

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub- Filing of Petition under Section 94 (1) (f) of the Electricity Act, 2003 (EA 2003), read with Regulation 40 of the MPERC (Conduct of Business) (Revision-I) Regulations 2016 for seeking review of certain aspect of the Multi Year Aggregate Revenue Requirement Order dated 31.03.2022 in Petition no. 04/2022 for MPPoKVVCL, MPPaKVVCL & MPMKVVCL as the Distribution Licensees.

ORDER

**(Hearing through video conferencing)
(Date of Order: 21/ 09/ 2022)**

**MP Madhya Kshetra Vidyut Vitran Co. Ltd (Central Discom)Petitioner
Versus**

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|--|--------------------|
| 1. MP Power Management Company Limited (MPPMCL) | |
| 2. MP Poorv Kshetra Vidyut Vitran Co. Ltd(East Discom) | Respondents |
| 3. MP Paschim Kshetra Vidyut Vitran Co. Ltd (West Discom) | |

Shri Anand Shrivastava, CGM (Comm.) and Shri DP Ahirwar, CGM appeared on behalf of the petitioner. Shri Ajasra Gupta, GM and Shri Manoj Verma, DGM appeared on behalf of MPPMCL. Shri BP Patel, GM appeared on behalf of East Discom.

1. The subject review petition is filed for restoration of tariff category in Retail Supply Tariff Order dated 31.03.2022 for FY22-23 in LV-1 Domestic Tariff schedule for Supply through DTR meter for cluster of Jhuggi/Jhopadi which was specified in schedule LV-1.2 of Retail supply Tariff order for FY21-22. The petitioner has made following prayer:-

- a. Take the accompanying Review petition of the above Petitioners on record and treat it as complete;*
- b. Review certain portion of the order dated 31.03.2022 passed in Petition No.04/2022, as set out in the present Petition and consider the issues as raised in the present Petition;*
- c. Correct the erroneous submission/issues of oversight that have crept in the Order dated 31st March 2022 in Petition No.04/2022;*
- d. Condone any inadvertent omissions/ errors/ shortcomings and permit the Petitioner to add/change/ modify/ alter portion(s) of this filing and make further submissions as may be required at a later stage;*

2. The Petitioner has submitted in this review petition that under Tariff Proposal for FY 2022-23 of MYT Tariff Petition (petition No. 04/2022), it was prayed by petitioner to abolish the tariff sub category LV-1.2 under LV-1 Domestic Tariff for Supply through DTR meter considering that there were no beneficiaries under this category. The Petitioner has further submitted that later on, it has been noticed that DTR group consumer under tariff sub category LV-1.2 are still existing in Central Discom. The petitioner submitted that the tariff for such category was approved by the Commission in Tariff Order for FY 2021-22 on 30 June 2021. Accordingly, the petitioner was billing the aforesaid category of consumers as during the period of aforesaid Tariff order.
3. It is stated by petitioner that there around 246 consumers are present in this category and the Petitioner was billing the said consumers through the billing systems, i.e., Revenue Management System (RMS) and Customer Care & Billing (CC&B) on monthly basis as per approved Tariff. However, during FY 2021-22 a new billing system called Next Generation Billing (NGB) was developed and launched during FY 2021-22. During the migration of billing database to NGB system in July 2021, there were some clerical errors occurred due to which the DTR group consumer got omitted from R-15, since no provision was created in NGB system for billing of such consumers. The petitioner Discom started billing such consumers manually from August 2021 onwards when this error came to the notice of petitioner.
4. The Petitioner stated that since, this category of consumers was not reflecting in R-15 from August 2021, therefore it was proposed to abolish this category for the Tariff proposal of FY 2022-23 inadvertently. The Commission in the impugned Order has considered the Petitioner's proposal and abolished the said category. Now, due to absence of tariff for such category, the Petitioner is finding it difficult to bill the consumers that falls under this category. The Petitioner therefore requested to correct its inadvertent submission and restore this tariff category for LV-1.2 Domestic Category Tariff for Supply through DTR meter for clusters of Jhuggi/Jhopadi till individual meters are provided.
5. Based on the above reasons, the petitioner has proposed to restore the Tariff for following LV-1.2 Domestic Category Tariff for Supply through DTR meter for clusters of Jhuggi/Jhopadi till individual meters are installed:-

LV 1.2

(i) (b) Energy Charge and Fixed Charge – For temporary connection

Temporary/ DTR meter connection	Existing		Proposed			
	Energy Charge with telescopic benefit (paisa per unit) Urban / Rural areas	Monthly Fixed Charge (Rs)		Energy Charge with telescopic benefit (paisa per unit) Urban / Rural areas	Monthly Fixed Charge (Rs)	
		Urban areas	Rural areas		Urban areas	Rural areas
Supply through DTR meter for clusters of Jhuggi/Jhopadi till individual meters are provided	Omitted		355	NIL	NIL	

Minimum Charges: No minimum charges are applicable for supply through DTR meter for clusters of Jhuggi/Jhopadi.

6. At the motion hearing held on 12/07/22, after hearing the petitioner, the Commission admitted the petition and directed that MPPMCL, East and West Discoms be made respondent in the matter. The Respondents were directed to file their response in the matter one week thereafter. Subsequently, Respondents viz. West Discom, East Discom and MPPMCL submitted their replies.

7. In their replies Respondents West and East Discoms submitted that they are not affected party in the present circumstances of the case as there are no such connections exist under sub-category LV 1.2 under domestic category tariff for supply through DTR meter in their areas.

8. Another Respondent MPPMCL stated that it would be appropriate to restore the tariff of such consumers as provided in the Tariff Order for FY 2021-22. Further since revenue impact of such a small number of marginal consumers would be negligible in number and therevenue neutrality of the ARR would hardly matter and it shall be taken care during the Trueing-up exercise. Respondent MPPMCL has broadly made the following submission:-

(a) The Commission in its Tariff Order FY 2022-23 has not provided the Tariff for supply through DTR meter for cluster of Jhuggi/Jhopadi under LV-1 Domestic category as the same was not proposed

in the Tariff proposal for FY 2022-23 filed by MPPMCL and all the three Discoms of the State (Petition no. 04/2022).

- (b) Before deciding the ARR petition (Petition no. 04/2022) of the licensees, looking to the actual sales data for FY 2020-

21, Hon'ble Commission vide letter dated 23.12.2021 had also raised query in regard to the petitioner's proposal to abolish the Tariff for Supply through DTR meter under LV-1 category made in petition no.04/2022 on the basis of the available information that there were no beneficiaries under the said sub-category. In this regard the East, Central and West Discom have submitted the following responses based on which MPPMCL had submitted the consolidated response. The consolidated response submitted is reproduced as under:

Response of East Discom:

It is submitted that due to some anomaly the data might have got reflected in the R-15 report for FY 2020-21. However as per standard R-15 report & tariff category wise R-15 report of the Nov'2021 there is no booking under this Tariff category.

Response of Central Discom:

It is to be submitted that in FY 20-21, there were 246 consumers under supply through DTR meter under LV-1 Category with sold unit of 0.36 MU. However, at present there are no consumers for Supply through DTR meter in aforesaid category. Hence, the Petitioner has proposed to abolish the same.

Response of West Discom

It is submitted that as per standard R-15 report of FY 2020-21 there is no booking under this Tariff category.

- (c) The Commission has therefore not provided the Tariff for supply through DTR meter for cluster of Jhuggi / Jhopdi under LV-1 Domestic category in its Tariff order dated 31.03.2022.
- (d) After the issuance of the Tariff order for FY 2022-23, Central Discom revealed that actually there were around 246 numbers of consumers under this tariff category which could not be captured during migration to the newly adopted NGB system and hence got omitted from R-15. Accordingly, an error was crept in the Tariff proposal filed by the Discoms and also an erroneous submission made in regard to the Commission's observation made vide letter dated 23.12.2021 regarding data/information gaps.
- (e) The Central Discom has therefore preferred the instant petition praying to the Hon'ble Commission for restoration of Tariff sub-category in LV-1 Domestic Category Tariff for supply through DTR Meter for cluster of Jhuggi / Jhopdi as specified in Schedule LV-1.2 of Retail Supply Tariff Order FY 21-22.
- (f) The Central Discom in the instant petition has submitted that around 246 number of consumers already existed under the Tariff sub-category meant for supply through DTR Meter for cluster of Jhuggi / Jhopdi as per the Tariff order of FY 2021-22 and these consumers were billed through the billing systems i.e. Revenue Management System (RMS) and

Customer Care & Billing (CC&B) on monthly basis as per the approved tariff. During FY 2021-22 consequent to the inception of new billingsystemandmigrationofdatabasesomeerrorsoccurredduetowhichtheDTRgroupconsumers got omitted and such consumers were not reflected in the R-15 data.Howevermanual billing ofsuch consumerswas continued from August'2021onwards.FurtherwiththeimplementationofTarifforderforFY2022-23,thetariffofsuchconsumersisnotavailable.

(g) Havinggonethroughtheverycauseandnecessityof theinstantpetitionMPPMCLis of the opinion that it would be appropriate to restore the tariff of such consumersas provided in the Tariff Order FY 2021-22. Further since the revenue impact ofsuch a small number of marginal consumers would be a negligible number and therevenue neutrality of the ARR would hardly matter and shall be taken care duringtheTruing-upexercise.

9. Having heard the petitioner and Respondents at the next hearing held on 26th July' 2022, the petitioner was directed to furnish draft of public hearing notice for approval of the Commission.

10. Vide public notice dated 05.08.2022, the Commission sought comments from the stakeholders. Public Notice was published in the various news-papersindicating date and time for public hearing. Public Hearing held on 30.08.2022. Only one stakeholder namely Shri Nirmal Lohiya filed a written submission in the matter. A link was provided to him for public hearing through Video Conferencing.However, he had not appeared in public hearing.

Commission's Observation and findings :

11. ThisReview Petition has been filed under Regulation 40 of MPERC (Conduct of Business) (Revision I) Regulations, 2016, The Commission has persuaded the submission made by the parties in light of the provisions under Regulation 40 of MPERC (Conduct of Business) (Revision I) Regulations, 2016, as given below:

"40. Review of the decisions, directions and orders

(1) The Commission may on its own motion or on the application of any of the person or parties concerned, within 60 days from the date of making any decision, direction or order, review such decision, direction or order and pass such appropriate order as the Commission thinks fit.

(2) An application for such review shall be filed in the same manner as a petition under Chapter II of these Regulations subject to fulfilment of the following conditions, namely

- (a) *Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or;*
- (b) *On account of some mistake or error apparent on the face of the record; or*
- (c) *Any other sufficient reason.”*

12. The petitioner stated that there were around 246 consumers undertariff sub category (LV-1.2 of LV-1 Domestic tariff category for Supply through DTR meter for cluster of Jhuggi/Jhopadi prevailed in Retail supply tariff order FY21-22) who could not be captured during migration to the newly adopted NGB system and hence got omitted from R-15 due to clerical error. Therefore, an error had crept in the Tariff proposal filed by the DISCOMs for FY 2022-23 and an erroneous proposal to abolish the said tariff Schedule was made to the Commission in this regard. Therefore, petitioner has prayed for restoration of Tariff Sub-category for supply through DTR Meter for cluster of Jhuggi/Jhopdi as specified in Schedule LV-1.2 of LV-1 Domestic Category Tariff of Tariff Order FY 2021-22.

13. The Commission perused the details submitted by the Petitioner and observed that the petitioner Central Discom including MPPMCL, East and Central Discoms (Respondents in this Review petition) had not proposed any tariff category and tariff for supply through DTR meter for cluster of Jhuggi/Jhopdi, in MYT Retail tariff petition (Petition no. 04/2022) for determination of Retail Supply Tariff for FY 2022-23. Accordingly, the Commission in the Tariff Order for FY 2022-23 dated 31st March, 2022 had considered the DISCOMs proposal and no tariff was given for the aforesaid category.

14. Further, the Commission has perused the submission made by the Respondent MPPMCL in the matter who was the co-petitioner in filing of MYT Retail supply tariff petition for FY22-23 (in P.No 04/22) along with State Discoms including petitioner i.e Central Discom. The relevant portion of MPPMCL submission has been reproduced below:-

*“11. Having gone through the very cause and necessity of the instant petition MPPMCL is of the opinion that it would be appropriate to restore the tariff of such consumers as provided in the Tariff Order FY 2021-22. Further **since the revenue impact of such a small number of marginal consumers would be a negligible number and the revenue neutrality of the ARR would hardly matter and shall be taken care during the Truing-up exercise.**”*

15. The review petition has been filed mentioning the above-mentioned error made in the tariff proposal for FY 2022-23. The Commission after scrutinizing all the details submitted by the Petitioner, and Respondents viz. MPPMCL, East and West Discoms, observed that only Central DISCOM has consumers under the said sub category LV1.2 and they are finding difficulty in billing these set of consumers. Further, the Commission observed that revenue impact on account of this category of consumers would be nominal.

16. The Commission has observed that Central Discom is still having 246 domestic connections without energy meters in cluster of Jhuggi/Jhopadi. Section 55 of the Electricity Act, 2003 as well as Regulation 8.1 of MP Electricity Supply Code 2021 mandates that electricity supply to the consumers should be through energy meters. However, on any exceptional ground, the Commission is allowed to relax the above condition by recording proper justification. In the instant matter, petitioner Central Discom has informed that in the cluster of Jhuggi/Jhopadi, electricity consumption is being recorded through DTR meters as individual meters have not been provided for these connections. The Petitioner informed that billing for these consumers are being done under tariff sub-category LV-1.2 of LV domestic category which was specifically provided for supply through DTR meters for cluster of Jhuggi/Jhopadi. As this sub-category is not included in the current tariff order, the Petitioner is facing difficulty in billing such consumers. Considering aforesaid circumstances and power vested with the Commission under Section 55 of the Act and Regulation 8.1 of the Supply Code, 2021, the Commission has for the time being decided to allow recording of electricity consumption of these consumers through DTR meters and accordingly for billing purposes decided to restore abovementioned tariff sub-category for Jhuggi/Jhopadi cluster. However, the Commission directs the Petitioner, Central Discom to provide individual meters to all such un-metered connections latest by 31st March, 2023 and therefore applicability of this sub-category tariff would be for the period of Retail Supply Tariff order for FY 2022-23 only. The schedule for this sub-category shall be as under:-

LV-1.2 (ii) Energy Charge and Fixed Charge for supply through DTR meters for clusters of Jhuggi/Jhopadi

Particulars	Energy Charge (paise per unit) Urban/ Rural areas	Monthly Fixed Charge (Rs.)	
		Urban areas	Rural areas
Supply through DTR meter for clusters of Jhuggi/Jhopadi till individual meters are provided	355	NIL	NIL

Minimum Charges: No minimum charges are applicable for supply through DTR meter for clusters of Jhuggi/Jhopadi.

17. It is reiterated that the restored tariff category shall be applicable for the period of Retail supply Tariff order for FY 2022-23 only. All other conditions in above tariff order shall remain unchanged. Petitioner is further directed to provide individual meters to the consumers falling under the aforesaid LV-1.2(ii) category latest by FY 2022-23.

With above directions, the review petition is disposed of.

(Gopal Srivastava)
Member (Law)

(Mukul Dhariwal)
Member

(S. P. S. Parihar)
Chairman