

**BEFORE THE JOINT ELECTRICITY REGULATORY COMMISSION FOR THE
UNION TERRITORY OF JAMMU & KASHMIR AND UNION TERRITORY OF
LADAKH, JAMMU**

Suo-Motu Order No. 57 of 2021

Dated 01-12-2021

In the matter of:

**“Filing of application for determination of Aggregate Revenue Requirement (ARR) for
control period FY 2021-22 to FY 2025-26 and Tariff for FY 2021-22 & FY 2022-23.”-
Removal of difficulties**

CORAM

Shri Lokesh D. Jha, Chairman

Shri Ajay Gupta, Member (Technical)

Shri Mohd Rafi Andrabi, Member (Finance)

Order

1. ‘Determination of Tariff for generation, transmission as well as retail supply of Electricity’ is one of the important functions of the State Electricity Regulatory Commission as provided under Section-86 of the Electricity Act, 2003. The section provides as under:-
 - (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:
Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers; “
2. The functions of specifying terms & conditions for determination of tariff subject to the provisions of Electricity Act, 2003 is also entrusted upon the appropriate Commission.
3. Accordingly, Joint Electricity Regulatory Commission for the Union Territory of Jammu & Kashmir and Union Territory of Ladakh (hereinafter, JERC J&K and Ladakh or the Commission) on its constitution on 18th of June 2020 started functioning from 28th August 2020 and adopted various regulations of JERC for the State of Goa and Union Territories with amendments for one year from the date of publication in official gazette (i.e. 4th August, 2021) or till corresponding regulations are framed by the Commission including JERC Goa and UTs MYT (Generation, Transmission and Distribution) Regulations, 2018 was also adopted.



4. JERC Goa and UTs MYT (Generation, Transmission and Distribution) Regulations, 2018 notified on 24th August, 2018 for 3 year control period from FY 2019-20 to FY 2021-22 is valid upto 31.03.2022 and based on the same regulations, the Commission requested for submission of Petition for Business Plan & Aggregate Revenue Requirement (ARR) under Multi Year Tariff (MYT) Framework for the Control period FY 2021-22 to FY 2025-26 and Tariff Determination of FY 2021-22 with Formats for supporting data/calculations as per load categorization of the UTs of J&K and Ladakh.
5. JERC for the State of Goa and UTs has come up with new regulations with 3 year control period effective from 01.04.2022 for FY 2022-23 to FY 2024-25, **hence the difficulties.**
6. The concerned Utilities have yet to file necessary tariff petitions for the FY 2021-22 and FY 2022-23 and have now sought clarification / instructions regarding applicability of new regulations for framing of necessary petitions.
7. JERC Goa and UTs MYT (Generation, Transmission and Distribution) Regulations, 2018 provides that :
"1.2. These Regulations shall come into force from the date of their publication in the Official Gazette and shall remain in force till March 31, 2022, unless otherwise reviewed/extended."

.....

70: Power to amend

70.1 The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations following the due process of law.

71: Power to remove difficulties

71.1 If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

72. Power of Relaxation

72.1 The Commission, for reasons to be recorded in writing, may relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

73. Interpretation

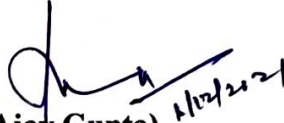
73.1 If a question arises relating to the interpretation of any provision of these Regulations, the decision of the Commission shall be final."



8. In view of the background and reasons mentioned above and keeping in view the requirement and importance of timely determination of tariff for supply of electricity, 3 year control period of JERC Goa and UTs MYT (Generation, Transmission and Distribution) Regulations, 2018 from FY 2019-20 to FY 2021-22 valid up to 31.03.2022 as adopted by JERC for UT of J&K and UT of Ladakh vide notification dated 31st March 2021 published in Govt' Gazette on 4th of August, 2021 and as applicable to UTs of J&K and Ladakh is hereby ordered to be extended to 5 year control period w.e.f. FY 2021-22 to FY 2025-26 and Tariff Determination of FY 2021-22 & FY 2022-23 along with Formats already shared with utilities for supporting data/calculations as per load categorization in UTs of J&K and Ladakh invoking Regulations 71.1.

Order accordingly.


(Mohd Rafi Andrabi)
Member (Finance)


(Ajay Gupta) 1/12/2021
Member (Technical)


(Lokesh D. Jha)
Chairman

No: JERC/Tech-13/2021/682

Dated: 01/12/2021