JINDAL
STEEL & POWER

July 26, 2022

The Secretary
C.G. State Electricity Regulatory Commission,
Vidyut Niyamak Bhawan,
Irrigation Colony, Shanti Nagar,
Raipur (C.G.)

Sub.: Urgent Hearing of IA in Petition No.46 of 2022

Dear Sir,

It is submitted that Jindal Steel and Power Limited is facing an urgent cash flow issue due to the tariff imposed by this Hon'ble Commission in Petition No. 50 of 2022 vide order dated 21.07.2022.

Therefore, it is requested from this Hon'ble Commission that this IA filed in Petition No. 46 of 2022 for seeking provisional tariff based, inter alia, on adjustment on account of fuel cost and power purchase cost in terms of Sections 61, 62(4), 86(1)(a), 86(1)(b), 94(2) of the Electricity Act be listed urgently

Thanking you,

Yours faithfully,
For **Jindal Steel & Power Ltd.**

Pradeep Tandon
President.

Jindal Steel & Power Limited
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Registered Office O. P. Jindal Marg, Hisar, 125 005, Haryana

BEFORE THE HON'BLE CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION, AT RAIPUR
I.A. NO. _____ OF 2022
IN
PETITION NO. 46 OF 2022

IN THE MATTER OF:
Petition for determination of Annual Revenue Requirement for MYT Control Period of FY 2022-23, FY 2023-24 and FY 2024-25 along with revised estimate for FY 2021-22 and True-up for FY 2019-20, FY 2020-21 for the licensed distribution business under Section 61, 62 and 86 (1) (a) of the Electricity Act, 2003 read with the relevant provisions of the Chhattisgarh State Electricity Regulatory Commission's Conduct of Business Regulations and Terms and Conditions for determination of Tariff Regulations and its amendments thereof.
AND

IN THE MATTER OF:

Application seeking approval of provisional tariff, based, *inter-alia*, on the principles of adjustment on account of fuel cost and power purchase as provided under Sections 61, 62, 62(4), 86(1)(a), 86(1)(b) and 94(2) of the Electricity Act, 2003, readwith Regulation 15 of the CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2021.

AND

IN THE MATTER OF:
Jindal Steel & Power Limited
P.B. No. 16, Patrapali, Kharsia Road,
Raigarh, Chhattisgarh – 496001 **... PETITIONER**

INDEX

S. No.	Description	Annexures	Page No.
1.	**APPLICATION ON BEHALF OF THE PETITIONER SEEKING PROVISIONAL TARIFF, BASED, *INTER-ALIA*, ON PRINCIPLES OF ADJUSTMENT ON ACCOUNT OF FUEL COST AND POWER PURCHASE IN TERMS OF SECTIONS 61, 62, 86(1)(a), 86(1)(b) AND 94(2) OF THE ELECTRICITY ACT, 2003 READWITH REGULATION 15 OF THE CSERC (TERMS AND CONDITIONS FOR DETERMINATION OF TARIFF ACCORDING TO MULTI-YEAR**		1-15

For, Jindal Steel & Power Limited
Authorised Signatory

	TARIFF PRINCIPLES AND METHODOLOGY AND PROCEDURE FOR DETERMINATION OF EXPECTED REVENUE FROM TARIFF AND CHARGES) REGULATIONS, 2021 ALONGWITH SUPPORTING AFFIDAVIT		
2.	Copy of the order dated 21.07.2022 passed by this Hon'ble Commission in Case No. 50 of 2022	**A**	16-18

Date: 26.07.22
Raipur

For Jindal Steel & Power Limited

Authorised Signatory

BEFORE THE HON'BLE CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION, AT RAIPUR

I.A. NO. _____ OF 2022

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For, Jindal Steel & Power Limited

Authorised Signatory

AND

IN THE MATTER OF:

Jindal Steel & Power Limited **...PETITIONER**

APPLICATION ON BEHALF OF THE PETITIONER SEEKING PROVISIONAL TARIFF, BASED, *INTER-ALIA*, ON PRINCIPLES OF ADJUSTMENT ON ACCOUNT OF FUEL COST AND POWER PURCHASE IN TERMS OF SECTIONS 61, 62, 86(1)(a), 86(1)(b) AND 94(2) OF THE ELECTRICITY ACT, 2003 READWITH REGULATION 15 OF THE CSERC (TERMS AND CONDITIONS FOR DETERMINATION OF TARIFF ACCORDING TO MULTI-YEAR TARIFF PRINCIPLES AND METHODOLOGY AND PROCEDURE FOR DETERMINATION OF EXPECTED REVENUE FROM TARIFF AND CHARGES) REGULATIONS, 2021.

MOST RESPECTFULLY SHOWETH:

1. The present petition was filed by the Petitioner, Jindal Steel & Power Limited ("**Petitioner/ JSPL-D**") before this Hon'ble Commission for seeking determination of Annual Revenue Requirement ("**ARR**") for MYT Control Period of FY 2022-23, FY 2023-24 and FY 2024-25 along with revised estimate for FY 2021-22 and True-up for FY 2019-20, FY 2020-21 for the licensed distribution business under Section 61, 62 and 86 (1) (a) of the Electricity Act, 2003 ("**EA 2003**") read with the relevant provisions of the Chhattisgarh State Electricity Regulatory Commission's Conduct of Business Regulations and

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Terms and Conditions for determination of Tariff Regulations and its amendments thereof.

2. The present application is being filed by the Petitioner for seeking provisional tariff based, *inter-alia*, on the principles of adjustment on account of fuel cost and power purchase to be charged to its consumers situated within its distribution license area, in terms of Sections 61, 62, 62(4), 86(1)(a), 86(1)(b) and 94(2) of the Electricity Act, 2003, readwith Regulation 15 of the CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2021.

3. In this context, it is submitted that due to the expiry of the short-term power procurement arrangement of the Petitioner with Jindal Power Limited ("**JPL**") on 30.06.2022, the Petitioner, as a prudent distribution licensee initiated a Request for participation on the Discovery of Efficient Electricity Price ("**DEEP**") portal under the *"Guidelines for Short-term (i.e., for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process"* issued by the Ministry of Power, Government of India on 30.03.2016, and its amendments thereof ("**Short-term Competitive Bidding Guidelines**").

4. In the said bid, JPL emerged as a successful bidder by quoting the lowest tariff of Rs. 5.5/kWh, and accordingly, a Letter of Intent ("**LoI**") was issued by JSPL-D on 13.07.2022 to JPL,

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which was also accepted on the even date by JPL for the entire duration of 21.07.2022 to 31.03.2023 for Round the Clock ("**RTC**") power procurement of 150 MW.

5. As the price of Rs. 5.5/kWh has been determined after conducting a transparent process of competitive bidding in terms of the short-term bidding guidelines issued by the Central Government, there is no reason as to why such tariff should not be adopted. Accordingly, in view of the above, a petition being Petition No. 50 of 2022 was filed by the Petitioner under Section 63 of EA 2003 for adoption of Tariff for procurement of power under Short-term arrangement on DEEP portal selected through Competitive Bidding Process as per the Guidelines issued by Ministry of Power, Govt. of India on 30.03.2016 and its amendments thereof.

6. The aforesaid petition was disposed of by this Hon'ble Commission, wherein, vide an order dated 21.07.2022, while adopting the tariff determined under Section 63 of EA 2003, this Hon'ble Commission proceeded to direct the Petitioner to not supply power at such tariff, and instead directed it to continue supplying power to its consumers situated in OP Jindal Industrial Park ("**OPJIP**") at a lower tariff/ rate of Rs. 4.20/kWh allegedly in terms of the Judgment dated 06.05.2022 by the Hon'ble APTEL in Appeal Nos. 72 & 100 of 2016 ("**APTEL Judgment**").

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A copy of the order dated 21.07.2022 passed by this Hon'ble Commission in Case No. 50 of 2022, is annexed herewith and marked as **ANNEXURE - A**

7. That, the Hon'ble APTEL has clarified under Para 107 that the mutually agreed tariff of Rs. 4.20/kWh will cease to apply once this Hon'ble Commission determines tariff of the Petitioner.

In the judgment, *Energy Watchdog vs. CERC & Ors.,* reported in *(2017) 14 SCC 80*, the Hon'ble Supreme Court has held that the tariff adopted under Section 63 is the tariff which is determined under competitive bidding. Hence, once tariff has been adopted under the said provision, the same means that it has been determined, and the said tariff has to be given effect to. With respect to the said position of law as against the aforesaid order dated 21.07.2022, the Applicant/ Petitioner is reserving its rights to approach an appropriate forum.

8. However, without prejudice to the aforesaid, and out of abundant caution, the Applicant/ Petitioner is seeking approval of a provisional tariff, based, *inter-alia*, on the principles of adjustment on account of fuel cost and power purchase, pending determination of ARR and other costs for the period 2011 onwards, as mentioned in the Hon'ble APTEL judgment. This dispensation is also provided under Section 62(4) of the EA 2003.

9. As such, the Petitioner has to pay the generator a price of Rs. 5.50/kWh discovered through competitive bidding, which is Rs. 1.30 /kWh more than the mutually agreed price. Therefore, in

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addition to the cost of power, the Petitioner also has to bear the cost of distribution, most of which are also uncontrollable in nature as per Regulation 11.1 of the CSERC (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2021.

10. In case mutually agreed tariff of Rs. 4.20 / kWh is allowed to be recovered from the consumers, it shall be violative of the Section 63 and Section 61 of EA 2003. In this context, this Hon'ble Commission ought to consider the following:

(a) The Petitioner is not in agreement with the previous generator to supply electricity as per earlier agreed terms and conditions including cost of electricity;

(b) The meaning of adoption of tariff shall be lost in case this Hon'ble Commission determines a tariff below the price discovered through competitive bidding (*without considering the cost of supply*) to be recovered from the consumers;

(c) The APTEL Judgment has specified that the mutually agreed tariff fixed under the directions of the Hon'ble High Court shall continue to be in force till the tariff is determined by the Hon'ble State Commission.

Since the tariff has been discovered through competitive bidding process, this Hon'ble Commission is only

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empowered to adopt the tariff and is not entitled for determination of tariff. Then, in this case, the interpretation that adoption of tariff along with associated distribution cost shall not be considered as determination of tariff does not hold good;

(d) Any gap in actual cost of supply and revenue to be recovered shall have an impact qua carrying cost to be paid by the Petitioner, which shall be recovered from the consumers at the time of truing-up. Therefore, the tariff may be determined in such a way that there is negligible or no gap in between the cost of supply and revenue to be recovered; and

(e) The Petitioner is under severe financial stress in absence of cost reflective tariff from many years. Further addition of financial burden in terms of tariff below the cost of supply shall erode its financial position and may raise question on its viability in future.

11. Therefore, in view of the above, it is imperative that this Hon'ble Commission allows a provisional two-part tariff considering the cost of power discovered through competitive bidding and distribution cost till issuance of ARR and Retail Tariff Order for FY 2022-23.

12. In the captioned Petition filed by the Petitioner for determination of ARR for MYT Control Period of FY 2022-23, FY 2023-24 and FY 2024-25 along with revised estimate for FY 2021-22 and True-up for FY 2019-20, FY 2020-21, the Power

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Purchase Cost has been projected considering per unit rate of Rs. 8.70/kWh and has been used for estimating ARR for FY 2022-23. Since new power purchase price of Rs. 5.50/kWh has been discovered through short term competitive bidding, the revised calculation of the ARR requirement is as follows:

Revised ARR for FY 2022-23

Particulars	Unit	Amount
Power Purchase Rate discovered through competitive bidding	Rs. / kWh	5.5
Required Power Purchase Quantum	MU	1528.42
Power Purchase Cost	**Rs. Lakh**	**84063.22**
RPO Costs	Rs. Lakh	6602.87
Transmission Charge	Rs. Lakh	652.58
Employee Cost	Rs. Lakh	914.83
A&G Cost	Rs. Lakh	282.33
R&M Cost	Rs. Lakh	167.79
Depreciation	Rs. Lakh	157.40
Interest and finance charges	Rs. Lakh	55.91
Interest on Security Deposit paid to consumers	Rs. Lakh	401.31
Interest on working capital	Rs. Lakh	726.89
Return on equity	Rs. Lakh	203.44
Provision for bad debts	Rs. Lakh	951.65
Other Income	Rs. Lakh	14.84
Aggregate Revenue Requirement	**Rs. Lakh**	**95165.38**

13. The Petitioner also submits that the ARR for FY 2022-23 needs to be recovered through tariff decided by this Hon'ble Commission. In this regard, Section 45 of the EA 2003 empowers the Petitioner to recover charges (*as specified by the Commission*) against the electricity supplied to the consumers. Furthermore, the National Tariff Policy 2016 suggests for

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adoption of two-part tariff for recovery of the Annual Revenue Requirement of the Distribution Licensee. The relevant extract of the Policy is reproduced below:

> ***"8.4 Definition of tariff components and their applicability***
>
> *1.* ***Two-part tariffs featuring separate fixed and variable charges*** *and time differentiated tariff shall be introduced on priority for large consumers (say, consumers with demand exceeding 1 MW) within one year and subsequently for all consumers within a period of five years or such period as may be specified. This would also help in flattening the peak and implementing various energy conservation measures."*
>
> (Emphasis Supplied)

14. In view of the above, it must be considered that a two-part tariff consists of Fixed Charge and Variable Charge, wherein, the Fixed Charge/ Demand Charge is designed to recover the costs of the Distribution Licensee which are fixed in nature such as the charges payable to power generators, transmission charges, operation & maintenance expenses, depreciation, Interest on loans, return on equity etc. This is generally recovered on the basis of sanctioned load/connected load / contract demand or maximum demand of the consumer. Energy Charge is designed to recover the costs of the Distribution Licensee which are variable in nature such as variable cost component of power purchase etc. These costs are recoverable on the basis of the actual consumption of the

consumers during the billing period (*per kWh or per kVAh basis*).

15. In fact, this Hon'ble Commission in its Order dated 13.04.2022 in the matter of Petition No. 75/2021 (T) regarding determination of ARR and Tariff for the Control Period from FY 2022-23 to FY 2024-25 of Chhattisgarh State Power Distribution Company Limited ("**CSPDCL**") has notified tariff schedule to be used for recovery of wheeling and retail supply cost for FY 2022-23. In the said Order, this Hon'ble Commission has allowed two-part tariff methodology for recovery of charges for supplying electricity.

16. It is submitted that there is extreme urgency for the Applicant/ Petitioner to get the above provisional tariff allowed, subject to/ pending determination of ARR from the year 2011 onwards as mentioned in the Hon'ble APTEL judgment. In this context, it is relevant to point out that from a reading of Paras 81 to 103 of the above judgment, it is evident that the cost reflective tariff of the Applicant/ Petitioner was never determined since the grant of distribution license. As such, the said Applicant has already suffered huge losses, and thus, it is required that the Hon'ble Commission grants provisional tariff in the present application/ petition.

17. Furthermore, this Hon'ble Commission has ample powers available in terms of Sections 61, 62, 62(4), 86(1)(a), 86(1)(b) and 94(2) of the Electricity Act, 2003, readwith Regulation 15 of the CSERC (Terms and Conditions for determination of tariff

according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2021, for providing provisional tariff to a distribution licensee, based, *inter-alia*, on the principles of adjustment on account of fuel cost and power purchase.

18. It is further submitted that this Hon'ble Commission has been regularly granting provisional tariff to generating companies and licensees. In this regard, reference is made to order dated 22.09.2021 passed by this Hon'ble Commission in Petition No. 22 of 2021, wherein the provisional tariff was allowed, and it was held as follows:

> *"This order is passed in the petition filed by M/s Madhya Bharat Power Corporation Ltd (herein after referred as MBPCL or petitioner) for determination of provisional tariff of its 113 MW (2x56.5MW) Rongnichu Hydro-Electric Project situated in East Sikkim. The petition is filed under Sections 62 of the Electricity Act 2003 and Chhattisgarh State Electricity Regulatory Commission (Terms and Conditions for determination of tariff according to Multi-Year Tariff principles and Methodology and Procedure for determination of Expected revenue from Tariff and Charges) Regulations, 2015.*
>
> *...*
> *13. MBPCL filed the instant petition on 06/03/2021 for determination of provisional tariff for supply of power to respondent as per PPA including supplementary PPA. The same was registered as Petition no. 22 of 2021.*
>
> *14. Meanwhile during the pendency of this petition, Unit – 1 and Unit – 2 of the petitioner's*

For, Jindal Steel & Power Limited

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power station had achieved COD on 25.06.2021 and 30.06.2021 respectively.

...

19. Considering the above submissions, the Commission decides to determine the provisional tariff in the present petition in accordance with the CSERC MYT Regulation, 2015. While computing the provisional tariff from 25.06.2021 to 31.03.2022, the Commission has segregated this duration in two parts (i) duration from 25.06.2021 to 29.06.2021 and (ii) duration from 30.06.2021 to 31.03.2022 as the Unit – 1 and Unit – 2 achieved COD on 25.06.2021 and 30.06.2021 respectively.

...

35. Applicability of this order
The Order will be applicable till the issue of final Tariff Order."

In view of the above, the Petitioner/ Applicant is seeking parity qua equal treatment to be granted for allowing provisional tariff.

19. Additionally, it is further submitted that the Ld. Central Electricity Regulatory Commission ("**CERC**") also grants provisional tariff to generating companies and licensees. For the said purpose, the following orders may be referred:

(a) Order dated 04.06.2021, in IA No. 32 of 2021 in Petition No. 92/MP/2021; and

(b) Order dated 24.12.2012 in Petition No. 160/GT/2012.

As per section 61(a) of the Act, the methodologies of the Ld. CERC are guiding lights for the State Commissions. As such,

For, Jindal Steel & Power Limited

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this Hon'ble Commission may consider the aforesaid while allowing the present application.

20. In view of the above, this Hon'ble Commission is requested to kindly allow the Petitioner to recover fixed charge @ Rs. 377.34/kVA/month and variable charge @ Rs. 5.18/kVAh on provisional basis till issuance of ARR Order for FY 2022-23. The detailed calculation of the fixed and variable charge to be recovered from the consumers is provided below:

Particulars	Unit	Amount
ARR to be recovered	Rs. Lakh	95165.38
Demand projected for FY 22-23	kVA	315248
Projected Recovery through Fixed Charge @ 15% of ARR	Rs. Lakh	14274.81
Fixed cost to be recovered	Rs. /kVA/month	377.34
Projected Sales in MU for FY 2022-23	MU	1514.37
Projected Sales in kVAh considering 0.97 Power Factor	Million kVAh	1561.21
Projected Recovery through Energy Charge	Rs. Lakh	80890.57
Energy cost to be recovered	Rs. / kVAh	5.18

21. The Petitioner also implores this Hon'ble Commission to kindly approve the above mentioned fixed and variable charges to be recovered from the consumers. As such, the Petitioner submits that it is making continuous endeavour to minimize the power purchase cost and is expecting to purchase power at a reduced cost after signing of Long-term PPA.

For Jindal Steel & Power Limited

Authorised Signatory

22. The present application is being made bonafide and in the interest of justice.

PRAYER

In view of the aforesaid facts, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

(a) Allow this additional submission to the Petition No. 50 of 2022;

(b) Grant approval of provisional tariff in terms of the proposal submitted by the Petitioner/ Applicant in the present application, and permit the Petitioner/ Applicant to charge the same from its consumers situated within its distribution license area, in FY 2022-23, subject to determination of ARR/ Tariff as mandated in the judgment dated 06.05.2022 passed by the Hon'ble APTEL in Appeal Nos. 72 & 100 of 2016, in terms stated in the present application;

(c) Allow the Petitioner to claim the revenue gap at the time of truing-up along with carrying cost;

(d) Condone any inadvertent omissions/ errors/ shortcomings/ delays and permit the Petitioner to make further submissions as may be required at a future date to support in terms of modification / clarification; and

(e) Pass such other and further order(s) as are deemed fit and proper in the facts and circumstances of the case.

26.07.22
Raipur

PETITIONER

For, Jindal Steel & Power Limited

Authorised Signatory

BEFORE THE HON'BLE CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION, AT RAIPUR
I.A. NO. OF 2022
IN
PETITION NO. 46 OF 2022

IN THE MATTER OF:

Jindal Steel & Power Limited ... **PETITIONER/ APPLICANT**

AFFIDAVIT

I, Pradeep Tandon, S/o Late Dr. R.S. Tandon, aged about 60 years, Authorized Signatory of Jindal Steel and Power Limited, R/13 KM Stone, NH-06, Great Eastern Road, Mandir Hasaud, Chhattisgarh – 492101, do hereby solemnly affirm and state as follows:

1. That I am the Authorized Representative of the Petitioner/ Applicant in the abovementioned matter and am fully conversant with the facts of the case and able to depose to the facts of the case.

2. I have gone through the contents of the application, and I say that the contents stated therein, and the documents annexed are based on the records of the Respondent maintained in the ordinary course of business and are believed to be true by the deponent.

For Jindal Steel & Power Limited
Authorised Signatory

DEPONENT

VERIFICATION

I, Pradeep Tandon, the Deponent above named do hereby verify that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Raipur on this 25th day of July, 2022.

25 JUL 2022

SOLEMENLY AFFIRMED OR SWORN BEFORE ME BY THE WITHIN NAMED.

C.L. MAKANDEY
NOTARY/ADVOCATE

25 JUL 2022

For Jindal Steel & Power Limited
Authorised Signatory

DEPONENT

Chhattisgarh State Electricity Regulatory Commission
Irrigation Colony, Shanti Nagar, Raipur - 492 001 (C.G.)
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P.N. 50 of 2022/2022/1046 Raipur, Date: 21/07/2022

Petition No. 50 of 2022

M/s Jindal Steel and Power Limited **... Petitioner**

Order in order sheet dated 21.07.2022 is reproduced below for information:-

"Shri Sanjay Sen, Counsel and Shri Pradeep Tandon appeared online for petitioner.

Shri Damodar Solanki, Counsel (appeared online) and Shri Arvind Sharma for Raigarh Ispat Udyog Sang (RIUS).

2. Heard the parties.

3. This petition is filed under Section 63 of the Electricity Act, 2003 for adoption of tariff for short term procurement by distribution licensee JSPL (D). The tariff has been determined through Competitive Bidding Process under the Guidelines issued by Ministry of Power, Govt. of India on 30.03.2016 and its amendments thereof.

4. The petitioner has submitted that the Commission ought to necessarily take into account that the short-term power procurement arrangement of the Petitioner/ JSPL-D with JPL will come to an end on 31.07.2022, coupled with the undisputed fact that there is an acute coal shortage in the country, including the skyrocketing prices of coal, which has further made it extremely difficult for the Petitioner/ JSPL-D to supply power to the consumers situated in OPJIP. Also, an approved source/ PPA is required for availing linkage coal.

5. The petitioner further submitted that, there is a requirement that this Hon'ble Commission approves a fresh source of power for JSPL-D, for onward supply to its consumers, alongwith tariff at which such procurement and supply has to take place, keeping in mind the provisions of the EA, 2003.

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6. Therefore, in the meanwhile, the Petitioner/ JSPL-D initiated a request for participation on the Discovery of Efficient Electricity Price ("**DEEP**") portal under the *"Guidelines for Short-term (i.e., for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process"* issued by the Ministry of Power, Government of India on 30.03.2016, and its amendments thereof.

7. In addition to the above, the bid was invited for procurement of 150±10% MW Round the Clock ("**RTC**") power under Short-Term arrangement for the period from 21.07.2022 to 31.03.2023.

8. Subsequently, as per the schedule, three (3) bidders submitted the proposal.

i. Tata Power Trading Company Limited ("**TPTCL**");
ii. Manikaran Power Limited ("**MPL**"); and
iii. Jindal Power Limited.

M/s JPL emerged as the "lowest quoted bidder" by quoting @ Rs. 5.50/- per unit for the entire period i.e. 21.07.2022 to 31.03.2023 for the full quantum of 150 MW.

9. It is submitted that the price discovered for procurement of power under the competitive bidding process is highly competitive, market aligned and beneficial to the consumers situated in OPJIP.

10. In view of the above, the petitioner prayed for:

a) Admit the present petition;

b) Adopt the tariff discovered in the Competitive Bidding Process for procurement of power from the successful bidder, Jindal Power Limited, including approval of the Letter of Intent dated 13.07.2022 issued by JSPL-D and the unconditional acceptance of the same by JPL, for the period of 21.07.2022 to 31.03.2023 with discovered tariff of Rs. 5.50/- per unit for RTC power procurement of 150 MW under section 63 read with section 86 of the Electricity Act 2003;

c) Allow recovery of Rs. 0.84/- as additional charges on account of Renewal Purchase Obligation (Rs. 0.44/-); T&D losses (Rs. 0.05/-); transmission charges (Rs. 0.04/-) and Operation and Maintenance Charges (Rs. 0.18/-) and Interest-Depreciation & Return on Equity charges (Rs. 0.13/-); and

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d) Pass such other and further order(s) as are deemed fit and propose in the facts and circumstances of the case.

11. During hearing, counsel of the RIUS has submitted that petitioner has not followed the transparent bidding process for discovering above price. In regards to the aforesaid contention, we do not find any infirmity in the bidding process as such.

12. The Commission has considered the prayer of the Petitioner and allowed procurement of short-term power for the period from 21.07.2022 to 31.03.2023 with discovered tariff of Rs. 5.50/- per unit for RTC power procurement of 150 MW under section 63 read with section 86 of the Electricity Act 2003 subject to condition that the licensee's surplus power shall be examined during the process of determination of tariff. If cost of the surplus power computed by the Commission comes lower than the above discovered price then appropriate treatment will be given in accordance with Hon'ble APTEL related orders.

13. Regarding prayer of the petitioner for recovery of additional charge, the Commission is of the view that the direction issued by Hon'ble APTEL has to be followed i.e. the mutually agreed tariff fixed under the directions of the High Court shall continue to be in force till the tariff is determined by the State Commission, and will apply subject to modification / directions, if any, by the superior court. Therefore, petitioner is expected to bill the consumers in accordance with Hon'ble APTEL order dated 06/05/2022.

Case is disposed off accordingly."

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(Vivek Ganodwale)
Director (Law)

To,

M/s Jindal Steel & Power Ltd.-D
Through it's Shri Pradeep Tandon (President)
Mandir Hasaud, Raipur (C.G.)
Pin: 492101