

**THE APPELLATE TRIBUNAL FOR ELECTRICITY  
AT NEW DELHI  
(APPELLATE JURISDICTION)**

**APPEAL NO.48 OF 2016  
AND  
APPEAL NO.316 OF 2016 & IA NO.656 OF 2016**

**Dated : 31<sup>ST</sup> MAY, 2017.**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. I. J. Kapoor, Technical Member.**

**APPEAL NO.48 OF 2016**

**IN THE MATTER OF:-**

**JHARKHAND BIJLI VITRAN NIGAM )  
LIMITED, )  
Through its Managing Director, having )  
its office at Engineer's Building, H.E.C., )  
Township, P.O. & P.S. Dhurwa, District )  
Ranchi – 834 004. ) ... **Applicants****

**AND**

1. **JHARKHAND STATE ELECTRICITY )  
REGULATORY COMMISSION, )  
Having its office at 2<sup>nd</sup> Floor, )  
Rajendra Jawan Bhawan cum Sainik )  
Bazar, Mahatma Gandhi Marg (Main )  
Road), Ranchi – 834 001. )**
  
2. **SINGHBHUM CHAMBER OF )  
COMMERCE & INDUSTRIES, )  
A Registered Association through its )  
President, Suresh Sonthalia, S/o. )  
Sri Hari Shankar Sonthalia, )  
Resident of 12, Diagonal Road, )**

Jamshedpur, P.O. & P.S. : Bistupur, )  
 District : East Singhbhum, having )  
 Reg. Office at Bistupur, P.O. & P.S. )  
 Bistupur, District East Singhbhum – )  
 831 001. ) ... Respondents

Counsel for the Applicant(s) Mr. Ajit Kumar, Sr. Adv.  
 Mr. Himanshu Shekhar  
 Mr. Navin Kumar  
 Mr. Aabhas Parimal  
 Mr. Jamnesh Kumar  
 Ms. Aparajita Bhardwaj

Counsel for Respondent(s) Mr. Farrukh Rasheed for R-1  
  
 Mr. Ramji Srinivasan, Sr. Adv.  
 Mr. Dhananjay K. Pathak for R-2

**ALONG WITH**

**APPEAL NO.316 OF 2016 & IA NO.656 OF 2016**

**IN THE MATTER OF:-**

**SINGHBHUM CHAMBER OF )  
 COMMERCE & INDUSTRIES, )  
 A Registered Association through its )  
 President, Suresh Sonthalia, S/o. Sri )  
 Hari Shankar Sonthalia, Resident of 12, )  
 Diagonal Road, Jamshedpur, P.O. & P.S. )  
 : Bistupur, District : East Singhbhum, )  
 having Reg. Office at Bistupur, P.O. & )  
 P.S. Bistupur, District East Singhbhum – )  
 831 001. ) ... Applicants**

**AND**

1. **JHARKHAND STATE ELECTRICITY )**  
**REGULATORY COMMISSION, )**  
 Having its office at 2<sup>nd</sup> Floor, )  
 Rajendra Jawan Bhawan cum Sainik )  
 Bazar, Mahatma Gandhi Marg (Main )  
 Road), Ranchi – 834 001. )
2. **JHARKHAND BIJLI VITRAN NIGAM )**  
**LIMITED, )**  
 Through its Managing Director, )  
 having its office at Engineer's )  
 Building, H.E.C., Township, P.O. & )  
 P.S. Dhurwa, District Ranchi – 834 )  
 004. ) **... Respondents**

Counsel for the Applicant(s)	Mr. Ramji Srinivasan, Sr. Adv. Mr. Dhananjay K. Pathak
Counsel for Respondent(s)	Mr. Farrukh Rasheed for R-1  Mr. Ajit Kumar, Sr. Adv. Mr. Himanshu Shekhar Mr. Navin Kumar Mr. Aabhas Parimal Mr. Jamnesh Kumar Ms. Aparajita Bhardwaj for R-2

### **ORDER**

1. Both these appeals can be disposed of by a common order because they challenge Provisional Tariff Order dated 14/12/2015 on Review of ARR for F.Y. 2013-14 (6<sup>th</sup> January 2014 and 31<sup>st</sup> March, 2014) and F.Y. 2014-15 and ARR and

Distribution Tariff for F.Y. 2015-16 for Jharkhand Bijli Vitran Nigam Limited. The impugned order is passed by the Jharkhand State Electricity Regulatory Commission (“**the State Commission**”).

2. Appeal No.48 of 2016 is filed by the Jharkhand Bijli Vitran Nigam Limited and Appeal No.316 of 2016 is filed by Singhbhum Chamber of Commerce and Industries.

3. The Jharkhand Bijli Vitran Nigam Limited has sought to highlight that the State Commission did not properly consider its stand so far as the heads, namely ‘Non Tariff Income’, ‘Resource Gap Funding Carrying Cost’, ‘Revenue Gap’, ‘Tariff for CPP Consumers’ and also its stand as regards terms and conditions for supply of various categories of consumers. These grievances are set out in detail in paragraphs Nos.7 (XVI) to 7 (XXVIII) of the appeal memo of Appeal No.48 of 2016. M/s Singhbhum Chamber of Commerce & Industries has in its Appeal No.316 of 2016 raised contentions that while determining the impugned Tariff Order, the Commission has ignored the specific provisions of the Electricity Act, 2003, the

National Tariff Policy, Jharkhand State Electricity Regulatory Commission (Terms & Conditions for Determinations of Tariff) Regulations, 2010, its own earlier Tariff Order and even the orders passed by this Tribunal on earlier occasions.

4. The Singhbhum Chamber of Commerce & Industries has complained that the State Commission ought to have considered and applied the provisions strictly and ought not to have appointed Expert Committee in the process of Tariff determination instead of relying upon the outcome of public hearing which took place in the tariff determination process. M/s. Singhbhum Chamber of Commerce & Industries has also stated that the State Commission should have insisted for audited accounts before the impugned tariff determination process. The said Appellant has narrated its grievances in paragraphs 9(a) to 9(w) of its appeal memo.

5. Since the tariff determination process for MYT period 2016-17 to 2020-21 has been informed to be going on and truing up exercise shall also be undertaken in due course,

learned counsel for both the Appellants requested that a direction may be given to the State Commission to look into the aspects raised by both the parties and give due consideration to the same in the forthcoming Tariff Order and the truing up exercise to be undertaken.

6. In the circumstances, we find this suggestion to be appropriate. Hence, we direct the State Commission to look into the aspects raised by both the parties and give due consideration to the same in the forthcoming Tariff Order and the truing up exercise to be undertaken by it. All documents which the State Commission seeks to rely upon should be placed in public domain, before the State Commission finalizes the tariff. We expect the State Commission to expeditiously conduct the entire exercise. We make it clear that we have not expressed any opinion on the merits of the case, nor have we expressed any opinion on the impugned order. The State Commission shall conduct the entire exercise independently and in accordance with law.

7. The Appeals are disposed of in the aforestated terms.

**I.J. Kapoor**  
**[Technical Member]**

**Justice Ranjana P. Desai**  
**[Chairperson]**