



Petition No. 1003, 1006, 1009 and 1010 of 2015

BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order : 15.04.2015

PRESENT:

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Smt. Meenakshi Singh, Member
3. Hon'ble Sri Indu Bhushan Pandey, Member

IN THE MATTER OF: Review in "UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2014" (CRE Regulations, 2014)

Petition No. 1003/2015:

BETWEEN

U.P.Power Corporation Limited
(through its Chairman)
Shakti Bhawan, Ashok Marg, Lucknow

----- **Petitioner**

AND

U.P.Sugr Mills Co-Gen Association
2/95, Vishal Khand, Gomti Nagar, Lucknow

----- **Respondent**

Petition No. 1006/2015:

Hindalco Industries Ltd.
Century Bhawan, Dr. Annie Basant Road,
Mumbai - 400025

----- **Petitioner**

AND

1. U.P.Power Corporation Limited
(through its Chairman)
Shakti Bhawan, Ashok Marg, Lucknow
2. Poorvanchal Vidyut Vitran Nigam Ltd.
(through its Managing Director)
132 KV Sub Station, Bhikharipur,
Vidyut Nagar, Varanasi

----- **Respondents**



Petition No. 1009/2015:

U.P.Sugr Mills Co-Gen Association
2/95, Vishal Khand, Gomti Nagar, Lucknow

----- Petitioner

AND

U.P.Power Corporation Limited
(through its Chairman)
Shakti Bhawan, Ashok Marg, Lucknow

----- Respondent

Petition No. 1010/2015:

U.P.Sugr Mills Co-Gen Association
2/95, Vishal Khand, Gomti Nagar, Lucknow

----- Petitioner

AND

U.P.Power Corporation Limited
(through its Chairman)
Shakti Bhawan, Ashok Marg, Lucknow

----- Respondent

Following were presents

1. Shri K.M. Mittal, Director, UPPCL
2. Shri S.K. Kalia, Sr. Advocate, UPPCL
3. Shri D.D. Chopra, Advocate, Cogen Association
4. Shri Dhruv Mathur, Advocate, Sukhbir Agro Energy Ltd.
5. Shri Alok Agarwal, CFO, Advocate, Sukhbir Agro Energy Ltd
6. Shri Avadhesh Kumar Verma, Chirman, UP Rajya Vidyut Upbhokta Parishad
7. Shri J.P.S. Gangwar, S.E. UPPCL
8. Shri Anil Gupta, CGM, Co-gen Association
9. Shri S.P. Singh, Advocate, Sukhbir Agro Energy Ltd.
10. Shri Shahid Rizvi, Advocate, Hindalco
11. Shri I.J. Joshi, Jt. President (Legal), Hindalco
12. Shri Ajit Kumar, G.M., Hindalco
13. Shri Santosh Gupta, Hindalco
14. Shri Utkarsh Raghuvanshi, Hindalco
15. Shri Durga Prasad, Advisor, UP Sugar Mills co-gen Association
16. Shri M.P. Sharma, Sukhbir Agro/ Independent Consultant
17. Shri Vipin Jindal, AGM, Triveni Engg. & Ind. Ltd.
18. Shri R.K. Pandey, Simbholi
19. Shri G. K. Verma, P.O., UPNEDA
20. Shri C.P. Diwedi, GM (CA), Dalmia Sugar
21. Shri R.D. Pandey, Sr. Manager (Corporate), Dwarikesh Sugar



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22. Shri Pankaj Chaturvedi, Liason Officer, Balrampur Chini Mills
 23. Shri Ashish Sinha, E.E.(PPA), UPPCL
 24. Shri S.K. Sinha, S.E. (PPA), UPPCL
 25. Shri Sameer Kalia, Advocate, UPPCL
 26. Shri A.K. Pathak, CE (PPA), UPPCL
 27. Shri S.K. Dixit, AGM (C&L), Cogen Association

ORDER

(Date of Hearing 1.4.2015)

1. A review has been filed by UPPCL vide petition no. 1003 of 2015 in the matter of UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2014 (CRE Regulations, 2014) which has been declared by the Commission on 20.1.2015. Review petitions have also been filed by Hindalco vide petition no 1006 of 2015 and U.P. Co-gen Association vide petition no 1006 of 2015. U.P. Co-gen Association has further filed petition no 1006 of 2015 under section 142 against UPPCL for not accepting and paying the bills of supplied electricity as per the CRE Regulations, 2014. Petitions were clubbed by the Commission as being the same subject matters of review for the hearing.
2. Public hearing on 2.3.15 was conducted by the Commission to give opportunity to all stakeholders. Vide order dated 04.03.2015, the Commission directed to all the parties to exchange the copies of their review applications / replies on that day itself. The parties were also directed to file their reply /counter / rejoinder to the Commission by 17.3.2015. UP Co Gen Association, Dwarikesh Sugar Industries Ltd. and Sukhbir Agro Energy Ltd. filed replies on UPPCL's review petition. The next hearing was conducted on 30.3.15. UPPCL filed replies on objections of UP Co Gen Association and Dwarikesh Sugar Industries Ltd. during the hearing. UPPCL filed an additional submission on 30.3.15. An exemption application was also filed by UPPCL regarding personal presence of Director (Commercial) as he was on leave which was allowed by the Commission.



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3. The Commission heard petition no. 1003/2015 and 1009/2015 on the issue of admissibility as well as on merit and opined to make final decision in this order. Regarding petition no 1006/2015, UPPCL submitted that they were in discussion with Hindalco to reach on an agreement which Hindalco also assented so the Commission kept the issues of agreement open for final decision after their submission. The Commission decided to take final decision on review petitions so petition no 1010/2015 on sec. 142 was not pressed.
 4. In review petition no. 1003/2015, UPPCL has sought review on three points as enumerated as follows:
 - i. The tariff decided in the regulations cannot be made effective from a retrospective date but only from the date when regulations have come into effect i.e. 20.1.2015. It was incumbent for the Commission to have framed the regulations before determining the tariff. (cited Hon'ble APTELS Order dated 25.4.2014 in Appeal No. 243 of 2012).
 - ii. The heat rate of 3100 kcal/kwh considered for the plants commissioned in FY 2009-14 in the CNCE Regulations, 2009 should remain same for the plants commissioned in FY 2009-14 and to be commissioned in FY 2014-19. (cited National Electricity Policy, National Tariff Policy & CNCE Regulations, 2009)
 - iii. For calculation of working capital, the fuel stock of baggase should remain one month as considered in the CNCE Regulations, 2009.

UPPCL has also filed an application of interim relief for staying the operation and implementation of CRE Regulations, 2014 in view of review petition.

In its review petition, UPPCL has stated:

- a. That a perusal of the provisions contained in Sections 61, 62, 64 and 181 of the Electricity Act, 2003 mentioned hereinabove would reveal that various stages are provided in the said provisions for the purposes of determining the tariff by the Commission. The first stage to determine the parameter in accordance with guiding factors under section 61 of the Electricity Act, 2003 which should be known as Regulation and which would be notified under section - 181 of the 'Act, 2003'. It is only after framing of Regulation which would contain the parameter for determination of tariff, tariff would be determined in accordance with the procedure mentioned in sections 62 and 64 of the Electricity Act, 2003. The procedure which is provided in Section - 64 of the Electricity Act, 2003 would indicate that the process would have to start on the application of the generating company or the licensee and such application would be entertained after payment of the requisite fee deposited for the purpose. In view of said legal position as mandated by the Electricity Act, 2003 through its various provisions, it was incumbent for the Commission to have framed the Regulation before determining the tariff.

UPPCL has also cited Hon'ble APTELS judgment dated 25.4.2014 passed in appeal no. 243 of 2012. The relevant portion of judgment is quoted as below:

“It cannot be disputed that the State Commission in the Impugned order dated 19.10.2012 has wrongly held that the Order shall come into effect from 1.10.2012 i.e. retrospectively and the same is in contravention of the Regulations, 139 of the UPERC (Conduct of Business) Regulations, 2004. As per this Regulation, the Tariff Order shall come into effect only after 7 days from the last date of publication of the tariff. It specifically provides that the Commission shall within 7 days of making the order will send a copy of the order to the State Government, the authorities concerned, the licensees



and the persons concerned. Therefore, the Tariff Order could not have been enforced retrospectively. As such, the direction issued by the State Commission in the Impugned Order that the Tariff Order shall come into effect from 1.10.2012 i.e. retrospectively is illegal as it is contrary to its own Regulations, i.e. Regulations 139 of the UPERC (Conduct of Business) Regulations, 2004 framed by the State Commission.”

- b. That the review applicants while filing their comments against the draft Regulations objected to the revision of heat rate of 3100 kcal/kwh considered for the plants commissioned in FY 2009-14 and also submitted that the same cannot be enforced with retrospective effect. It can only and only be prospective and consequently tariff determination on the said basis cannot be enforced retrospectively.
- c. That the interest on working capital is one of the factors for determining the fixed charge to be included while determining the tariff and this Hon'ble Commission while framing the Regulation-2009 had taken into consideration the stock of bagasse equivalent to one month only for fixing the working capital requirement. However, while issuing the Regulation - 2014, the same has been enhanced to 04 months without considering the relevant factors and which was pointed out by the Review Applicants on 26.11.2014 in their written statements and has also further not given any rationale for the said fixation while issuing the Statement of Reasons

Reply of Co-gen Association

UP Co-gen Association has made preliminary objection on maintainability of the petition on the ground that the petitioner has failed to point out any 'error apparent on the face of the record' and therefore, does not fall under review jurisdiction. UP Co-gen Association has further added that:

- i. The tariff provided in the regulations can be made effective from retrospective date since a tariff order does not have to be preceded by notification of regulations (cited Hon'ble APTEL order in SIEL Vs. PSERC (2007) ELR 931).
- ii. While revising SHR, the Commission has considered actual performance and the mandate given by Central Commission.
- iii. The Commission has considered the mandate given by Central Commission in deciding the fuel stock of baggase.

UP Co-gen Association has based their preliminary objection on admissibility of review petition on the decision made by Hon'ble Supreme Court in State of West Bengal v. Kamal Sengupta (2008) 8 SCC 612 and in Parsion Devi v. Sumitri Devi (1997) 8 SCC 715. It has further been stated that even though Section 94(1) (f) of the Electricity Act, 2003 does not specify the grounds on which an aggrieved party may seek review of an order yet the power of review must necessarily be exercised in the circumstances specified under Order 47 Rule 1 of the Code of Civil Procedure, 1908. In this regard, it has been quoted that in Tata Power Delhi Distribution Company Limited v. Delhi Electricity Regulatory Commission (2013) ELR 1083, the Hon'ble Appellate Tribunal for Electricity outlined the scope of Section 94 (1) (f) of the Act as follows:

“19. Section 94 of the Electricity Act stipulates that the powers of review conferred under Section 94 to the Appropriate Commission are the same, as are vested in the civil court under the Code of Civil Procedure. The grounds of review have been referred to in the order 47 Rule-1 of the Code of Civil Procedure. The powers of review as per this clause, can be exercised either on the discovery of new and important matter or evidence which after exercise of due diligence was not within the knowledge or could not be produced before the Court by the Applicant or on account of some mistake or error apparent on the face of the record or for any other sufficient reasons.”

Given the above noted legal position, UP Co-gen Association has submitted that the Petitioners have failed to adhere to the legal requirements for invoking review jurisdiction of this Hon'ble Commission and submitted that the present review petition is not maintainable.

In its point wise reply, UP Co-gen Association has stated that:

- a. The Respondent seeks to rely on the settled legal position with respect to permissibility of retrospective tariff orders, as articulated by the Hon'ble Appellate Tribunal for Electricity in SIEL Ltd. v. Punjab State Electricity Regulatory Commission and Ors. (2007) ELR 931:

- “82. Section 62, which provides for determination of Tariff by the Commission, does not suggest that the Tariff cannot be determined with retrospective effect. In the instant case, the whole exercise was undertaken by the PSERC to determine Tariff and the annual Revenue requirement of the PSERB for the period 1st April, 2005 to 31st March, 2006, therefore, logically Tariff should be applicable from 1st April, 2005.*
- 85. The Board in consonance with the cost plus regime is entitled to recover all costs prudently incurred for providing service to the consumers. Besides, the Board is entitled to reasonable return. Since the cost prudently incurred has to be recovered, therefore, in the event of the Tariff Order being delayed, it can be made effective from the date Tariff year commences or by annualisation of the Tariff so that deficit, if any, is made good in the remaining part of the year....*
- 86. There is one more aspect which needs to be considered. In case the Commission had lowered the Tariff rates, relief to the consumers could not be denied on the ground that the Tariff Order is being operated retrospectively.*
- 87. For all these reasons we hold that the Commission had the jurisdiction to pass the Tariff Order with retrospective effect. Therefore, we reject the submission of the learned Counsel for the industrial consumers that the Tariff cannot be fixed from a retrospective date.”*

Relying upon the law laid down by the Hon'ble Appellate Tribunal, UP Co-gen Association has submitted that there is no merit in the Petitioner's contention pertaining to alleged invalidity of the current tariff being made applicable with effect from 1.4.2014. Since a tariff order does not have to be preceded by notification of Regulations, it is submitted that there is no legal infirmity in the new tariff being made applicable from 1.4.2014. Having due regard to the fact that the previous tariff order had ceased to be effective after 31.3.2014, this Hon'ble Commission had a statutory obligation to make the revised/new tariff applicable from 1.4.2014.

UP Co-gen Association has further stated that it may be useful to refer to the following extract from SIEL Ltd. v Punjab State Electricity Regulatory Commission and Ors. (2007) ELR 931:

"16.The legislative command to determine the Tariff under Section 64 has to be carried out by the Commission, once an application of a generator or a Licensee is received and it cannot be stifled or diluted because of the failure of the Commission to frame the Regulations. It is significant to note that Section 61 of the Act of 2003 or any other provision thereof does not specify the consequences for the failure of the Commission to frame Regulations. This being so, the provisions requiring the Commission to determine the Tariff cannot be held to be in-operative till such time the Regulations are framed under Section 61 read with Sections 178 and 181 of the Act of 2003."

- b. Regarding increase in SHR, UP Co-gen Association has submitted that this Hon'ble Commission had fixed unrealistically low SHR of 3100 kcal/kWh, which was found unachievable in actual operational experience. In implied acknowledgment of the said fact, this Hon'ble Commission has been pleased to increase the SHR for plants commissioned in the previous control period (2009-14) from 3100



kcal/kWh to 3400 kcal/kWh. The abovementioned increase in SHR, although an improvement over the erstwhile norm, is still not reflective of the actual achievable SHR in cogeneration industry. It is noteworthy that there has been no technological advancement in project commissioned after 2009 and, therefore, it would have been appropriate for this Hon'ble Commission to adopt the SHR applicable to projects set up prior to 2009. Furthermore, the Draft Regulations had proposed a normative SHR of 3500 kcal/kWh, which has been inexplicably reduced to 3400 kcal/kWh in the CRE Regulations, 2014.

- c. Consistent with the CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2012, this Hon'ble Commission has considered the cost of 4 months fuel stock for arriving at allowable working capital. The Petitioner's objection to the said methodology is without any basis and apparently opposed to Section 61 (a), which mandates that in matters of tariff determination, the State Commission shall be guided by the *"principles and methodologies specified by the Central Commission for determination of the tariff principles...."*

Reply of Dwarikesh Sugar Industries

Dwarikesh Sugar Industries has also objected on maintainability of the petition citing the Hon'ble APTEL's order passed in SIEL Vs. PSERC and Hon'ble Supreme Court's order in state of Tamilnadu Vs. ASL (1997) 1 SCC 326.

Submission of Shri A. K. Verma, Chairman, UPRVUP

In written representation dated 11.2.2015, following points have been raised:

- i. As per CRE Regulations, 2014, the bidding route should be initiated immediately and till then the tariff may be considered as provisional.
 - ii. The regulations may be made applicable from the retrospective date but the tariff should only be made applicable from 20.01.2015.
 - iii. As per CRE Regulations, 2014, a high level committee should be constituted for correct estimation of fuel price.
 - iv. The tariff should be considered final only after 3rd party audit.
 - v. The station heat rate should be reconsidered .
 - vi. The cost of Electricity from baggase based plants should be reconsidered as it seems still higher.

 5. In review petition no. 1006 of 2015, Hindalco has raised following points in its prayer:
 - i. Review / Amendment / Relaxation of CI 40 (2) on banking requirement. CI 40 (2) (iv) as shown in draft (and was in earlier regulations) has been deleted in final regulations.

“No minimum charge shall be levied on such plants in computing bill based on 40(2) (ii) (c), (d) and (iv).”
 - ii. Review the tariff for sale of power by a captive generating plant.

 - Apart from above prayer, Hindalco has again agitated the issues of banking and withdrawl of electricity.

 6. In review petition no. 1009 of 2015, UP Co-Gen Association has raised following points:
 - i. Review on fuel cost and escalation
 - ii. Review on Station Heat Rate, O&M Cost, RoE & IWC.
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7. In petition no. 1010 of 2015, UP Co-Gen Association has made a complaint against UPPCL U/s 142 of the Electricity Act, 2003 for not paying the bills in accordance with the regulations and tariff notified by the Commission on 20.1.2015. The petition was disposed of as not pressed.
8. Sukhbir Agro Energy Ltd. has filed its submissions on 30.3.2015 wherein it has requested to dismiss the present review petition. However, on the other hand, they have requested to revise the tariff for biomass by revising PLF, SHR, Auxiliary Consumption and Cost of fuel. A2Z Infrastructure has also filed its written submission requesting review of fixed and variable cost of tariff for MSW.
9. UPPCL has submitted rejoinder replies to the counters of UP Co-Gen Association and Sukhbir Agro Energy Ltd. on 30.3.2015 and denied it point wise.
10. During the hearing on 1.4.2015, Shri S.K. Kalia, Sr. Advocate, UPPCL, contested in favour of maintainability of their review petition and cited case law propounded in (2000) 6 SCC 224 Lily Thomas Vs. Union of India, (2013) 8 SCC 320 Kamlesh Verma Vs. Mayawati & Others and (2009) 6 SCC 235 UP Power Corporation Ltd. Vs. National Thermal Power corporation Ltd. & Others. Shri D.D. Chopra, Advocate, Cogen Association contested against the maintainability of UPPCL's review petition reiterating its written submissions. Shri A. K. Verma, Chairman, UP Rajya Vidyut Upbhokta Parishad submitted that the tariff under regulations can be made applicable from the date of applicability of Regulations only.
11. At the outset, the Commission decided to first deal with the issue of maintainability of these petitions. For examining the maintainability, the issues raised by the parties are required to be considered as a whole so that the issues on which the review are maintainable may be segregated. The primary issue of date of applicability of tariff raised by UPPCL, has been contested by all other parties. Regarding review of parameters like SHR and fuel stock, UPPCL itself has agreed that they have earlier been raised in the process of making of CRE Regulations, 2014. UP Co-gen Association, Sukhbir Agro and A2Z Infrastructure

have filed reviews on many operating parameters which they also agree that they have been raised earlier in the hearing on CRE Regulations, 2014. Similarly, Hindalco has filed review on tariff for captive generating plant and also on the arrangement of banking and withdrawal of electricity. This has earlier been discussed during the process of framing the regulations. Hindalco has also raised the issue of deleted Cl 40 (2) (iv) which appeared in the draft and which existed in earlier regulations also.

The Commission affirms that the grounds of review can be as referred to provided in order 47 Rule-1 of the Code of Civil Procedure. The powers of review as per this clause, can be exercised either on the discovery of new and important matter or evidence which after exercise of due diligence was not within the knowledge or could not be produced before the Court by the Applicant or on account of some mistake or error apparent on the face of the record or for any other sufficient reasons.

The review sought by UPPCL, UP Co-gen Association and Hindalco on operating parameters, determination of tariffs, banking and withdrawal of electricity neither fall under the category of new and important matter or evidence which after exercise of due diligence was not within the knowledge of the petitioner nor fall under the category which could not be produced before the Commission earlier. The same also cannot be treated on account of some mistake or error apparent on the face of the record. The tariff and other provisions in the Regulations have been decided by the Commission after following the due process and so after hearing all the concerned parties. As such, explicitly there are no other sufficient reasons for review of operating parameters, determination of tariffs, banking and withdrawal of electricity. Therefore, the Commission opines to dismiss the review petition of UP Co-gen Association, prayers of Sukhbir Agro & A2Z Infrastructure and petitions of UPPCL & Hindalco to the extent of review of operating parameters, determination of tariffs, banking and withdrawal of electricity.

12. Now the issues left for examining the maintainability are
- (a) the deleted CI 40 (2) (iv) which appeared in the draft and which existed in earlier regulations also, as raised by Hindalco, and
 - (b) the date of applicability of tariff as raised by UPPCL.

The Commission finds it maintainable as it appears to be error apparent on the face of the record due to inadvertent deletion of CI 40 (2) (iv) of the CRE Regulations, 2014 and decides to amend and add clause 40(2)(vi) as follows:

“No minimum charge shall be levied on such plants in computing bill based on 40 (2) (ii) (c) and (d).”

UPPCL and Hindalco have agreed that they are working out an agreement under proviso of CI 40 (2) (v) of the CRE Regulations, 2014 for banking and withdrawal of electricity. The Commission opines that the issue shall remain open till submission of the agreement and final decision of the Commission. However, a separate petition would require to be filed in this reference.

Now the only issue remains to be decided alongwith maintainability is the date of applicability of tariff as raised by UPPCL. Shri S.K. Kalia, Sr. Advocate, UPPCL has made additional submission on the basis of citations (2006) 3 SCC 620 Mahabir Vegetable Oils(P) Ltd. & another Vs. State of Haryana & Others., (1986) 2 SCC 365 Bakul Cashew co. & others Vs. Sales Tax Officer, Quilo & another, Writ @No. 13514 of 2014 Ms/ Shokumbhari Pulp & Paper Mills Ltd. Vs. UPPCL & others and Petition no. 913 of 2013 UPERC dated 20.03.2014 UP Sugar Mills Co-Gen Association Vs. Chief Engineer (PPA) & others on applicability of tariff.

Shri D. D. Chopra, Advocate, UP Co-Gen Association has cited the decision of Hon'ble Appellate Tribunal for Electricity pronounced in SIEL Ltd. v. Punjab State Electricity Regulatory Commission and Ors. (2007) ELR 931 wherein it has been observed that the Commission had the jurisdiction to pass the Tariff Order with



retrospective effect and rejected the submission of the industrial consumers that the tariff cannot be fixed from a retrospective date. Whereas, Shri S.K. Kalia, Sr. Advocate, UPPCL has cited Hon'ble APTEL's Order dated 25.4.2014 passed in appeal no. 243 of 2012 wherein, it has been viewed that tariff order could not have been enforced retrospectively.

In view of the submissions made by learned counsels of the parties regarding the effective date of implementation of tariff i.e. 20.1.2015 in CRE Regulations, 2014, the Commission finds that the petition of UPPCL is maintainable on this ground. The tariff in the Regulations has not been decided on cost plus basis but on preferential basis as mandated by National Tariff Policy for promotion of Renewable Sources of Energy. The earlier regulations has ceased to be operative on 31.3.2014. The Commission in its Statement of Reasons to UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2014 has dealt with this situation and the same is reproduced as under:

“The process of framing the Regulations is an exhaustive process and requires extensive consultations among all the stakeholders. The Commission had begun this process with the issuance of the discussion paper which was published on 22nd April 2014. The Commission believes since Regulations are framed once every five years care must be taken to account for views of all the stake holders as well as the actual on ground realities. Keeping in mind the above fact the Commission had also in its order dated 22nd May 2014 had stated that since the process of framing the new Regulations was on tariff for the petitioner's plant shall be provisionally allowed as per CNCE Regulations 2009 subject to retrospective adjustment of any over/under recovery. The Commission had also in its order dated 20th March 2014 on Petition no 913/2014 had suggested that the process for review of Regulations had begun and the same shall be applicable from 1st April 2014.”



But as the issue of Date of applicability of tariff has been raised by UPPCL in a matter where the tariff is preferential, it becomes necessary to re-consider the applicability of tariff particularly in view of Hon'ble Supreme Court and Hon'ble APTEL's orders. The latest order of Hon'ble APTEL dated 25.4.2014 clearly indicates that the tariff could not have been enforced retrospectively. Therefore, considering the nature of tariff as preferential, the Commission decides that the tariffs provided in the CRE Regulations, 2014 shall be effective from 20.01.2015 and for this a proviso 2 clause 1(2) shall be added as below:

“Provided that the tariffs given in these regulations shall be considered to be effective from the date of these regulations i.e. 20.01.2015.”

13. However, for the intervening period of 01.04.2014 to 19.01.2015, the tariffs provided for FY 2013-14 in the Regulations, 2009 and allowed by the Commission provisionally by earlier orders, would be considered as the applicable tariff during this period.

14. The petitions are disposed of.

(Indu Bhushan Pandey)
Member

(Meenakshi Singh)
Member

(Desh Deepak Verma)
Chairrman

Place : Lucknow
Dated: 15.04.2015