

	(a) For motive power upto 5 BHP	Rs 60 per BHP per month
	(b) For motive power above 5 BHP	Rs. 70 per BHP per month
	In addition a charge of Rs.20/connection/month for two lamps of 60 Watts each shall also be leviable.	
(ii)	<u>Metered Supply</u>	
	For all consumption of motive power and light	Energy Charge: Rs.0.60 / kWh Plus Fixed Charges Rs. 10 Per BHP/month
	Minimum Charges	Rs. 50/- per BHP per month
(b)	For consumers getting supply as per urban schedule (Metered Supply) including consumers getting supply through rural feeders exempted from scheduled rostering or through co-generating radial feeders in villages and towns. For all consumption of motive power and light	Energy Charge: Rs.2.90 Paise/kWh Plus Fixed Charges Rs.20 Per BHP/month
	Minimum Charge	Rs. 90/BHP per month

3. As would appear from the above Rate Schedule, consumers getting supply as per rural schedule were given option to take supply under metered category or unmetered category. In respect of unmetered supply for motive power upto 5 BHP, the rate fixed was Rs. 60/- per BHP per month and for motive power above 5 BHP the amount fixed was Rs. 70/- per BHP per month. In addition a charge of Rs. 20/- per connection for two lamps of 60 watts was leviable for metered supply, the energy charges were fixed 60 paise per KWH plus fixed charges of Rs. 10/- per BHP per month with minimum charges of Rs. 50/- per BHP per month.

4. The consumers getting supply as per urban schedule different rate was fixed being Rs. 2.90 per KWH plus fixed charges of Rs. 20/- per BHP per month and the minimum charge fixed was Rs. 90/- per BHP per month. There was no provision regarding unmetered supply.

5. It would be relevant to mention that for the previous two years prior to 2002-03, the same rate had been fixed for consumers getting supply as per urban schedule. In this connection, it would be relevant to mention that consumers getting supply as per rural schedule, broadly speaking, are getting energy only for about eight hours in a day while

the consumers as per urban schedule, the energy supply has been for about sixteen hours in a day. This is the position as is clear from the month-wise average supply during 2001-02 and 2002-03 and provided by UPPCL (copy enclosed).

6. That the petitioner has stated as fact that the consumers getting supply as per urban schedule have been paying charges @ Rs. 450/- for tubewells of 5 BHP capacity and Rs. 900/- for the tubewells have a capacity of 10 BHP on the basis of minimum charges to be paid by such consumers @ Rs. 90/- per BHP per month.

7. Another important fact requiring mention is that no consumer in this category has meter installed at his connection. While the Rate Schedule fixed for this category contemplates that it was/is necessary for the consumers to get the meter fixed and make payment @ Rs. 290/- per KWH per month.

8. The proposed Tariff Order for the relevant year was duly publicized in the newspapers and the consumers getting supply as per urban schedule under category LMV-5 could and ought to have raised objections to the proposed Rate Schedule.

9. UPPCL, in compliance to the Rate Schedule decided by this Commission, ought to have provided meters for all the tubewells in this category (the number is reported to be about 13,000) or required them to arrange meters on their own. Instead of doing so, they issued bill for higher amount being Rs. 1,500/- in respect of PTW of 5 BHP and Rs. 3,000/- for 10 BHP. According to UPPCL, this was on the basis that for a tubewell getting supply as per Rural Schedule the average consumption of energy per month was 68.5 units per BHP while it should be 100 units for consumers getting supply as per Urban Schedule because of the availability of energy for longer hours as compared to those who are on Rural Schedule. The consumers of this category being aggrieved by the three-fold rise in the bills approached the Hon'ble High Court and, as per judgment and Order of the Hon'ble High Court, this Commission has been directed to decide the hearing of the petitioners in respect of their grievance and decide the matter.

10. The Commission heard the learned counsel for both the parties and, having regard to all the relevant facts as stated above, including the fact that the Rate Schedule for the year 2002-03 would be in operation up to the time the new Rate Schedule for the year 2003-04 is decided and comes into force, UPPCL have already sent their ARR proposal for the year 2003-04 and it is expected that the new Rate Schedule may be decided and issued within about three months, therefore, in order to avoid further controversy in this matter, it is decided that for the remaining period during which the Rate Schedule for the period 2002-03 continues to be in force, the consumers in this category may continue to pay at the same rate as before, i.e. Rs. 90/- per BHP per month. It is further directed that the Respondents – UPPCL – may take steps, without delay, to provide meters for the consumers in this category.

(Arun Sarkar)
Member

(S. C. Dhingra)
Member

(J. L. Bajaj)
Chairman

Place: LUCKNOW

Date: March 7, 2003