



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 2095 of 2024**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition under Section 86(1)(A) of the Electricity Act, 2003 read with section 10 of the Uttar Pradesh Electricity Reforms Act 1999 read with Regulation 4.47 & 4.48 of the Electricity Supply Code, 2005 seeking approval of Terms of Supply of Electricity Inside Nation Capital Region Transport Corporation Ltd. Stations/Premises on franchisee basis.

**AND**

**IN THE MATTER OF**

**National Capital Region Transport Corporation Ltd.,**

(Through its Authorised Signatory), Gati Shakti Bhawan, INA, New Delhi-110023.

..... Petitioner

**VERSUS**

**Paschimanchal Vidyut Vitran Nigam Limited,**

(Through its Managing Director), Urja Bhawan, Victoria Park, Meerut, Uttar Pradesh - 250001.

.....Respondent

**THE FOLLOWING WERE PRESENT**

1. Shri Deepak Agarwal, Chief Engineer, Gaziabad Zone-3, PVVNL
2. Shri Bashisth Muni Mishra, Advocate, PVVNL
3. Shri Md. Altaf Mansoor, Advocate, Petitioner
4. Shri Tanay Chaudhary, Advocate, Petitioner



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## ORDER

(DATE OF HEARING: 23.01.2025)

1. The Petition has been filed on behalf of National Capital Region Transport Corporation Ltd. seeking supply of electricity inside NCRTC stations/premises on franchisee basis from the Respondent Paschimanchal Vidyut Vitran Nigam Ltd (PVVNL).
2. The Petitioner, a joint venture between the Government of India and participating State Governments under the administrative control of the Ministry of Housing & Urban Affairs, is responsible for developing the railway network in the National Capital Territory Region and implementing the Regional Rapid Transit System (RRTS).
3. It has also been submitted that the Petitioner has planned to meet its power requirements of the DGM corridor from the Respondent i.e. PVVNL through its 4 Receiving Sub-Stations (RSSs) connected with 220 kV Grid Substations of Uttar Pradesh Power Transmission Corporation Limited (UPPTCL), which is the State Transmission Utility for the State of Uttar Pradesh.
4. It has been further submitted that the Petitioner is planning to offer retail shops, malls, offices, ATMs, EV charging stations etc. inside its RRTS stations/depots and other footprint areas of the Stations. To meet their electricity requirements, the Petitioner plans to extend electricity to such operators/ commercial consumers in its footprint areas. As submitted, such establishments would largely fall under the respective LMV consumer sub-category of tariff of PVVNL's tariff Orders.
5. It has also been submitted that the Petitioner will obtain power from the Grid Substation of UPPTCL at 220 kV through the transmission lines/cable and then will step down at various voltage levels and finally to LT level i.e. at 440 V at NCRTC's end for use of its auxiliary supply and extending the same to various commercial consumers in NCRTC footprint area. The transformation of electricity from 220 kV system of UPPTCL up to 440 V supply will result into transformer losses and

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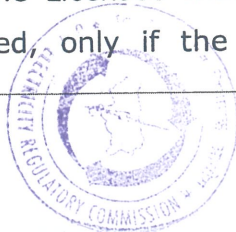
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transmission losses besides maintenance cost of the associated infrastructure is also a fact that has been submitted by the Petitioner.

6. The Petitioner, in its submission, has stated that upon extension of the Delhi Metro to the NCR region of the State of Uttar Pradesh, Delhi Metro Rail Corporation had also filed a petition before this Hon'ble Commission bearing Petition No. 1698 of 2021 wherein the Commission in its Order dated 01.04.2022 had directed DMRC and PVVNL to adopt a methodology for supply of power and the Commission had also allowed use of the franchisee system for supply of power to the commercial establishments.
7. The Petitioner has further submitted that the Commission in Petition No. 1698 of 2021 had also indicated that the methodology finalized and approved would be a guiding factor and would be applicable to all existing metro stations i.e. Noida Metro, Lucknow Metro as well as future and upcoming metro stations for the State and as per the submission, the Petitioner would fall in the upcoming future metro stations for the state of Uttar Pradesh.
8. Accordingly, the prayer has been made to permit NCRTC i.e. the Petitioner to carry functions of the Respondents as its franchisee and approve the terms of supply of electricity to the commercial users of NCRTC within its RRTS stations/ premises on franchisee basis as adopted in Petition No. 1698 of 2021. It is also prayed to allow NCRTC to retain 5% of the total amount as compensation for the services rendered by NCRTC i.e. erection & maintenance of substation, cost towards transformation, wheeling and line losses etc., which will be compensation for costs saved by the DISCOM in terms of Cl. 4.9 of the U P Supply Code, 2005.
9. The Commission, in its previous Order dated 14.11.2024, had pointed out that the decision in regard to the franchisee system for supply of power lies with the licensee. The Commission had also observed that once a dispensation had been provided by the Commission regarding the methodology to be adopted for supply of power in Petition No. 1698 of 2021 in the matter of DMRC, the Petitioner should have approached and persuaded the Licensee with his proposal and the Commission should have been approached, only if the consensus was not reached. The

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Commission, therefore, had directed NCRTC to seek a meeting with the Managing Director of PVVNL to address outstanding issues and had also directed PVVNL to submit the minutes of meeting before the Commission.

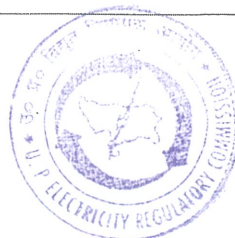
10. As per the Minutes of Meeting (MoM) submitted by PVVNL on 16.01.2025, the following agreements were reported to have been reached:

- 1. Franchisee Model:** NCRTC's proposal to act as a franchisee was accepted with modifications to ensure compliance with power factor norms and limitations on commercial load share.
- 2. Differential Billing:** Both parties agreed to a differential billing mechanism, incorporating PVVNL's modifications to address commercial load billing using KVAH consumption and adjustment of KWH billing from HV3 category.
- 3. 5% Retention of Revenue:** NCRTC's request for 5% revenue retention was rejected by PVVNL.
- 4. Power Factor Monitoring:** NCRTC must monitor and maintain power factors within acceptable ranges to minimize risks and ensure compliance with billing norms.
- 5. Limit on Commercial Load:** NCRTC agreed not to exceed a defined limit for commercial loads unless power factor surcharge applicability is accepted.
- 6. Unrestricted Commercial Loads:** If NCRTC agrees to power factor surcharge applicability, PVVNL will not impose any restrictions on commercial load release, despite the revenue loss from lower fixed demand charges.

11. According to the Minutes of Meeting (MoM) filed by the Respondent and also the submissions made during the hearing by the counsel for the Petitioner, the differences remain only on three issues viz. 5% revenue retention, differential billing and the quantum of commercial load allowed to be used by the Petitioner.

12. In response to the Petitioner's prayer regarding the retention of 5% of revenue on account of transformation and transmission losses besides maintenance cost of the associated infrastructure, the Commission observed that Clause 4.9 of the U.P. Supply Code, 2005 referred by the Petitioner in support of their argument pertains to Multistoried Buildings/ Multiplex/ Marriage Halls/ Colonies whereas for the traction

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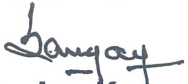
load of the Petitioner is covered under tariff HV-3B. The Commission further observed that the transformation losses etc. are already taken into account while deciding the HT tariffs including the tariff HV-3B.

13.The Commission further observed that it had also abolished 5% additional charge for the Single Point Category (LMV-1b – supply at single point for bulk loads) for expenses towards supply of electricity, distribution loss, electrical maintenance, billing, accounting and audit etc. two years ago in its Tariff Order for FY 2022-23 dated July 20, 2022. The Commission, in view of the aforesaid facts, decided that the NCRTC's request for 5% revenue retention does not have a valid ground and therefore cannot be granted.

14.In response to NCRTC's apprehension about the extent of commercial load to be provided, the Commission questioned PVVNL's reluctance to provide higher commercial load, suggesting that it would ultimately benefit the Respondents in form of higher revenue. The Commission observed that since the Franchisee model proposed by the NCRTC entails providing commercial loads to the retail shops, malls, offices, ATMs, EV charging stations etc. only inside its RRTS stations/depots and other footprint areas of the Stations, putting a cap on the commercial load would not be prudent as well as the same would be against the spirit of the Supply Code and therefore cannot be allowed. However, for billing purposes, the power factor surcharge, wherever applicable, shall be charged as per the applicable Tariff Order issued by the Commission.

15.The Commission further directs that for differential billing, the methodology as provided by the Commission in its Orders dated 01.04.2022 and 24.06.2022 in Petition No. 1698 of 2021, shall be applicable.

16.The Petition is hereby disposed of.

  
(Sanjay Kumar Singh)  
Member



  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 10.02.2025