



BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION,
LUCKNOW

Petition No. 2039 /2023

(Date of Order: 10-06-2024)

IN THE MATTER OF:

Truing-Up for FY 2022-23, Annual Performance Review (APR) for FY 2023-24 and Annual Revenue Requirement (ARR) for FY 2024-25 in the Petition No. 2039/2023 of Noida Power Company Limited (NPCL), Greater Noida.

ORDER

BACKGROUND:

The Electricity Act, 2003 under Section 64 stipulates that the Licensee shall file an application before the State Electricity Regulatory Commission to determine Tariff in such manner as specified by the Commission in the applicable Regulations.

The Commission notified the Uttar Pradesh Electricity Regulatory Commission (Multi Year Tariff for Distribution and Transmission) Regulations, 2019 (hereinafter referred as 'MYT Regulations, 2019') on September 23, 2019. The MYT Formats for determination of tariff under these regulations has been uploaded on the website of the Commission. Further, vide Letter No. UPERC/Secy/D(Tariff)/2022-23-1372 dated December 26, 2022 and E-mail dated September 29, 2022 the additional formats were provided to the Licensee. These Regulations shall be applicable for determination of tariff in all cases covered under these Regulations from April 1, 2020, to March 31, 2025, unless otherwise extended by the Commission.

The Petitioner in compliance to the provisions stipulated under the Regulation 4 of MYT Regulations, 2019, shall file the Petition before the Commission for determination of True-Up, Annual Performance Review (APR) and Aggregate Revenue Requirement (ARR) / Tariff for each year of the Control Period (FY 2020-21 to FY 2020-25) complete in all respect by November 30 of each year.

The Noida Power Company Limited (hereinafter referred to as 'NPCL' / 'Petitioner') filed their ARR Petition for determination of True-Up for FY 2022-23, APR for FY 2023-24 and ARR & Tariff for FY 2024-25 before the Commission on November 29, 2023.

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PRELIMINARY OBSERVATION:

The Commission conducted a preliminary analysis of the ARR Petition filed for FY 2024-25 and raised data deficiency queries to the Petitioner through Deficiency Notes issued vide letter no. UPERC/Secy/D(T)/2024-1782 dated February 09, 2024. The Commission in the data deficiency queries has directed the Petitioner to provide the information related to the reconciliation of power purchase cost with the audited accounts, detailed evidence for the Billing Determinants, Power purchase related matters (like Transmission and Load Dispatch Charges, prior period expense, discounts & rebates, monthly availability of the plant for Long term Power Purchase etc), Operation and Maintenance Expense related to Smart Metering / DT Metering, CAPEX for purchase of Leasehold Land, Justification of calculation of Interest on Working capital, Prepaid metering, along with various other deficiencies.

LICENSEE RESPONSE:

The Petitioner vide Letter No. P-77A/2024/072 dated March 07, 2024, has submitted its response to the 1st data deficiency in respect to True-Up of FY 2022-23, APR of FY 2023-24 and ARR of FY 2024-25. It has been observed that for certain points raised in the first deficiency note and the queries that were raised subsequent to first deficiency note are not fully submitted.

Further, the Commission raised certain queries vide Letter No. UPERC/Secy/D(T)/2024-50 dated April 08, 2024 on issues such as Power Exchange Obligation, reconciliation of invoices of power purchase, details of purchased quantum from power exchange, Explanation of claimed Transmission Charges, breakup of R&M expense and Work Orders related Cost / activities performed, Project wise detailed CAPEX, Billing Determinants for LMV-2, 4B along with various other deficiencies.

The Petitioner vide Letter No. REG/24-25/U-2 dated May 03, 2024 has submitted its response to the 2nd data deficiency in respect to True-Up of FY 2022-23, APR of FY 2023-24 and ARR of FY 2024-25. It has been observed that for certain points raised in the first deficiency note and the queries that were raised subsequent to first deficiency note are partially submitted.

Further, the Commission raised certain queries vide letter no UPERC/Secy/D(T)/2024-348 dated, May 31, 2024 sought 3rd data deficiency related to Billing determinants of LMV-1 "other metered category" as per correct slabs of Rate Schedule, Justification of growth rate of LMV-1, LMV-2, LMV-4, LMV-5, LMV-9 and HV-1 category, ABR of FY 2024-25, justification of PPC and Arrear details of LTPPA, calculations for Fixed Cost Component, Miscellaneous Expense under O&M expense, Scheme wise details of actual funding of Capital Expenditure, Discrepancy of opening balance of GFA, increase of Transmission loss, along with various other deficiencies

The Technical Validation Session (TVS) was conducted on May 31, 2024 which was attended by senior officials of the Commission and NPCL. During the TVS, NPCL explained various issues

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raised in the data Deficiency Note on the ARR Petition of NPCL for FY 2024-25. Subsequently, minutes of meeting (M.O.M) comprising of pending data / information were issued.

COMMISSION'S DIRECTION:

The Commission admits the ARR Petition of the Petitioner. It is pertinent to mention here that the ARR Petition for FY 2024-25 submitted by the Petitioner for determination of ARR/Tariff has been submitted within the due date specified in the MYT Regulations, 2019. The Commission further directs the Petitioner to submit the pending responses immediately and also directs NPCL that it shall furnish further information / clarifications, if any, as deemed necessary by the Commission during the processing of the Petition and provide the same to the satisfaction of the Commission within the time frame as stipulated by the Commission. Any failure, in compliance of such directions, will compel the Commission to dispose off the concerned matter as found deemed fit by it based on the available information.

Regulation 5.8 of MYT Regulations, 2019 specifies as under:

Quote

5.8 The Petitioner shall within three working days of issue of the Admittance Order, publish a Public Notice in at least two English and two Hindi daily newspapers having wide circulation in its licence area, outlining the ARR, proposed Tariff, True-Up and such other matters as may be directed by the Commission, and inviting suggestions and objections from the stakeholders and public at large:

Provided that the Petitioner shall also upload on its website the Petition filed before the Commission along with all regulatory filings, information, particulars and documents in the manner stipulated by the Commission. The Petitioner should ensure that there is no requirement of providing personal information for downloading the same:

Unquote

Accordingly, the Petitioner shall, within three working days of issue of this Admittance Order, publish a Public Notice in at least two English and two Hindi daily newspapers having wide circulation in their licence areas, outlining the True-Up, ARR, approved and actual Distribution and Transmission losses for FY 2022-23 along with actual/proposed losses for FY 2023-24 and proposed losses for FY 2024-25, Power Purchase Cost , Average Cost of Supply, Proposed tariff of each category / sub-category / slab of consumers, wheeling charges, cross subsidy surcharge and additional surcharge for Open Access consumers etc., and invite suggestions and objections within 15 days from the date of publication of the Public Notice(s) from the stakeholders and public at large.

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The Public Notices should indicate that the stakeholders should regularly check the websites of the Petitioner for further submissions made in respect to these proceedings.

The Petitioner shall upload on its website the Petition filed before the Commission along with all regulatory filings, information, particulars and related documents in their original version (not in zipped or compress folder), which shall be signed digitally and in searchable pdf formats along with all Excel files and as per any other provision of the Regulations and Orders of the Commission. The Petitioner shall also ensure that these files are broken into such size which can be easily downloaded and will not keep them in compressed form as the stakeholders find it difficult to extract the files.

In addition, the Petitioner shall also ensure that for downloading the same, there is no requirement of providing personal information. The Petitioner shall not provide or put up any such information, particulars, or documents, which are confidential in nature, without the prior approval of the Commission.

The Petitioner shall inform the Commission, about the details of publication of the Public Notice in the newspapers and uploading on the website along with the links. The Petitioner is also required to submit the copies of the newspapers and screen shots of the website within 7 days of publication of the Public Notice.


The Commission proposes to hold the Public Hearings in July, 2024, the details of which will be provided subsequently on the Commission's website www.uperc.org.

The Petitioner shall take all necessary steps to ensure the necessary arrangements for smooth functioning of the same in accordance with the guidelines / instructions issued in this regard by the Commission from time to time.

The Commission reserves the right to seek any further information / clarifications as deemed necessary during the processing of these Petitions.


(Sanjay Kumar Singh)
Member


(V.K. Srivastava)
Member(Law)


(Arvind Kumar)
Chairman

Place: Lucknow

Date: 10 June, 2024