Bihar Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2021 and orders issued by the Hon'ble Commission from time to time.
7. SBPDCL along with this Petition is submitting the regulatory formats with data & information to an extent applicable and would make available any further information/ additional data required by the Hon'ble Commission during the course of proceedings.
- 8. Extension of Filing date of Business Plan of Bihar DISCOMs for the 4th Control Period :**

The State DISCOMs i.e. SBPDCL and NBPDCCL vide letter dated 15.9.2021 have submitted to the Hon'ble Commission that Ministry of Power (GoI) has launched Revamped Distribution Sector Scheme (RDSS) with the objective to improve the quality, reliability and affordability of power supply to consumers through a financially sustainable and operationally efficient distribution sector over a period of five years FY 2021-22 to FY 2025-26. The scheme requires DISCOMs to take up various works to reduce losses and strengthen their distribution system for which preparation of action plan and DPRs has been initiated. The timeline for submission of DPRs and action plan as set by Govt of India is 31 December 2021, however the DISCOMs are making comprehensive efforts to submit the same to Govt of India by 15 December 2021. Hence vide the afore-mentioned letter dated 15.9.2021, the DISCOMs have prayed to the Hon'ble Commission mentioning that since the Business plan to be filed for the upcoming Control period, majorly constitutes of projections of capital expenditure and capitalization from the power distribution schemes that shall be undertaken by State Discoms under RDSS scheme, it is only prudent that the projections in Business plan are in line with the Schemes approved by Govt of India under RDSS project as it affects the several components of ARR. Accordingly, the Hon'ble Commission is requested again to allow the State DISCOMs to file revised ARR upon approval of Action Plan and DPRs submitted to GoI under RDSS scheme. The DISCOMs also re-iterate their plea as mention in the afore-mentioned letter dated 15.9.2021 to permit the DISCOMs to file instant petition for True up for FY 2020-21, Annual Performance Review (APR) of FY 2021-22, and estimating the Annual Revenue Requirement (ARR) for FY 2022-23 to FY 2024-25 and further allow the DISCOMs to make subsequent changes in ARR submitted based upon the approval of DPRs under Revamped Distribution Sector Scheme.

**Prayers to the Commission:**

The Petitioner respectfully prays that the Hon'ble Commission may:

- a. Admit this Petition and condone any delay in filing the Petition.

- b. Examine the proposal submitted by the Petitioner in the enclosed petition for a favorable dispensation.
- c. Approve the Annual Revenue Requirement (ARR) for FY 2022-23 to FY 2024-25 under relevant regulations considering and allowing appropriate deviations in matters sub-judice under various forums such as APTEL etc. and Orders issued by the Hon'ble Commission from time to time and pass suitable Orders with respect to the True up for FY 2020-21 and Annual Performance Review (APR) for FY 2021-22.
- d. Approve the proposed tariff schedule to be recovered from the different category of consumers, proposed open access charges and general & miscellaneous charges as proposed as to be made applicable from 1st April 2022
- e. Allow the State DISCOMs to file revised ARR upon approval of Action Plan and DPRs submitted to Ministry of Power (Government of India) under Revamped Distribution Sector Scheme.
- f. NBPDCCL may also be permitted to propose suitable changes to the respective ARR, after the approval of action plan and DPRs under RDSS scheme or prior to the final approval by the Hon'ble Commission. NBPDCCL believes that such an approach would go a long way towards providing a fair treatment to all the stakeholders and may eliminate the need for a review or clarification.
- g. To allow charges paid on account of clause 7(10(b)) of DSM Regulations 2020 for maintaining sign change in FY 2021-22 because during the second wave of Covid-19, the available demand was to be supplied at any cost and any condition keeping in view the necessity in Hospitals, oxygen plants and home quarantine patients, irrespective of change in demand. Therefore it is requested that the above-mentioned condition should be treated as a force-majeure.
- h. Approve purchasing power from spot market at higher rate during August 2021 and September 2021 due to declaration of significantly lower availability than the allocated capacity.
- i. Condone any inadvertent omissions / errors / shortcomings and permit SBPDCL to add / change / modify / alter this filing and make further submissions as may be required at a future date.
- j. Pass such Order, as the Hon'ble Commission may deem fit and appropriate keeping in view the facts and circumstances of the case.

South Bihar Power Distribution Company Limited, Patna  
Petitioner

**Location:** Patna  
**Date:** 15/11/2021

# 1. Introduction

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## 1.1. Background

1.1.1. Bihar State Electricity Board (“Board” or “BSEB”) originally constituted on 1<sup>st</sup> April 1958 under Section 5 of the Electricity (Supply) Act, 1948 and was engaged in the management of electricity generation, transmission, distribution and related activities in the State of Bihar.

1.1.2. Under the new 'Bihar State Electricity Reforms Transfer Scheme 2012', the BSEB has been unbundled into five companies:

- a. Bihar State Power (Holding) Company Limited (BSPHCL),
- b. Bihar State Power Transmission Company Limited (BSPTCL),
- c. Bihar State Power Generation Company Limited (BSPGCL),
- d. South Bihar Power Distribution Company Limited (SBPDCL),
- e. North Bihar Power Distribution Company Limited (NBPDCCL)

with effect from 1st November' 2012 vide notification no. संख्या प्र0-2/बोर्ड पुर्न0 सं0-31/2008 (खंड-I) 17 dated 30.10.2012.

- a) “Bihar State Power (Holding) Company Limited” means the Company that owns shares of newly incorporated reorganized four companies i.e., Bihar State Power Generation Company Limited, Bihar State Power Transmission Company Limited, South Bihar Power Distribution Company Limited, and North Bihar Power Distribution Company Limited.
- b) “Bihar State Power Generation Company Limited” means the Generating Company to which the Generating Undertakings of the Board were transferred in accordance with this Scheme.
- c) “Bihar State Power Transmission Company Limited” means the Transmission Company to which the Transmission Undertakings of the Board were transferred in accordance with this Scheme.
- d) “South Bihar Power Distribution Company Limited” And “North Bihar Power Distribution Company Limited”, collectively mean the Distribution Companies, to which the Distribution Undertakings of the Board were transferred in accordance with this Scheme.

1.1.3. This Petition is being submitted separately by South Bihar Power Distribution Company Limited.

## 1.2. Profile of SBPDCL

- 1.2.1. SBPDCL is a company registered under the provisions of the Companies Act 1956 and is a fully owned subsidiary Company of BSPHCL.
- 1.2.2. SBPDCL is engaged primarily in the business of distribution and retail supply of electricity. It has been vested with the distribution assets, interest in property, rights and liabilities of the erstwhile, BSEB necessary for the business of electricity distribution in its area of distribution comprising of all 11 circles of South Bihar.
- 1.2.3. SBPDCL has been given the status of a Distribution Licensee as per Section 14 of the Electricity Act 2003, to fulfil the obligations of the Distribution Licensee as mandated under the provisions of the Bihar State Electricity Reforms Transfer Scheme 2012 and the Electricity Act, 2003.
- 1.2.4. The Bihar State Electricity Reforms Transfer Scheme, 2012 details out the following for the distribution business of SBPDCL:
- Schedule-C, Part-I: Description of Assets, Liabilities etc.,
  - Schedule-C, Part-II: Provisional Balance Sheet as on 1st November 2012,
  - Schedule-C, Part-III: Function and Duties of SBPDCL.
- 1.2.5. SBPDCL has divided its area of supply into 11 Distribution Circles which further comprises of 47 divisions and 129 subdivisions.
- 1.2.6. The Petitioner has a total consumer base of 61.5lakhs as on 31<sup>st</sup> March 2021
- 1.2.7. The details of the existing distribution infrastructure of the Petitioner as on 31<sup>st</sup> March 2021 are tabulated below for reference:

**Table 1: Existing distribution infrastructure of SBPDCL**

S. No.	Particulars	Unit	Quantity
1	No. of electrified villages	No	18521
2	No. of consumers	No	61.5 Lakhs
3	No. of 33/11 kV Substations	No.	562
4	Capacity of 33/11 kV Substations	MVA	9010.4
	No. of 11/0.4 kV 3 phase Transformers	No.	115207
5	Capacity of 11/0.4 kV 3 phase Transformers	MVA	9567.16
6	Length of 33 kV line	CKM	7493.24
7	Length of 11 kV line	CKM	54678.02
8	Length of LT line	CKM	129049.64

- 1.2.8. The two distribution companies were created based on reorientation of seven area offices. The reorientation was done based on regrouping of circles. As such from a circle level and below there is no change from the previous system.

**Table 2: DISCOMs' Areas and Circles**

Area	Circle
PESU	PESU East
	PESU West
Patna Central	Patna
	Bhojpur (Ara)
	Nalanda
Magadh	Gaya
	Aurangabad
	Sasaram
Bhagalpur	Bhagalpur
	Jamui
	Munger
Tirhut	Muzaffarpur
	Chapra
	Motihari
Mithila	Darbhanga
	Samastipur
	Begusarai
Kosi	Saharsa
	Kishanganj
	Purnea

**1.2.9.** The four area offices i.e. PESU, Patna central, Magadh and Bhagalpur were regrouped to form one company, i.e. South Bihar Power Distribution Company Limited. Hence the circles – PESU (East), PESU (West), Patna, Ara, Nalanda, Gaya, Aurangabad, Sasaram, Bhagalpur, Jamui and Munger constitute the South Bihar Power Distribution Company Limited (SBPDCL). The remaining three area offices viz. Tirhut, Mithila and Kosi Areas were combined to form another company, i.e., North Bihar Power Distribution Company Limited (NBPDC). Consequently Muzaffarpur, Chapra, Motihari, Darbhanga, Samastipur, Begusarai, Saharsa, Kishanganj and Purnea Circles constitute the company North Bihar Power Distribution Company Limited.

### **1.3. Procedural History**

**1.3.1.** The procedural history of the filings of petition of erstwhile BSEB, BSPHCL and individual companies is tabulated below for ready reference:

**Table 3: Procedural History of Filing**

S. No.	Scope of Filing in Petition	Filing Date	Order Date	Remarks
1	ARR & Tariff Petition for FY 2006-07	10.04.2006	29.11.2006	-
2	ARR & Tariff Petition for FY 2007-08	18.12.2007	-	Delayed filing & hence directed to file petition for FY 2008-09 by 31.01.2008
3	ARR & Tariff Petition for FY 2008-09	14.02.2008	26.08.2008	Review of FY 2006-07 was also undertaken in this order

S. No.	Scope of Filing in Petition	Filing Date	Order Date	Remarks
4	ARR & Tariff Petition for FY 2009-10	09.10.2009	-	Delayed filing & hence directed to file petition for FY 2010-11.
5	ARR & Tariff Petition for FY 2010-11	03.02.2010	06.12.2010	Review of FY 2008-09 was also undertaken in this order
6	ARR & Tariff Petition for FY 2011-12	17.02.2011	01.06.2011	Order effective from 1.5.2011
7	True-up Petition for FY 2006-07, FY 2007-08 and FY 2008-09  Addendum to this petition	01.09.2011  17.10.2011	04.01.2012	-
8	True-up Petition for FY 2009-10	13.10.2011	27.01.2012	-
9	Review of ARR for FY 2010-11 based on provisional accounts  Submission of Audited Accounts for FY 2010-11  Submission of True-up petition for FY 2010-11 based on Audited Accounts	13.10.2011  02.03.2012  16.03.2012	-	Hon'ble Commission directed to file Petition for review along with petition of FY 2012-13
10	ARR & Tariff Petition for FY 2012-13  Supplementary petition for FY 2012-13	15.11.2011  02.01.2012	30.03.2012	Order included True-up of FY 2010-11 & Review of FY 2011-12
11	Business Plan for Control Period FY 2013-14 to FY 2015-16 filed by BSPGCL, BSPTCL and 2 DISCOMs  Revised Business Plan as per Commission's directive  Re-Revised Business Plan for BSPGCL & BSPTCL  Re-Revised Business Plan for 2 DISCOMs	20.09.2012  14.11.2012  03.01.2013  04.01.2013	15.03.2013	Hon'ble Commission directed to submit revise business plan.  Hon'ble Commission again directed to submit revised business plan vide letter dated 21.12.2012 Approved along with MYT Order
12	Provisional True-up for FY2011-12, Review petition for FY 2012-13 and MYT Petition for FY 2013-14 to FY 2015-16 for BSPGCL, BSPTCL and 2 DISCOMs  Revised petition for True-up of FY 2011-12 based on Audited Accounts	15.11.2012  24.12.2012	15.03.2013	Hon'ble Commission issued MYT Order according to petition
13	True up for FY 2012-13 by BSPHCL  Annual Performance Review for FY 2013-14 and Revised Annual Revenue Requirement for FY 2014-15 for BSPGCL,	-	28.02.2014	Hon'ble Commission issued Tariff Order according to petition