

**GUJARATELECTRICITYREGULATORYCOMMISSION**

**GANDHINAGAR**

Petition No. \_\_\_\_ Of 2023

**IN THE MATTER OF:**

Petition under Section-62, 64, 86 and other enabling provisions of the Electricity Act, 2003 and GERC MYT Regulations, 2016 to modify / amend the provision of applicability of Residential General Purpose (RGP) Tariff category under the tariff order dated 31.03.2023 issued by Hon'ble Commission in order to include animal husbandry activities involving not more than 30 milking animals under the ambit of Residential General Purpose (RGP) Tariff category.

**AND**

**IN THE MATTER OF:-**

- 1) PASCHIM GUJARAT VIJ COMPANY LIMITED
- 2) UTTAR GUJARAT VIJ COMPANY LIMITED
- 3) MADHYA GUJARAT VIJ VOMPANY LIMITED
- 4) DAKSHIN GUJARAT VIJ COMPANY LIMITED

**Petitioners**

**AND**

**IN THE MATTER OF:-**

- 1) GUJARAT URJA VIKAS NIGAM LIMITED

**Co-Petitioners**

**MOST RESPECTFULLY SUBMIT THAT**

**1. Preamble**

1.1 The erstwhile Gujarat Electricity Board was unbundled in seven functional entities under the Gujarat Electricity Industry Reorganization and Comprehensive Transfer Scheme, 2003 notified under the Gujarat Electricity Industry (Reorganization and Regulation) Act 2003. The activities of Generation, Transmission, Distribution, Bulk power purchase and supply undertaken by erstwhile Gujarat Electricity Board has been entrusted to separate seven functional entities. The generation activity is assigned to Gujarat State Electricity Corporation Ltd. (GSECL), the transmission activity is assigned to Gujarat Energy Transmission Corporation Ltd. (GETCO) and the distribution activity is assigned to four Petitioner Distribution companies viz. Uttar Gujarat Vij Company Ltd. (UGVCL), Madhya Gujarat Vij Company Ltd. (MGVCL), Dakshin Gujarat Vij Company Ltd. (DGVCL) and Paschim Gujarat Vij Company Ltd. (PGVCL). Further, the function of Bulk purchase and Bulk sale of power as well as overall supervision is assigned to Co-Petitioner, Gujarat Urja Vikas Nigam Ltd. (GUVNL) as per the re-organization scheme.

## **2. SUBMISSION:-**

2.1 It is respectfully submitted that the Present Petition is being preferred before Hon'ble Commission to modify / amend the provision of Residential General Purpose (RGP) tariff category under approved Tariff schedule for FY 2023-24, of Petitioner Company in the Tariff Order dated 31.03.2023; in accordance with the Government of Gujarat's directives for inclusion of animal husbandry activities involving not more than 30 milking animals under the ambit of Residential General Purpose (RGP) tariff category.

2.2 The Petitioner would like to highlight background facts in the

matter as under:

2.3 It is submitted that Hon'ble Commission under the Multi Year Tariff framework and provisions of Electricity Act 2003, is deciding and determining Aggregate Revenue Requirement of utilities and also decides applicable tariff for each consumer categories.

2.4 Accordingly, Hon'ble Commission, in the Petition no. 2168/2022 filed by PGVCL, vide Order dated 31.03.2023 has decided the Aggregate Revenue Requirement (ARR) for FY 2023-24 and tariff schedule covering applicable tariff for each consumer categories for FY 2023-24.

The copy of approved Tariff schedule for FY 2023-24 is enclosed herewith as **Annexure-A**.

2.5 It is to highlight that, in order to address various issues / representations of different farmer organizations / associations / unions, Government of Gujarat vide GR No. GUV-12-2022-515-K dated 15.10.2022 has constituted a High Power Committee (HPC) so as to deliberate and resolve their issues / representations.

The copy of GR dated 15.10.2022 is enclosed herewith as **Annexure-B**.

2.6 Further, under the Chairmanship of Hon'ble Energy & Finance Minister, a meeting of High Power Committee (HPC) was held on 20.02.2023 for deliberation and discussion on various representations of farmer organizations / associations / unions.

2.7 It is to state that, farmer organizations / associations / unions

from time and again has been representing before State Government to cover small scale animal husbandry activities under RGP Tariff category on the basis that such animal husbandry activities are being carried out on very small scale basis and therefore use of electricity for small scale animal husbandry activities may be covered under RGP Tariff category instead of NRGP tariff category.

- 2.8 In this regard, the relevant abstract of approved Tariff schedule regarding definition of RGP Tariff category and NRGP Tariff category is read as under:

***RGP-Urban:***

*This Tariff is applicable to all services in the residential premises which are not covered under 'Rate: RGP (Rural)' Category.*

***RGP-Rural:***

*This Tariff will be applicable to all services for residential premises located in areas within Gram Panchayat as defined in the Gujarat Panchayats Act.*

***Non-RGP:***

*This Tariff is applicable to the services for the premises those are not covered in any other Tariff categories and having aggregate load up to and including 40 kW.*

- 2.9 Since, the animal husbandry activities are not being covered under any other tariff category specified in the tariff schedule; presently, animal husbandry activities are being covered under the NRGP / LTMD Tariff category as per the provision of approved Tariff schedule.

- 2.10 It is humbly submitted that High Power Committee (HPC) in the meeting dated 20.02.2023 under Chairmanship of Hon'ble Energy & Finance Minister, Govt. of Gujarat has discussed and

deliberated the above issue.

- 2.11 It is further to mention that High Power Committee (HPC) has considered that farmers are carrying out the animal husbandry activities on very small scale basis. Therefore, small scale animal husbandry activities are different in nature than other general commercial activities.
- 2.12 Accordingly, High Power Committee (HPC) has recommended to apply RGP Tariff category for small scale animal husbandry activities involving not more than 30 milking animals.
- 2.13 In order to give in effect and implement the recommendations of High Power Committee (HPC) to State Government; Energy & petrochemicals Department, Govt. of Gujarat vide letter dated 02.05.2023 has forwarded Minutes of Meeting (MoM) dated 20.02.2023 to GUVNL / DISCOMs.

The copy of Energy & petrochemicals Department, Govt. of Gujarat letter dated 02.05.2023 along with MoM is enclosed herewith as **Annexure-C**.

- 2.14 It is humbly submit that in order to in effect the implementation of decision taken by State Government, Petitioners have preferred present petition.
- 2.15 It is humbly submit that the relevant provisions of Electricity Act 2003 and GERC (Multi Year Tariff) Regulations, 2016 is read as under:

*Section 62. (Determination of tariff): --- (1) The Appropriate Commission shall determine the tariff in accordance with the*

provisions of this Act for -

(a) supply of electricity by a generating company to a distribution licensee:

*Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity;*

(b) transmission of electricity ;

(c) wheeling of electricity;

(d) retail sale of electricity:

*Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.*

*Section 64. (Procedure for tariff order): --- (1) An application for determination of tariff under section 62 shall be made by a generating company or licensee in such manner and accompanied by such fee, as may be determined by regulations.*

.....

*Section 86. (Functions of State Commission): --- (1) The State Commission shall discharge the following functions, namely: -*

(a) determine the tariff for generation, supply, transmission



*and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:*

.....

2.16 That, the Regulation 10.2 of GERC (Multi Year Tariff) Regulations 2016 read as under:

*10.2 Notwithstanding anything contained in these Regulations, the Commission shall have the authority, either suo-motu or on a petition filed by any interested or affected party, to determine the tariff of any Applicant.*

2.17 Accordingly, it is humbly submit that Hon'ble Commission has jurisdiction to admit and decide the present petition filed by petitioner in accordance with the power vested under Section 62, 64, 86 read with GERC MYT Regulations 2016.

2.18 Further, in order to implement the directives of State Government upon recommendation of High Power Committee (HPC), the existing provision of approved Tariff schedule for FY 2023-24 in case of Residential General Purpose (RGP) Tariff category is required to be modified / amended further providing as under:

***RGP-Urban:***

*This Tariff is applicable to all services in the residential premises which are not covered under 'Rate: RGP (Rural)' Category.*

*Provided that the small scale animal husbandry activities involving not more than 30 milking animals shall also be covered under this tariff category.*

**RGP-Rural:**

*This Tariff will be applicable to all services for residential premises located in areas within Gram Panchayat as defined in the Gujarat Panchayats Act.*

*Provided that the small scale animal husbandry activities involving not more than 30 milking animals shall also be covered under this tariff category.*

2.19 It is to humbly submit that since the number of consumers carrying out such activities may be very less and difficult to ascertain at this stage, the impact on revenue of DISCOM on account of inclusion of such consumers under RGP Tariff category instead of NRGP / LTMD tariff category is not known to the DISCOM. Therefore, the treatment of revenue impact, if any, shall be allowed as pass through at the time of truing up of FY 2023-24.

2.20 In the above background and in accordance with Section 62, 64 and 86 of Electricity Act 2003 read with other applicable provisions of Act and GERC MYT Regulation, 2016, the Petitioner has filed the Present Petition to modify / amend the provision of applicability of Residential General Purpose (RGP) Tariff category in the approved Tariff schedule for FY 2023-24 of petitioner so as to include animal husbandry activities involving not more than 30 milking animals, as specified above under the ambit of Residential General Purpose (RGP) Tariff category and take into account following aspects:

- (i) State Government has constituted a High Power Committee (HPC) in order to resolve and deliberate various representations of Farmer organizations / associations / unions.



- (ii) State Government has directed GUVNL/DISCOMs for taking necessary actions on the recommendations of High Power Committee (HPC) regarding inclusion of small scale animal husbandry activities involving not more than 30 milking animals under the provision of RGP Tariff category.
- (iii) Nature of small scale animal husbandry activities is different than other general commercial activities for which otherwise NRGP / LTMD tariff category is being applicable.
- (iv) Hon'ble Commission has jurisdiction to admit and decide the present petition.

Considering above, Hon'ble Commission is humbly requested to modify / amend the provision of RGP Tariff category under the approved Tariff schedule of FY 2023-24.

The petitioners crave leave to reserve its right to add, alter, amend / modify the memo of the petition and make further submission as and when required.

### 3. PRAYER :-

In the facts and circumstances as mentioned hereinabove, it is humble prayer of the petitioners that:

- a. Hon'ble Commission may please to take on record the present petition.
- b. Hon'ble Commission may please to take on record Govt. GR dated

15.10.2022 constituting High Power Committee for resolution of various representations of farmer associations / unions / organizations.

- c. Hon'ble Commission may please to take note of Minutes of Meeting dated 20.02.2023 of High Power Committee (HPC) for deliberation and discussion on various issues.
- d. Hon'ble Commission may please to consider the submission hereinabove made by the petitioner and modify / amend the provisions of RGP Tariff category of approved Tariff schedule of FY 2023-24 providing that small scale animal husbandry activities involving not more than 30 milking animals shall be covered under the ambit of RGP tariff category.
- e. Hon'ble Commission may allow pass through of revenue impact, if any; on account of inclusion of such consumers under RGP Tariff category at the time of truing up of FY 2023-24.
- f. Pass such other and further orders as may be deemed it fit and proper in the fact and circumstances of the case.

#### DECLARATION

Declaration that subject matter of the petition has not been raised by the petitioner before any other competent forum is currently seized of the matter or has passed any order in relation thereto.



Paschim Gujarat Vij Company Limited  
-PETITIONER

Place: Rajkot

Date: 06-11-2023.

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION AT  
GANDHINAGAR

IN  
PETITION NO. \_\_\_\_\_ OF 2023

IN THE MATTER OF:

- 1) PASCHIM GUJARAT VIJ COMPANY LIMITED
- 2) UTTAR GUJARAT VIJ COMPANY LIMITED
- 3) MADHYA GUJARAT VIJ VOMPANY LIMITED
- 4) DAKSHIN GUJARAT VIJ COMPANY LIMITED



Petitioners

AND

Gujarat Urja Vij Company Limited

- Co-Petitioner

AFFIDAVIT

I, Rajendrakumar, son of Jivanlal Vala, aged 49 years, residing at Rajkot- do solemnly affirm and state as under:

1. I am the Chief Engineer of the Paschim Gujarat Vij Company Limited and am duly authorized to make this affidavit.
2. I say that the contents of the accompanying Reply are based on information maintained in the records of the Answering Respondent Company and are believed by me to be true.
3. I say that the annexures are true copies of their originals

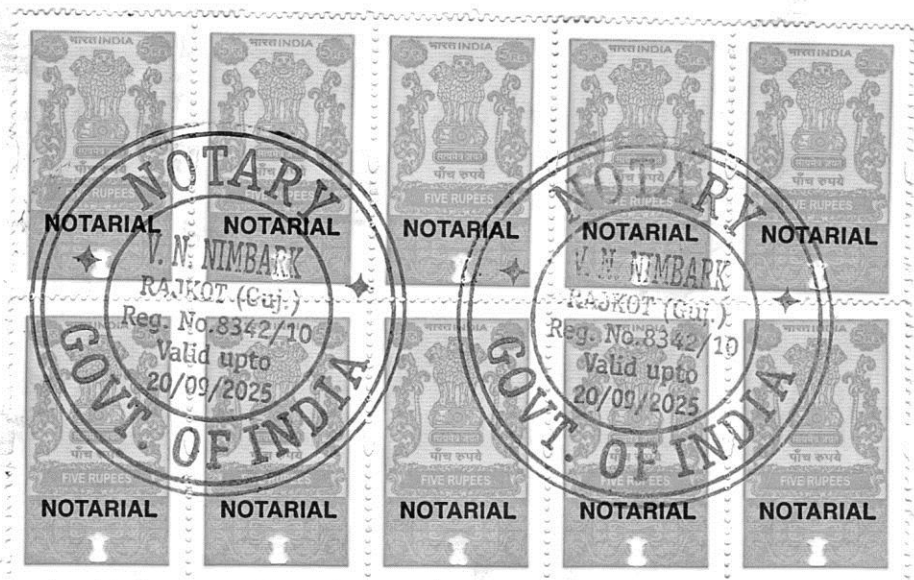
DEPONENT

VERIFICATION

I, the deponent above named, solemnly affirm and 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 there from.

Verified at Rajkot on this 6<sup>th</sup> day of November-23.

DEPONENT



Solemnly Affirmed Before me by  
Shri ~~Rajendra J. Vaid~~ who is  
identified by Shri ... ~~SELF~~ .....  
Advocate who is personally known to  
me on this 06.. day of .NOV.. 2023  
Dt. 06-11-2023

*V. N. Nimbark*  
V. N. Nimbark  
NOTARY  
RAJKOT (Guj.)

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