

**JOINT ELECTRICITY REGULATORY COMMISSION  
(FOR THE UT OF J&K AND THE UT OF LADAKH)  
To be published in Extra-Ordinary Part III, Section 4  
DRAFT NOTIFICATION**

Jammu, the \_\_\_\_\_ 2023

**No. JERC-JKL/Reg/2023/.....** In exercise of the powers conferred on it by sub-Section (2) of Section 181 read with Section 36, Section 39, Section 40, Section 41, Section 51, Section 61, Section 62, Section 63, Section 64, Section 65 and Section 86), of the Electricity Act, 2003 (Act No. 36 of 2003) (hereinafter referred to as 'the Act'), and all other powers enabling it in this behalf, the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh hereby makes the following Regulations.

**Chapter 1: Preliminary**

**1. Short Title, Commencement and Extent**

- 1.1. These Regulations shall be called the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Generation, Transmission and Distribution, Multi Year Tariff), Regulations, 2023.
- 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, 2026, unless otherwise reviewed/extended.
- 1.3. These Regulations extend to the whole of the UT of Jammu & Kashmir and the UT of Ladakh.

**2. Definitions**

2.1 In these Regulations, unless the context otherwise requires:

1. **"Accounting Statements"** shall mean for each Financial Year, the balance sheet, the profit and loss statement, the cash flow statement, and the report of the statutory auditors together with notes thereto:

Provided that in case of any local authority engaged in the business of distribution of electricity, the Accounting Statement shall mean the items, as mentioned above, prepared and maintained in accordance with the relevant Acts or Statutes as applicable to the such local authority;

2. **"Act"** shall mean the Electricity Act, 2003 (36 of 2003), as amended from time to time;
3. **"Aggregate Revenue Requirement" or "ARR"** shall mean the annual revenue requirement comprising of allowable expenses and return on capital pertaining to the Generating Company, Transmission Licensee, or Distribution Licensee, for recovery through tariff and charges determined by the commission, in accordance with these Regulations;
4. **"Allocation Statement"** shall mean for each Financial Year, a statement showing the amounts of any revenue, cost, asset, liability, reserve or provision, etc. determined by apportionment or allocation between the Distribution Wires Business and Retail Supply Business of a Distribution Licensee;
5. **"Allotted Transmission Capacity"** shall mean the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a Long-term Consumer or a Medium-term Consumer on the Intra- State transmission system under the normal circumstances and the expression "allotment of transmission capacity" shall be construed accordingly;
6. **"Auxiliary Energy Consumption" or "AUX"** in relation to a period in the case of a Generating Station means the quantum of energy consumed by auxiliary equipment of the Generating Station, such as the equipment being used for the purpose of operating the plant and machinery including switchyard of the Generating Station and the transformer losses within the Generating Station, expressed as a percentage of the sum of gross energy generated at the generator terminals of all the units of the Generating Station:

Provided that Auxiliary Energy Consumption shall not include energy consumed for the supply of power to the housing colony and other facilities at the Generating Station and the power consumed for construction works at the Generating Station;

7. **"Applicant"** shall mean a Generating Company, Transmission Licensee, or Distribution Licensee who has made an application for determination of Aggregate Revenue Requirement and tariff in accordance with the Act and these Regulations and shall include a Generating Company, Transmission Licensee, or Distribution Licensee whose tariff is being determined by the Commission on Suo-Motu basis;
8. **"Area of Supply"** shall mean the area within which a Distribution Licensee is authorised by its license to supply electricity;
9. **"Authority"** shall mean the Central Electricity Authority referred to in Section 70 of the Act;
10. **"Availability"** in relation to a transmission system for a given period shall mean the time in hours during the period the transmission system is capable of transmitting electricity at its rated voltage expressed in percentage of total hours in the given period;
11. **"Bank Rate"** shall mean the Bank Rate declared by the Reserve Bank of India from time to time;

12. **“Base Year”** shall mean the Year immediately preceding the first Year of the Control Period and used for the purpose of these regulations;
13. **“Bulk Power Transmission Agreement”** shall mean an executed Agreement that contains the terms and conditions under which a Transmission System User is entitled to access the intra-State transmission system of a Transmission Licensee;
14. **“Change in Law”** shall mean the occurrence of any of the following events:
  - a) Enactment, bringing into effect, or promulgation of any new Indian law: or
  - b) Adoption, amendment, modification, repeal, or re-enactment of any existing Indian law: or
  - c) Change in interpretation or application of any Indian law by a competent court, Tribunal, or Indian Governmental Instrumentality, which is the final authority under law for such interpretation or application: or
  - d) Change by any competent statutory authority in any condition or covenant of any consent or clearances or approval; or Licence available or obtained for the project: or
  - e) Coming into force or change in any bilateral or multilateral agreement/treaty between the Government of India and any other Sovereign Government having implications for the Generating Station or the transmission system regulated under these Regulations;
15. **“Central Commission” or “CERC”** shall mean the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
16. **“Commission”** shall mean the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh referred to in Section 83 of the Act;
17. **“Control Period”** shall mean the period of two (2) financial Years from April 1, 2024, to March 31, 2026;
18. **“Central Transmission Utility” or “CTU”** shall mean any Government company which the Central Government may notify under sub-section (1) of Section 38 of the Act;
19. **“Cut-off Date”** shall mean 31st March of the Year closing after two (2) Years from the Year of commercial operation of the project, and in case the project is declared under commercial operation in the last quarter of a year, the Cut-off Date shall be 31st March of the Year closing after three (3) Years from the Year of commercial operation:

Provided that the “Cut-off Date” may be extended by the Commission if it is proved on the basis of documentary evidence that the capitalisation could not be made within the Cut-off Date for reasons beyond the control of the project developer;

20. **“Consumer”** shall be any person who is supplied with electricity for his own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a Licensee, the Government or such other person, as the case may be, but shall be restricted to such Consumers within the State;
21. **“Contracted Capacity”** shall mean the capacity in MW contracted by a Transmission System User;
22. **“Day”** shall mean a day starting at 00.00 hours and ending at 24.00 hours;
23. **“Date of Commercial Operation” or “COD”** in case of a transmission system shall mean the date declared by the Transmission Licensee from 00.00 hours, for which an element of the transmission system is in regular service after successful trial operation for transmitting electricity, and communication signal from sending end to receiving end:

Provided that where the transmission line or substation is dedicated for the evacuation of power from a particular Generating Station, the Generating Company and Transmission Licensee shall endeavor to commission the Generating Station and the transmission system simultaneously as far as practicable and shall ensure the same through appropriate Implementation Agreement:

Provided also that in case a transmission system or an element thereof is prevented from regular service for reasons not attributable to the Transmission Licensee or its supplier or its contractors but is on account of the delay in commissioning of the concerned Generating Station or in commissioning of the upstream or downstream transmission system, the Transmission Licensee shall approach the Commission through an appropriate application for approval of the Date of Commercial Operation of the such transmission system or an element thereof:

Provided further that the Date of Commercial Operation for a Generating Station shall be as defined in the prevalent CERC Tariff Regulations;

24. **“De-capitalisation”** shall mean reduction in Gross Fixed Assets of the project corresponding to the removal/deletion of assets as approved by the Commission;
25. **“Distribution Business”** shall mean the business of operating and maintaining a distribution system for

- supplying electricity in the Area of Supply of the Distribution Licensee;
26. **“Distribution Licensee”** shall mean a Licensee authorised to operate and maintain a distribution system for supplying electricity to the Consumers in its Area of Supply;
  27. **“Distribution Wires Business”** shall mean the business of operating and maintaining a distribution system for wheeling of electricity in the Area of Supply of the Distribution Licensee;
  28. **“Expected Revenue from Tariff and Charges”** shall mean the revenue estimated to accrue to the Generating Company, Transmission Licensee or Distribution Licensee from the regulated business at the prevailing tariff;
  29. **“Electricity Supply Code”** shall mean the Electricity Supply Code specified under Section 50 of the Act;
  30. **“Existing Project”** shall mean a project declared under commercial operation prior to April 1, 2024;
  31. **“Force Majeure Event”** shall mean, with respect to any party, any event or circumstance; or combination of events or circumstances including those stated below, which is not within the reasonable control of, and is not due to an act of omission or commission of that party and which, by the exercise of reasonable care and diligence, could not have been avoided, and without limiting the generality of the foregoing, would include the following events:
    - a) An Act of God including lightning, drought, fire and explosion, earthquake, volcanic eruption, landslide, flood, cyclone, typhoon, tornado, geological surprises, or exceptionally adverse weather conditions which are in excess of the statistical measures for the last hundred Years: or
    - b) Any act of war, invasion, armed conflict or act of foreign enemy, blockade, embargo, revolution, riot, insurrection, terrorist or military action: or
    - c) Industry-wide strikes and labour disturbances having a nationwide impact in India;
  32. **“FPPAS”** shall mean Fuel and Power Purchase Adjustment Surcharge (FPPAS) means the increase in the cost of power, supplied to consumers, due to a change in Fuel cost, power purchase Page 9 cost and transmission charges with reference to the cost of supply approved by the State/UT Commission.
  33. **“Generation Company”** shall mean any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a Generating Station and for the purpose of these Regulations, shall exclude a company generating electricity from renewable sources;
  34. **“Generating Station”** shall mean any station for generating electricity, including any building and plant with step-up transformer, switchgear, switch yard, cables, or other appurtenant equipment, if any, used for that purpose and the site thereof; a site intended to be used for a Generating Station, and any building used for housing the operating staff of a Generating Station, and where electricity is generated by water-power, includes penstocks, head, and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not, in any case, include any sub-station and for the purpose of these Regulations shall exclude stations generating electricity from renewable sources;
  35. **“Grid”** shall mean the high voltage backbone system of inter-connected transmission lines, sub-stations, and generating plants;
  36. **“Gross Station Heat Rate” or “GHR”** means the heat energy input in kcal required to generate one kWh of electrical energy at generator terminals of a thermal Generating Station;
  37. **“Integrated Utility”** means the Departments of Power in the Union Territory of Jammu & Kashmir and the Union Territory of Ladakh, in its present form or the successor entities performing more than one of the functions of generation, transmission, and distribution after restructuring thereof;
  38. **“Licensed Business”** means the functions and activities, which the licensee is required to undertake in terms of the license granted by the Commission or being a deemed licensee under the Act;
  39. **“Licensee”** shall mean a person who has been granted a license under Section 14 of the Act and for the purpose of these Regulations shall also include an Integrated Utility;
  40. **“MCLR”** shall mean One Year Marginal Cost of Funds based Lending Rate;
  41. **“Month”** shall mean a calendar month as per the British calendar;
  42. **“New Project”** shall mean a project declared under commercial operation on or after April 1, 2024;
  43. **“Non-Tariff Income”** shall mean income relating to the Licensed Business other than from tariff, excluding any income from Other Business and, in case of the Retail Supply Business of a Distribution Licensee, excluding income from wheeling and receipts on account of Cross-Subsidy Surcharge and Additional Surcharge on charges of wheeling;
  44. **“Operation and Maintenance expenses” or “O&M expenses”** in relation to a Generating Company, Transmission Licensee or Distribution Licensee shall mean the expenditure incurred on operation and maintenance of the system by the Generating Company, Transmission Licensee or Distribution Licensee, and includes the expenditure on manpower, repairs, spares, consumables, insurance and overheads etc.;
  45. **“Original Project Cost”** means the capital expenditure incurred by the Generating Company or the

Transmission Licensee or the Distribution Licensee, as the case may be, within the original scope of the project up to the Cut-off Date as admitted by the Commission;

46. **“Other Business”** means any other business of the distribution licensee for optimum utilisation of its assets within the meaning of Section 51 of the Act;
  47. **“Prudence Check”** shall mean scrutiny of the reasonableness of expenditure incurred or proposed to be incurred, financing plan, use of efficient technology, cost and time over-run and such other factors as may be considered appropriate by the Commission for determination of tariff;
  48. **“Rated Voltage”** shall mean the manufacturer's design voltage at which the transmission system is designed to operate or such lower voltage at which the line is charged, for the time being, in consultation with Transmission System Users;
  49. **“Retail Supply Business”** means the business of sale of electricity by a distribution licensee to the consumers within the area of supply in accordance with the terms of the licence for distribution and retail supply of electricity.
  50. **“State”** shall mean the Union Territory of Jammu & Kashmir and the Union Territory of Ladakh.;
  51. **“State Grid Code”** shall mean the Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (State Grid Code), Regulations 2023 specified by the Commission under Clause (h) of sub-section (1) of Section 86 of the Act;
  52. **“State Load Despatch Centre” or “SLDC”** shall mean the Centre established under sub-section (1) of Section 31 of the Act;
  53. **“Transmission Licensee”** shall mean a Licensee authorized to establish or operate transmission lines;
  54. **“Transmission System User”** shall mean the Distribution Licensee or Open Access User, as the case may be, who uses the intra-State transmission network for the purpose of transmission of electricity;
  55. **“Useful life”** in relation to a unit of a Generating Station/Unit, Transmission System, and Distribution System from the Date of Commercial Operation shall be as defined in **Appendix I** to these Regulations;
  56. **“Wheeling”** means the operation whereby the distribution system and associated facilities of a distribution license are used by another person for the conveyance of electricity on payment of charges to be determined under section 62, or under section 42(2);
  57. **“Wheeling Business”** means the business of operating and maintaining a distribution system for the conveyance of electricity in the area of supply of the distribution licensee.”
  58. **“Working Day”** shall mean a Day on which banks are open for business;
  59. **“Year” or “Financial Year”** shall mean a Financial Year (FY), beginning from 1<sup>st</sup> April of calendar Year and ending on 31<sup>st</sup> March of the next calendar Year.
- 2.2 Words and expressions occurring in these Regulations and not defined herein but defined in the Act or applicable (Grid Code) Regulations or prevalent CERC Tariff Regulations shall bear the same meanings as respectively assigned to them in the Act or Grid Code or prevalent CERC Tariff Regulations and the words and expressions used herein but not specifically defined herein or in the Act or Grid Code or State Grid Code or prevalent CERC Tariff Regulations shall have the meanings generally assigned to them in the electricity industry.
- 2.3 In the interpretation of these Regulations, unless the context otherwise requires:
- a) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;
  - b) The terms "include" or "including" shall be deemed to be followed by "but not limited to" regardless of whether such terms are followed by such phrases or words of like import;
  - c) References herein to the "Regulations" shall be construed as a reference to these Regulations or as may be amended or modified by the Commission from time to time in accordance with the applicable laws in force;
  - d) The headings within the Regulations are inserted for convenience and be read together with the text below for the purpose of interpretation of these Regulations;
  - e) References to the Statutes, Regulations or guidelines shall be construed as including all statutory provisions consolidating, amending, or replacing such Statutes, Regulations, or guidelines, as the case may be, referred to;
  - f) In case of inconsistency between any provision of these Regulations and any other Regulations or Orders passed by the Commission, the provisions of these Regulations shall prevail.
  - g) The words "Application" or "Petition" shall be interpreted synonymously.

### **3. Scope of Regulation and extent of application**

- 3.1. The Commission shall determine tariff within the Multi-Year Tariff framework, for all matters for which the Commission has jurisdiction under the Act, including in the following cases:
- a) Supply of electricity by a Generating Company to a Distribution Licensee:

Provided that where a shortage of supply of electricity exists, it may fix the minimum and maximum ceiling

of tariff for the sale or purchase of electricity in pursuance of an agreement, entered into between a Generating Company and a Distribution Licensee or between Distribution Licensees, for a period not exceeding one year to ensure reasonable prices of electricity;

- b) Intra-State transmission of electricity;
- c) Intra-State wheeling of electricity;
- d) Retail supply of electricity:

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

Provided further that where the Commission has allowed Open Access to certain Consumers under sub-section (2) of Section 42 of the Act, such Consumers, notwithstanding the provisions of clause (d) of sub-section (1) of Section 62 of the Act, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed between them. Such Open Access shall be regulated by provisions of prevalent Open Access Regulations as amended from time to time.

3.2. These Regulations shall not apply for the determination of tariff in case of the following:

- a) Generating Stations and Transmission Systems whose tariff has been discovered through a transparent process of competitive bidding in accordance with the competitive bidding guidelines notified by the Central Government and adopted by the Commission under Section 63 of the Act.
- b) Generating stations of renewable sources of energy, which shall be governed by prevalent Renewable Energy Tariff Regulations as amended from time to time or any subsequent enactment thereof.

3.3. In accordance with the principles laid out in Regulation 51, Regulation 52, and Regulation 60, the Commission shall determine Aggregate Revenue Requirement for:

- a) Distribution Wires Business; and
- b) Retail Supply Business.

3.4. The Distribution Licensee shall file an application containing separate details for the determination of Aggregate Revenue Requirement for the Distribution Wires Business and Retail Supply Business, in accordance with Regulation 51 specified in these Regulations.

3.5. The wheeling charges shall be based on the Aggregate Revenue Requirement determined for the Distribution Wires Business.

3.6. The Retail Supply tariff for the retail sale of electricity shall be based on the Aggregate Revenue Requirement determined for the Retail Supply Business.

3.7. The Commission shall also determine Cross-Subsidy Surcharge in addition to the charges for wheeling under the first proviso to sub-section (2) of Section 42 of the Act, in accordance with prevalent Open Access Regulations, as amended from time to time.

3.8. The Commission shall also determine Additional Surcharge under sub-section (4) of Section 42 of the Act, in accordance with prevalent Open Access Regulations as amended from time to time.

#### **4. Norms of operation to be ceiling norms**

4.1 For removal of doubts, it is clarified that the norms of operation specified under these Regulations are the ceiling norms and this shall not preclude the Transmission Licensee or the Distribution Licensee, as the case may be, and the beneficiaries from accepting improved norms of operation as determined by the Commission and such improved norms shall be applicable for the determination of tariff.

### **Chapter 2: General Principles**

#### **5. Guiding Principles for MYT Framework**

5.1. The Commission shall determine the tariff for matters covered under clauses (a), (b), (c) and (d) of Regulation 3.1, under a Multi-Year Tariff framework with effect from April 1, 2024.

5.2. The Multi Year Tariff framework for determination of Aggregate Revenue Requirement and Expected Revenue from Tariff and Charges for Generating Company, Transmission Licensee, Distribution Wires Business and Retail Supply Business shall include the following:

- a) Business Plan for the Licensee, for the entire Control Period as submitted to the Commission for approval, prior to the start of the Control Period;
- b) A detailed Multi-Year tariff application comprising of the year-wise forecast of Aggregate Revenue Requirement for the entire Control Period and determination of Expected Revenue from Tariff and Charges for the first Year of the Control Period submitted by the Applicant, in formats specified by the Commission from time to time:

Provided that the performance parameters, whose trajectories have been specified in these Regulations or the Business Plan or the Multi-Year Tariff Order approved by the Commission, shall form the basis for the projection of these performance parameters in the Aggregate Revenue Requirement for the entire Control Period:

- c) Determination of year-wise Aggregate Revenue Requirement by the Commission for the entire Control Period and the tariff for the first Year of the Control Period for the Generating Company, Transmission Licensee, Distribution Wires Business, and Retail Supply Business;
- d) Annual review of performance which shall be conducted vis-a-vis the approved forecast and categorization of variations in performance into controllable and uncontrollable factors;
- e) Annual determination of tariff for the Generating Company, Transmission Licensee, Distribution Wires Business, and Retail Supply Business, for each Financial Year within the Control Period, based on the approved forecast, the annual performance review, and truing up exercise;
- f) Truing up of previous Year/(s) expenses and revenue by the Commission based on audited accounts vis- a-vis the approved forecast and categorization of variation in performance as those caused by factors within the control of the Applicant (controllable factors) and those caused by factors beyond the control of the Applicant (uncontrollable factors);
- g) The mechanism for pass-through of approved gains or losses on account of uncontrollable factors as specified by the Commission in these Regulations;
- h) The mechanism for sharing of approved gains or losses on account of controllable factors as specified by the Commission in these Regulations.

## **6. Values for Base Year**

- 6.1 The values for the Base Year of the Control Period shall be determined on the basis of the audited accounts or provisional accounts of last three (3) Years, and other factors considered relevant by the Commission;

Provided that, in absence of the availability of audited accounts or provisional accounts of last three (3) Years, the Commission may benchmark the parameters with other similar utilities to establish the values for Base Year:

Provided further that the Commission may change the values for Base Year and consequently the trajectory of parameters for Control Period, considering the actual figures from audited accounts.

- 6.2 The Commission may revisit the performance targets for the Control Period during Annual Performance Review, carried out in accordance with the proviso to Regulation 5.2 (d).

## **7. Segregation of Retail Supply and Distribution Wires Business**

- 7.1 The Distribution Licensee shall segregate the accounts of the Licensed Business into Distribution Wires Business and Retail Supply Business. The ARR for Distribution Wires Business shall be used to determine wheeling charges. The ARR for Retail Supply Business, which shall include the ARR for Distribution Wires Business, in accordance with Regulation 58, shall be used to determine retail supply tariff.
- 7.2 For such period until accounts are segregated, the Licensees shall use the Allocation Statement provided in Regulation 49.1 to apportion costs and revenues to respective businesses.

## **8. Business Plan**

- 8.1 The Generation Company, Transmission Licensee, and Distribution Licensee, shall file the Business plan as a part of Multi-Year tariff application, in accordance with regulation 9.1, as per the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Conduct of Business) Regulations 2022, as amended from time to time. A Business Plan for the entire Control Period (i.e. April 1, 2024, to March 31, 2026), duly approved by the competent authority shall be submitted by 30<sup>th</sup> November of the year prior to the commencement of the Control Period:

Provided that in case the Commission issues guidelines and formats from time to time, the same shall be adhered to by the Generation Company, Transmission Licensee, and Distribution Licensee.

- 8.2 The Business Plan filed by the Generation Company shall inter-alia contain;
  - a) **Capital investment plan**, which shall include details of the investments planned by the Generating Company for existing stations along with its cost-benefit analysis, yearly phasing of capital expenditure along with the source of funding, financing plan, and corresponding capitalisation schedule. This plan shall be commensurate with R&M schemes and proposed efficiency improvements for various plants of the company;
  - b) The capital investment plan shall show separately, ongoing projects that will spill over into the years under review, and new projects (along with justification) that will commence in the years under review but may be completed within or beyond the tariff period;

- c) The Generating Company shall submit plant-wise details of the capital structure and cost of financing (interest on debt and return on equity), after considering the existing market conditions, terms of the existing loan agreements, risks associated with generation business and creditworthiness;
  - d) Details related to major shutdown of machines, if any;
  - e) Trajectory of performance parameters;
- 8.3 The Business Plan filed by the Transmission Licensee shall inter-alia contain:
- a) Projections for the growth of load in the transmission network;
  - b) **Capital Investment Plan** for each Year of the Control Period commensurate with load growth, transmission loss reduction trajectory, and quality improvement measures proposed in the Business Plan in accordance with Regulation 8.5;
  - c) **Capital structure** of each scheme proposed and the cost of financing (interest on debt and return on equity), terms of the existing loan agreements, etc.;
  - d) **Performance targets** items such as transmission loss, availability of transmission system, transformer failure rate, and any other parameters for quality of supply for each year of the Control Period, consistent with the Capital Investment Plan proposed by the Transmission Licensee;
  - e) **Projections for the number of employees** during each Year of the Control Period based on proposed recruitments and retirement;
  - f) **Proposals in respect of income from Other Businesses** for each Year of the Control Period.
- 8.4 The Business Plan filed by the Distribution Licensee for the Control Period shall comprise of but not be limited to the following:
- a) **Capital Investment Plan** for each Year of the Control Period commensurate with load growth, distribution loss reduction trajectory, and quality improvement measures proposed in the Business Plan in accordance with Regulation 8.5;
  - b) **Capital Structure** of each scheme proposed and the cost of financing (interest on debt and return on equity), terms of the existing loan agreements, etc.;
  - c) **Sales Forecast** for each Consumer category and sub-categories for each Year of the Control Period in accordance with Regulation 8.6;
  - d) **Power Procurement Plan** based on the Sales Forecast and distribution loss trajectory for each Year of the Control Period in accordance with Regulation 8.8;
  - e) **Targets** for distribution loss for each Year of the Control Period consistent with the Capital Investment Plan proposed by the Licensee;
  - f) **Projections for the number of employees** during each Year of the Control Period based on proposed recruitments and retirement;
  - g) **Proposals in respect of income from Other Businesses** for each Year of the Control Period.
- 8.5 **Capital Investment Plan**
- a) The Capital Investment Plan to be submitted as part of the Business Plan shall show separately, ongoing projects that will spill into the financial year under review and new projects (along with justification) that will commence but may be completed within or beyond the tariff period for the purpose of investment, Capital Structure, implementation schedule, quarter-wise capital expenditure and capitalization schedule, financing plan, cost-benefit analysis, improvement in operational efficiency envisaged in the Control Period owing to proposed investment and such details for ongoing projects that will spill over into the Control Period under review along with justification;
  - b) The Capital Investment Plan proposed by the Transmission Licensee shall be in conformity with the plans made by the Authority/Central Transmission Utility and with the Capital Investment Plan of the Distribution Licensee;
  - c) During the Annual Performance Review, the Commission shall monitor the progress of the actual capital expenditure incurred by the Licensee vis-a-vis the approved capital expenditure. The Licensees shall submit the actual capital expenditure incurred along with the annual performance review, true-up, and determination of tariff filing;
  - d) In case, during the Annual Performance Review, the cumulative (starting from the first Year of the Control Period up to the current Year) actual capital expenditure incurred is less than 50% of the cumulative approved capital expenditure, the Commission shall true-up the ARR elements relevant to actual capital expenditure in the current Year and remaining Years of the Control Period;
  - e) In case the capital expenditure is required for emergency work which has not been approved in the Capital Investment Plan, the Licensee shall submit an application containing all relevant information along with reasons justifying the emergency nature of the proposed work seeking approval of the Commission:

Provided that in case capital expenditure is required for emergency work or unforeseen situations to mitigate the threat to life and property and if prior intimation thereof to the Commission shall cause any irreparable loss or injury, the Licensee may undertake that capital expenditure and submit the details along with adequate justification for ex post facto approval of the Commission:

Provided further that for the purpose of Regulation 8.5(e) above, such approved capital expenditure shall be treated as a part of both the actual capital expenditure incurred by the Licensee and approved capital expenditure by the Commission;

- f) The Licensee shall submit a report for every quarter detailing the progress of the capital expenditure and capitalization undertaken against that proposed in the Capital Investment Plan, on or before the last Day of the month succeeding the respective quarter for review by the Commission.

#### **8.6 Sales Forecast**

The sales Forecast shall be done as per the provisions of the prevalent Power Purchase and Procurement Process Regulations.

#### **8.7 Treatment of Distribution Loss**

The power purchase requirement of the Distribution Licensee at the Transmission-Distribution interface point, shall be computed by grossing up the sales with the distribution losses approved by the Commission:

Provided that the Commission may stipulate the target distribution losses in accordance with Regulation 17 as part of the Order on Business Plan:

Provided further that the Distribution Licensee shall submit the details of area-wise distribution losses viz. Circles/Divisions/Distribution Centres for the relevant years, in accordance with the formats prescribed by the Commission:

Provided also that the area-wise distribution losses shall separately indicate the distribution losses in each Distribution Franchisee area within its License area, for the relevant years, if applicable.

#### **8.8 Power Procurement Plan**

The Distribution Licensee shall prepare a plan for procurement of power shall be done as per the provisions of the prevalent Power Purchase and Procurement Process Regulations.

Provided further that such power procurement plan may include long-term, medium-term and short-term sources of power procurement, in accordance with these Regulations;

### **9. Multi-Year Tariff Application**

- 9.1 The applicant along with the Business Plan, submit the forecast of Aggregate Revenue Requirement and expected revenue from the tariff, for the Control Period by way of a Petition in accordance with the prevalent, Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Conduct of Business) Regulations 2022, by 30th November of the year prior to the commencement of the Control Period and accompanied by such fee payable, as specified in the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh ( Fees, Fines, and Charges ) Regulations, 2022.
- 9.2 Provided that the application shall also be accompanied by the true-up Petition based on the latest available audited accounts and the annual performance review for the current Year based on the actual performance during the first six Months of the Year and estimates for the subsequent six Months. Applicant shall develop the forecast of Aggregate Revenue Requirement using the assumptions relating to the behaviour of individual variables that comprise the Aggregate Revenue Requirement during each year of the Control Period, including inter-alia detailed category-wise sales and demand projections, power procurement plan, Capital Investment Plan, trajectories of parameters specified in these Regulations and Business Plan, in accordance with guidelines and formats, as may be specified by the Commission from time to time.
- 9.3 The Applicant shall develop the forecast of Expected Revenue from Tariff and Charges based on the following:
  - a) In the case of a Generating Company, estimates of the quantum of electricity to be generated by each unit/station for ensuing Financial Year within the Control Period;
  - b) In the case of a Transmission Licensee, estimates of the transmission capacity allocated to Transmission System Users for ensuing Financial Year within the Control Period;
  - c) In the case of a Distribution Licensee, estimates of the quantum of electricity to be supplied to Consumers and to be wheeled on behalf of distribution system users for the ensuing Financial Year within the Control Period;
  - d) Prevailing tariff as on the date of making the application.



- 9.4 Based on the forecast of Aggregate Revenue Requirement for the first Year of the Control Period and Expected Revenue from Tariff and Charges, the Generating Company, Transmission Licensee and Distribution Licensee for the Distribution Wires Business and Retail Supply Business, shall propose the tariff for the first Year of Control Period:

Provided that the tariff proposed by Distribution Licensee shall be in accordance with “Section 62 of the Act and these Regulations.

- 9.5 The Applicant shall provide full details supporting the forecast, including but not limited to details of past performance, proposed initiatives for achieving efficiency or productivity gains, technical studies, contractual arrangements and/ or secondary research, to enable the Commission to assess the reasonableness of the forecast.
- 9.6 On receipt of the application, the Commission shall either:
- a) Issue an Order approving the Aggregate Revenue Requirement for the entire Control Period and the tariff for the first Year of the Control Period; or
  - b) Reject the application for reasons to be recorded in writing, as the Commission may deem appropriate:

Provided that the Applicant shall be given a reasonable opportunity of being heard before rejecting its application.

#### **10. Trajectory for Specific Variables**

- 10.1 The Commission, while approving the Business Plan and/ or Multi Year Tariff Petition, may stipulate a trajectory for certain variables, including but not limited to Auxiliary consumption, Station Heat Rate, O&M expenses, distribution losses etc.;

Provided that the utilities shall adhere to the norms as specified in the Order on Multi Year tariff petition;

- 10.2 The trajectory stipulated by the Commission in the Order approving the Business Plan submitted by the applicant, shall be incorporated by the applicant in its forecast of Aggregate Revenue Requirement and/or expected revenue from tariff and charges.
- 10.3 The Commission shall specify the yearly AT&C loss reduction trajectory for the control period with due regard to the AT&C loss approved in the True Up of the previous control period. The yearly AT&C loss trajectory for the control period shall not be changed/ modified, other than under exceptional conditions approved by the Commission.

#### **11. Annual Performance Review, Truing-up and tariff determination during the Control Period**

- 11.1 The Generating Company, Transmission Licensee and Distribution Licensee shall file an application for the annual performance review of the current year, truing up of the previous Year or the Year for which the audited accounts are available and determination of tariff for each of the ensuing Years on or before 30th November of each year, in formats specified by the Commission from time to time:

Provided that the Generating Company, Transmission Licensee, or Distribution Licensee, as the case may be, shall submit to the Commission information in such form as may be specified by the Commission, together with the audited accounts, extracts of books of account and such other details as the Commission may require to assess the reasons for and extent of any variation in financial performance from the approved forecast of Aggregate Revenue Requirement and Expected Revenue from Tariff and Charges;

- 11.2 The scope of the annual performance review, truing up, and tariff determination shall be a comparison of the performance of the Generating Company, Transmission Licensee, or Distribution Licensee with the approved forecast of Aggregate Revenue Requirement and Expected Revenue from Tariff and Charges and shall comprise of the following:
- a) **True-up:** a comparison of the audited performance of the Applicant for the Financial Year for which the true-up is being carried out with the approved forecast for such previous Financial Year, subject to the prudence check;
  - b) **Annual Performance Review:** a comparison of the revised performance targets of the Applicant for the current Financial Year with the approved forecast in the Tariff Order corresponding to the Control Period for the current Financial Year subject to prudence check;
  - c) **Tariff determination** for the ensuing Year of the Control Period based on the revised forecast of the Aggregate Revenue Requirement for the Year;
  - d) Review of compliance with directives issued by the Commission from time to time;
  - e) Other relevant details, if any
- 11.3 Upon completion of the exercise, the Commission shall attribute any variations or expected variations in performance for variables specified under Regulation 12, to factors within the control of the Applicant (controllable factors) or to factors beyond the control of the Applicant (uncontrollable factors):

Provided that any variations or expected variations in performance, for variables other than those specified under Regulation 12 below shall be attributed entirely to controllable factors.

11.4 Upon completion of the exercise, the Commission shall pass an order recording.

- a) Components of approved cost pertaining to the uncontrollable factors, which were not recovered during the previous year, to be passed through in tariff as per Regulation 13 of these Regulations:

Provided that, for a Generating Company, the above exercise shall be in accordance with prevalent CERC Tariff Regulations.

- b) Approved aggregate gain or loss to the Transmission Licensee or Distribution Licensee on account of controllable factors, and the amount of such gains or such losses that may be shared in accordance with Regulation 14 of these Regulations:

Provided that, for a Generating Company, the above exercise shall be in accordance with prevalent CERC Tariff Regulations.

- c) Carrying cost shall be allowed for a Generating Company, Transmission Licensee, or Distribution Licensee on the amount of revenue gap for the period from the date on which such gap has become due, i.e., from the end of the Year for which true-up has been done, till the end of the Year in which it is addressed, on the basis of actual rate of loan taken by the Licensee to fund the deficit in revenue:

Provided that carrying cost on the amount of revenue gap shall be allowed subject to prudence check and submission of documentary evidence for having incurred the carrying cost in the years prior to the year in which the revenue gap is addressed:

Provided also that if no loan has been taken to fund revenue deficit, the Commission shall allow Carrying Cost on a simple interest basis at one (1) Year State Bank of India (SBI) MCLR /any replacement thereof as notified by RBI for the time being in effect applicable for 1 Year period, as may be, applicable as on 1st April of the relevant Year plus 100 basis points;

Provided further that in case of revenue surplus, the Commission shall charge the Licensee a Carrying Cost from the date on which such surplus has become due, i.e., from the end of the Year for which true- up has been done, till the end of the Year in which it is addressed on simple interest basis at one (1) Year State Bank of India (SBI) MCLR / any replacement thereof as notified by RBI for the time being in effect applicable for 1 Year period, as may be, applicable as on 1<sup>st</sup> April of the relevant Year plus 100 basis points.

- d) Revision of estimates and tariff for the ensuing Financial Year.

## **12. Uncontrollable and Controllable factors**

12.1 For the purpose of these Regulations, the term "uncontrollable factors" for a Transmission or Distribution Licensee shall comprise of the following factors, which were beyond the control of the Licensee, and could not be mitigated by the Licensee:

- a) Force Majeure events;
- b) Change in Law, judicial pronouncements and Orders of the Central Government, State Government or Commission;
- c) Variation in the number or mix of Consumers or quantities of electricity supplied to Consumers;
- d) Inter-state and Intra-State Transmission losses;
- e) Variation in the cost of power purchase due to variation in the rate of power purchase from approved sources, subject to clauses in the power purchase agreement or arrangement approved by the Commission;
- f) Inflation;
- g) Transmission Charges for a Distribution Licensee;
- h) Variation in market interest rates for long-term loans;
- i) Employee expenses limited to one-time payment owing requirements of a pay commission and terminal liability of employees;
- j) Taxes and Statutory levies;
- k) Taxes on income;
- l) Income from the realisation of bad debts written off:

Provided that where the Applicant believes, for any variable not specified above, that there is a material variation or expected variation in performance for any Financial Year on account of uncontrollable factors, such Applicant may apply to the Commission for inclusion of such variable at the Commission's discretion, under this Regulation for such Financial Year:

Provided further that the uncontrollable factors for a Generating Company shall be as specified in the prevalent CERC Tariff Regulations.

- 12.2 For the purpose of these Regulations, the term “controllable factors” for a Transmission or Distribution Licensee shall comprise of the factors which were within the control of the Licensee, shall inter-alia include:
- a) Variations in capitalisation on account of time and/or cost overruns/ efficiencies in the implementation of a capital expenditure project not attributable to an approved change in scope of such project, change in statutory levies or force majeure events;
  - b) Variation in Interest and Finance Charges, Return on Equity, and Depreciation and Working capital requirements on account of variation in capitalisation, as specified in clause (a) above;
  - c) Variations in Aggregate Technical and Commercial (AT&C) losses of Distribution Licensee in accordance with CEA Guidelines for computation of AT&C Loss. The detailed methodology for computation of AT&C loss has been indicated at **Appendix-II** to these regulations;
  - d) Distribution Losses which is measured as the difference between total energy input for sale to all its consumers and sum of the total energy billed in its license area in the same year;
  - e) Availability of transmission system;
  - f) Failure to meet the standards specified in the prevalent Standard of Performance for Distribution Licensees Regulation, as amended from time to time;
  - g) Variations in labour productivity;
  - h) Variation in O&M Expenses, except to the extent of inflation;
  - i) Bad debts written off, in accordance with the provisions of Regulation 65;
  - j) Variations in Wires Availability and Supply Availability.

Provided further that the controllable factors for a Generating Company shall be as specified in the prevalent CERC Tariff Regulations.

### **13. Mechanism for pass through of gains or losses on account of uncontrollable factors**

- 13.1 Approved aggregate gain or loss to the Transmission Licensee or Distribution Licensee on account of uncontrollable factors shall be pass-through as an adjustment in the tariff of the Transmission Licensee or Distribution Licensee over such period as may be specified in the Order of the Commission passed under these Regulations:

Provided that the mechanism for pass through of gains or losses on account of uncontrollable factors for a Generating Company shall be as specified in the prevalent CERC Tariff Regulations.

- 13.2 The Transmission Licensee or Distribution Licensee shall submit such details of the variation between expenses incurred and revenue earned and the figures approved by the Commission, in the specified format to the Commission, along with the detailed computations and supporting documents as may be required for verification by the Commission.

### **14. Mechanism for sharing of gains or losses on account of controllable factors**

- 14.1 The approved aggregate gain to the Transmission Licensee or Distribution Licensee on account of controllable factors must be shared in following manner: -

- a) Two-third of the amount of such gain shall be passed on as a rebate in tariff over such period as may be stipulated in the Order of the Commission;
- b) The balance amount, which will amount to one--third of such gain, may be utilised at the discretion of the Distribution Licensee

Provided that the mechanism for sharing of gains or losses on account of controllable factors for a Generating Company shall be as specified in the prevalent CERC Tariff Regulations.

- 14.2 The approved aggregate loss, if any to the Transmission Licensee or Distribution Licensee on account of controllable factors shall be shall be dealt in the following manner:

- a) One-third of the amount of such loss shall be passed on as an additional charge in tariff over such period as may be stipulated in the Order of the Commission; and
- b) The balance amount, which will amount to two-third of such loss, shall be absorbed by the Licensee.

- 14.3 The gain or loss on account of other controllable factors, unless otherwise specifically provided by the Commission shall be to the account of the Transmission or Distribution Licensee.

### **15. Determination of Tariff**

- 15.1 The proceedings to be held by the Commission for the determination of tariff shall be in accordance with the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Conduct of Business) Regulations 2022, as amended from time to time.

- 15.2 Notwithstanding anything contained in these Regulations, the Commission shall at all times have the authority, either on Suo-Motu basis or on a Petition filed by the Generating Company, Transmission Licensee or Distribution Licensee, to determine the tariff, including terms and conditions thereof:

Provided that such determination of tariff may be pursuant to an agreement or arrangement or otherwise whether or not previously approved by the Commission and entered into at any time before or after the applicability of these Regulations.

- 15.3 Notwithstanding anything contained in these Regulations, the Commission shall adopt the tariff, if such tariff has been determined through a transparent process of bidding in accordance with the guidelines issued by the Central Government:

Provided that the Applicant shall provide such information as the Commission may require for satisfying itself that the guidelines issued by the Central Government in this regard have been duly followed.

- 15.4 Determination of Tariff for an existing Generation Station:

- a) Where the Commission has, at any time prior to the date of effectiveness of these Regulations, approved a power purchase agreement or arrangement between a Generating Company and a Distribution Licensee or has adopted the tariff contained therein for supply of electricity from an existing generating unit/station, the tariff for supply of electricity by the Generating Company to the Distribution Licensee shall be in accordance with tariff mentioned in such power purchase agreement or arrangement for such period as may be so approved or adopted by the Commission;
- b) Where, as on the date of effectiveness of these Regulations, the power purchase agreement or arrangement between a Generating Company and a Distribution Licensee for supply of electricity from an existing Generating Station has not been approved by the Commission or the tariff contained therein has not been adopted by the Commission or where there is no power purchase agreement or arrangement, the supply of electricity by such Generating Company to such Distribution Licensee after the date of effectiveness of these Regulations shall be in accordance with a power purchase agreement approved by the Commission:

Provided that an application for approval of such power purchase agreement or arrangement shall be made by the Distribution Licensee to the Commission within a period of three (3) months from the date of notification of these Regulations:

Provided further that the supply of electricity shall be allowed to continue under the present agreement or arrangement, as the case may be, until such time as the Commission approves of such power purchase agreement and shall be discontinued forthwith if the Commission rejects, for reasons recorded in writing, such power purchase agreement or arrangement.

- 15.5 Determination of Tariff for a new Generating Station:

- a) The tariff for the supply of electricity by a Generating Company to a Distribution Licensee from a new generating unit/station shall be in accordance with the tariff as per the power purchase agreement approved by the Commission.

- 15.6 Determination of Tariff for Transmission, Distribution Wires Business and Retail Supply Business:

- a) The Commission shall, based on an application made by the Transmission or Distribution Licensees in accordance with the Regulations 16 determine the tariff for:
  - (i). Transmission of electricity, in accordance with the terms and conditions contained in Chapter 5 of these Regulations;
  - (ii). Distribution Wires Business, in accordance with the terms and conditions contained in Chapter 6 of these Regulations; and
  - (iii). Retail Supply Business, in accordance with the terms and conditions contained in Chapter 7 of these Regulations.

## **16. Filing Procedure**

- 16.1 An application for approval of the Business Plan shall be made by 30th November of the year prior to the commencement of the Control Period, in accordance with the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Conduct of Business) Regulations 2022, and accompanied by a such fee payable, as specified in the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Fees, Fines, and Charges) Regulations 2022.

Provided that where no separate fees have been specified for filing of a Business Plan, the applicant shall pay fees as may be applicable for filing miscellaneous applications.

- 16.2 An application for determination of tariff shall be made by 30th November every year, in such form and in such manner as specified in this Regulation and accompanied by such fees as may be specified under the Commission.
- 16.3 The proceedings to be held by the Commission for the determination of tariff shall be in accordance with the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Conduct of Business) Regulations 2022, as amended from time to time.

16.4 The Applicant shall provide, as part of its Petition to the Commission, in such formats as specified by the Commission from time to time, full details of its calculation of the Aggregate Revenue Requirement and Expected Revenue from Tariff and Charges, and thereafter, shall furnish such further information or particulars or documents as the Commission may reasonably require to assess such calculation:

Provided that the Petition shall be accompanied by, where relevant, tariff and charges revision proposal showing category-wise tariff for recovery of Aggregate Revenue Requirement for the respective Year of the Control Period:

Provided further that the Commission may specify additional/alternative formats for details to be submitted by the Applicant, from time to time, as it may reasonably require for assessing the Aggregate Revenue Requirement and for determining the tariff.

Provided further that the information for the previous year shall be based on audited accounts and the same should be filed along with audited accounts for the previous year:

16.5 The Generating Company or Transmission Licensee or Distribution Licensee shall, along with the aforesaid petition, submit a statement on the status of compliance of directives, if any, issued by the Commission in its previous tariff order.

16.6 The petition for determination of tariff shall include the details of actual subsidy received from the State Government vis-a-vis claimed by the Distribution Licensee and the true-up petition for the previous year:

16.7 The Petition shall be supported by an affidavit of the person acquainted with the facts stated in the application.

16.8 Upon receipt of a complete Petition accompanied by all requisite information, particulars and documents in compliance with all the requirements specified in these Regulations, the Petition shall be deemed to be received and the Commission shall intimate to the Applicant regarding the acceptance of Petition.

16.9 The Commission may seek clarifications and additional information on inadequacies in the application, if any, within 14 (fourteen) days of filing the application for approval of the Business Plan and application for determination of tariff, as the case may be.

16.10 The Generating Company or Transmission Licensee or Distribution Licensee shall respond within the next 10 (ten) days to the Commission with all clarification and information as required.

16.11 The Applicant shall, within seven (7) Days after acceptance of the Petition by the Commission, publish a notice of its Petition in at least two English and two Vernacular languages daily newspapers having wide circulation in the relevant area:

Provided that the Applicant shall make available a hard copy of the complete Petition to any person, at such locations and at such rates as may be stipulated by the Commission:

Provided also that the Applicant shall also provide on its internet website, in text searchable format or in downloadable spreadsheet format furnishing detailed computations, the Petition filed before the Commission along with all regulatory filings, information, particulars and documents in the manner stipulated by the Commission:

Provided also that the web link to such information mentioned shall be easily accessible, archived for downloading and be prominently displayed on the Applicant's internet website:

Provided further that the Applicant may be exempted by the Commission from providing any such information, particulars, or documents, which are confidential in nature.

16.12 The suggestions and objections, if any, on the proposal for determination of tariff, may be filed before the Secretary, Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh, by any person within the timeline specified in the notice so published, with a copy to the Applicant.

16.13 The Applicant shall within seven (7) days from the date of publication of the notice as aforesaid, submit to the Commission on affidavit the details of the notice published and shall also file copies of the newspapers wherein the notice has been published.

16.14 The Applicant shall file its comments on the suggestions and objections, if any, received in response to its application within the time limit specified by the Commission.

16.15 Notwithstanding anything contained in these Regulations, in case of delay/ non-submission of the application for approval of the Business Plan and application for determination of tariff, as the case may be, the Commission may initiate Suo-Motu proceedings for the determination of Tariff as feel appropriate.

Provided that in the event of the licensee not filing the application despite the aforesaid proceeding, the Commission may on its own, decide the tariff based on the previous year's tariff details and after incorporating suitable adjustments.

Provided further that the Commission may also pass directions under Section 129 and/or Section 142 of the Act if required.

#### **17. Tariff Order**

- 17.1 The Commission shall, within one hundred and twenty (120) Days from the date of acceptance of the complete Petition, subject to the petitioner providing information subsequently sought by the Commission in a timely manner and after considering all suggestions and objections received from the various stakeholders:
- a) Issue a Tariff Order, or
  - b) Reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the Act and Regulations made thereunder or the provisions of any other law for the time being in force:

Provided that an Applicant shall be given a reasonable opportunity of being heard before rejecting its application.

- 17.2 The tariff so published shall be in force from the date specified in the said Order and shall, unless amended or revoked, continue to be in force for such period as may be stipulated therein.
- 17.3 The Applicant shall publish the tariff approved by the Commission in at least two English and two vernacular languages daily newspapers having wide circulation in the State of location of Generating Company or Transmission Licensee or Area of Supply of Distribution Licensee, as the case may be, display the approved tariff schedule on its internet website, and make available for sale a booklet containing such tariff to any person upon payment of reasonable charges.

#### **18. True-up Order**

- 18.1 The Commission Shall True-up expenses either as part of the Tariff Order or issue Order/s for True-up of expenses preceding the Tariff order of the ensuing year.
- 18.2 An Order for True-up of Expenses shall be issued on annual basis.
- 18.3 An Order for True-up of Expenses shall be on the basis of expense estimates made at the beginning of the year under consideration and actual expenses booked in the audited books of account of the Distribution Licensee for the year.
- 18.4 Estimates of expenses for the ensuing year shall be on the basis of corresponding figures in the order for True-up of expenses of the previous year and Tariff Order of the current year.

#### **19. Adherence to Tariff Order**

- 19.1 No tariff or part of any tariff may ordinarily be amended more frequently than once in a Year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.
- 19.2 If any Generating Company or Licensee recovers a price or charge exceeding the tariff determined by the Commission under Section 62 of the Act and in accordance with these Regulations, the excess amount shall be payable to the person who has paid such price or charge, along with interest equivalent to the Bank Rate prevailing during the relevant period, without prejudice to any other liability to which such Generating Company or Licensee may be subject:

Provided that such interest payable to any party shall not be allowed to be recovered through the Aggregate Revenue Requirement of the Licensee:

Provided further that the Licensee shall maintain separate details of such interest paid or payable by it, and shall submit them to the Commission along with its Petition.

#### **20. Subsidy Mechanism**

- 20.1 If the Government requires to grant any subsidy to any Consumer or class of Consumers in the tariff determined by the Commission, the Government shall, notwithstanding any direction which may be given under Section 108 of the Act, pay in advance the amount to compensate the Distribution Licensee/person affected by the grant of subsidy, as a condition for the Licensee or any other person concerned to implement the subsidy provided for by the Government, in the manner specified in these Regulations:

Provided that no such direction of the Government shall be operative if the payment is not made in accordance with the provisions contained in these Regulations, and the tariff fixed by the Commission shall be applicable from the date of issue of orders by the Commission in this regard.

*In Case the UT Government decide to extent financial support /subsidy in the form of grant in aid support to the power utilities till it achieves turnaround in T&D sector as envisaged in the 'Financial Feasibility Plan for the distribution utilities of UT of J&K and UT of Ladakh' prepared by the Committee constituted by JKPDD, Government of J&K vide order No 164-PDD of 2019 dated 20 th September 2019. The Commission shall factor - in such grant in support in tariff computation and construed it as tariff related revenue subsidy provided under*

*Section 65 of the Electricity Act 2003. It is desirable that the UT Government shall provide the subsidy to the intended class of consumer as envisaged in Section 65 of the Electricity Act.*

### **Chapter 3: Financial Principles**

#### **21. Financial Principles for a Generating Company and a Transmission licensee**

- 21.1 The Capital Cost for a Generating Company shall be determined by the Commission, guided by the relevant provisions of the prevalent CERC Tariff Regulations governing the generation of electricity, subject to prudence check. The Capital Cost so determined shall form the basis of the determination of tariffs for Existing Projects and New Projects.
- 21.2 The norms for Additional Capitalisation, Renovation, and Modernisation for a Generating Company shall be in accordance with the prevalent CERC Tariff Regulations, governing the generation of electricity.
- 21.3 The financial principles including principles governing Debt to Equity Ratio, Return on Equity, Interest on Loan, Foreign Exchange Risk Variation, Interest on Working Capital, treatment of Tax on Income, norms for working capital, etc. for a Generating Company and a Transmission licensee shall be as specified in the prevalent CERC Tariff Regulations, governing the generation of electricity and transmission of electricity.

#### **22. Financial Principles for Distribution Business**

- 22.1 The financial principles specified in the subsequent sections of this Chapter of these Regulations shall be applicable to the Distribution Licensee.

#### **23. Capital Cost**

- 23.1 Capital cost for an existing capital investment Project shall include:
- a) The Capital Cost admitted by the Commission prior to April 1, 2024, duly trued up on April 1, 2024;
  - b) Additional Capitalisation and De-capitalisation for the respective year of the tariff as determined in accordance with Regulation 24; and
  - c) Expenditure on account of renovation and modernisation as admitted by this Commission in accordance with Regulation 26.
- 23.2 Capital cost for a new capital investment Project shall include:
- a) The expenditure incurred or projected to be incurred up to date of commercial operation of the project;
  - b) Interest During Construction (IDC) and financing charges on the actual loan amount;
  - c) Interest During Construction (IDC) and Incidental Expenditure During Construction (IEDC) specified in these Regulations;
  - d) Capitalised initial spares subject to the ceiling rates specified in these Regulations;
  - e) Expenditure on account of Additional Capitalisation and De-capitalisation for the respective year of the tariff as determined in accordance with Regulation 24; and
  - f) Adjustment of any revenue earned by the Generating Company, Transmission Licensee, and Distribution Licensee by using the assets before CoD;
  - g) The expenses incurred by the Licensee on obtaining the right of way, as admitted by the Commission after prudence check;
  - h) Any gain or loss on account of foreign exchange rate variation pertaining to the loan amount availed up to the Date of Commercial Operation, as admitted by the Commission after prudence check:

Provided that any gain or loss on account of foreign exchange rate variation pertaining to the loan amount availed up to the Date of Commercial Operation shall be adjusted only against the debt component of the capital cost:

Provided further that the capital cost of the assets forming part of the Project but not put to use or not in use shall be excluded from the capital cost:

Provided also that the Licensee shall submit documentary evidence in support of its claim of assets being put to use.

- 23.3 The capital cost admitted by the Commission after prudence check shall form the basis for determination of tariff:

Provided that prudence check may include scrutiny of the reasonableness of the capital expenditure, financing plan including the choice and manner of funding, interest during construction, use of efficient technology, cost over-run and time over-run, and such other matters as may be considered appropriate by the Commission for determination of tariff.

- 23.4 The approved capital cost shall be considered for determination of tariff and if sufficient justification is provided for any escalation in the capital cost, the same may be considered by the Commission subject to prudence check:

Provided that in case the actual capital cost is lower than the approved capital cost, then the actual capital cost shall be considered for determination of tariff of the Licensee.

Provided also that where power purchase agreement or transmission or wheeling agreement provides for a ceiling of capital cost, the capital cost admitted by the Commission shall take into consideration such ceiling for determination of tariff.

23.5 The actual capital expenditure on Date of Commercial Operation for the original scope of work based on audited accounts of the Transmission Licensee and Distribution Licensee, limited to original cost may be considered subject to prudence check by the Commission.

23.6 The capital cost may include initial spares capitalised as a percentage of the Plant and Machinery cost up to Cut-off Date, subject to the following ceiling norms:

a) Transmission Line & Distribution Line	-	1%
b) Transmission Sub-station & Distribution Sub-station (Green Field)	-	4%
c) Transmission Sub-station (Brown Field)	-	6%
d) Series Compensation devices and HVDC Station	-	4%
e) Gas Insulated Sub-station (GIS)	-	5%
f) Communication System	-	3.5%

23.7 Any expenditure on the replacement, renovation and modernization or extension of life of old fixed assets, as applicable to the Transmission Licensee and Distribution Licensee, shall be considered after writing off the net value of such replaced assets from the original capital cost and shall be calculated as follows:

**Net Value of Replaced Assets = OCFA – AD – CC**

Where;

**OCFA:** - Original capital cost of Replaced Assets;

**AD:** -Accumulated depreciation pertaining to the Replaced Assets

**CC:** - Total Consumer Contribution pertaining to the Replaced Assets:

Provided further that the amount of insurance proceeds received, if any, towards damage to any asset requiring its replacement shall be first adjusted towards outstanding actual or normative loan and the balance amount, if any, shall be utilised to reduce the capital cost of such replaced asset, and any further balance amount shall be considered as Non-Tariff Income.

### **23.8 Interest During Construction (IDC):**

- a) Interest during construction shall be computed corresponding to the loan from the date of infusion of debt fund, and after taking into account the prudent phasing of funds up to Scheduled COD.
- b) In case of additional costs on account of IDC due to delay in achieving the Scheduled COD, the generating company or the transmission licensee, or the distribution licensee as the case may be, shall be required to furnish detailed justifications with supporting documents for such delay including prudent phasing of funds:

Provided that if the delay is not attributable to the generating company or the transmission licensee or the distribution licensee as the case may be, and is due to uncontrollable factors as specified in Regulation 12 of these Regulations, IDC may be allowed after due prudence check and taking into account prudent phasing of funds.

### **23.9 Incidental Expenditure During Construction (IEDC):**

- a) Incidental expenditure during construction shall be computed from the zero dates and after taking into account pre-operative expenses up to Scheduled COD:

Provided that any revenue earned during the construction period up to Scheduled COD on account of interest on deposits or advances, or any other receipts may be taken into account for the reduction in incidental expenditure during construction.

- b) In case of additional costs on account of IEDC due to delay in achieving the Scheduled COD, the generating company or the transmission licensee, or the distribution licensee as the case may be, shall be required to furnish detailed justification with supporting documents for such delay including the details of incidental expenditure during the period of delay and liquidated damages recovered or recoverable corresponding to the delay:

Provided that if the delay is not attributable to the generating company or the transmission licensee or the distribution licensee, as the case may be, and is due to uncontrollable factors as specified in Regulation 12, IEDC may be allowed after due prudence check:



Provided further that where the delay is attributable to an agency or contractor or supplier engaged by the generating company or the transmission licensee or the distribution licensee, the liquidated damages recovered from such agency or contractor or supplier shall be kept in view while computing the capital cost.

- c) In case the time over-run beyond Scheduled COD is not admissible after due prudence, the increase of capital cost on account of cost variation corresponding to the period of time overrun may be excluded from capitalization irrespective of price variation provisions in the contracts with supplier or contractor of the generating company or the transmission licensee or the distribution licensee.

#### **24. Additional Capitalization and De-capitalisation**

24.1 The capital expenditure, actually incurred or projected to be incurred, in respect of a New Project or an Existing Project, on the following counts within the original scope of work, after the Date of Commercial Operation and up to the Cut-off Date may be admitted by the Commission, subject to prudence check:

- a) Undischarged liabilities recognized to be payable at a future date;
- b) Works deferred for execution;
- c) Procurement of initial capital spares within the original scope of work, in accordance with the provisions of Regulation 23.6;
- d) Liabilities to meet award of arbitration or for compliance with the order or decree of a court of law; and
- e) Change in law or compliance with any existing law:

Provided that the details of works asset-wise/work-wise included in the original scope of work along with estimates of expenditure, liabilities recognized to be payable at a future date, and the works deferred for execution shall be submitted along with the application for determination of tariff.

24.2 The capital expenditure incurred or projected to be incurred in respect of the New Project on the following counts within the original scope of work after the Cut-off Date may be admitted by the Commission, subject to prudence check:

- a) Liabilities to meet award of arbitration or for compliance with the order or decree of a court of law;
- b) Change in law or compliance with any existing law;
- c) Any liability for works executed prior to the Cut-off Date, after prudence check of the details of such undischarged liability, the total estimated cost of the package, reasons for such withholding of payment and release of such payments, etc.

24.3 The capital expenditure, in respect of the Existing Project, incurred or projected to be incurred on the following counts after the Cut-off Date, may be admitted by the Commission, subject to prudence check:

- a) Liabilities to meet award of arbitration or for compliance with the order or decree of a court of law;
- b) Change in law or compliance of any existing law;
- c) Any expenses to be incurred on account of the need for higher security and safety of the capital asset as advised or directed by appropriate Government agencies or statutory authorities responsible for national security/internal security;
- d) Any liability for works executed prior to the Cut-off Date, after prudence check of the details of such undischarged liability, total estimated cost of package, reasons for such withholding of payment and release of such payments etc.;
- e) Any liability for works admitted by the Commission after the Cut-off Date to the extent of discharge of such liabilities by actual payments;
- f) Any additional capital expenditure, which has become necessary for efficient operation of the transmission system. The claim shall be substantiated with the technical justification duly supported by the documentary evidence like test results carried out by an independent agency in case of deterioration of assets, report of an independent agency in case of damage caused by natural calamities, obsolescence of technology, up-gradation of capacity for the technical reason such as increase in fault level; and
- g) In case of transmission system, any additional expenditure on items such as relays, control and instrumentation, computer system, power line carrier communication, DC batteries, replacement due to obsolescence of technology, replacement of switchyard equipment due to increase of fault level, tower strengthening, communication equipment, emergency restoration system, insulators cleaning infrastructure, replacement of porcelain insulator with polymer insulators, replacement of damaged equipment not covered by insurance and any other expenditure which has become necessary for successful and efficient operation of transmission system:

Provided that any expenditure on acquiring the minor items or the assets including tools and tackles, furniture, air-conditioners, voltage stabilizers, refrigerators, coolers, computers, fans, washing machines, heat convectors, mattresses, carpets, etc., bought after the Cut-off Date shall not be considered for additional capitalization for determination of tariff:

Provided further that if any expenditure has been claimed under Renovation and Modernisation (R&M) or repairs and maintenance under O&M Expenses, the same expenditure cannot be claimed under this Regulation.

- 24.4 Impact of additional capitalization on the tariff, as the case may be, shall be considered during truing up of each Financial Year of the Control Period.
- 24.5 In case of de-capitalisation of assets of a generating company or the distribution licensee or the transmission licensee, as the case may be, the original cost of such asset as on the date of de-capitalisation shall be deducted from the value of gross fixed asset and corresponding loan as well as equity shall be deducted from outstanding loan and the equity respectively in the year such de-capitalisation takes place, duly taking into consideration the year in which it was capitalised.

## **25. Consumer Contribution, Deposit Work, Grant and Capital Subsidy**

- 25.1 The works carried out by the Transmission Licensee and Distribution Licensee after obtaining a part or all of the funds from the users shall be classified as Deposit Works;
- 25.2 Capital works undertaken by the Transmission Licensee and Distribution Licensee utilizing grants received from the State and Central Governments, including funds under various schemes shall be classified under the category of Grants;
- 25.3 The works carried out with any other grant of similar nature or such amount received without any obligation to return the same and with no interest costs attached to such subvention shall also be classified as works performed through consumer contribution, deposit work, capital subsidy or grant.
- 25.4 The expenses on such capital expenditure shall be treated as follows:
- a) Normative O&M expenses as specified in these Regulations shall be allowed;
  - b) The debt-to-equity ratio shall be considered in accordance with Regulation 26, after deducting the amount of financial support provided through consumer contribution, deposit work, capital subsidy, or grant;
  - c) Depreciation to the extent of works performed through consumer contribution, deposit work, capital subsidy, or grant shall not be allowed as specified in Regulation 30;
  - d) Provisions related to return on equity, as specified in Regulation 27, shall not be applicable to the extent of financial support provided through consumer contribution, deposit work, capital subsidy, or grant;
  - e) Provisions related to interest on loan capital, as specified in Regulation 28, shall not be applicable to the extent of financial support provided through consumer contribution, deposit work, capital subsidy, or grant.

## **26. Debt to Equity Ratio**

- 26.1 In the case of Existing Projects, debt to equity ratio allowed by the Commission for the determination of tariff for the period ending shall be considered:

Provided that in case of retirement or replacement or De-capitalisation of the assets, the equity capital approved as mentioned above, shall be reduced to the extent of 30% (or actual equity component based on documentary evidence, if it is lower than 30%) of the original cost of such assets:

Provided further that in case of retirement or replacement or De-capitalisation of the assets, the debt capital approved as mentioned above, shall be reduced to the extent of the outstanding debt component based on documentary evidence, or the normative loan component, as the case may be, of the original cost of such assets.

- 26.2 For New Projects, the debt-equity ratio as on the Date of Commercial Operation shall be 70:30 of the amount of capital cost approved by the Commission under Regulation 23, after prudence checks for determination of tariff:

Provided that where equity actually deployed is less than 30% of the capital cost of the capitalized asset, the actual equity shall be considered for determination of tariff:

Provided also that if the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as a normative loan for the Licensee for determination of tariff:

Provided also that the Licensee shall submit documentary evidence for the actual deployment of equity and explain the source of funds for the equity:

Provided also that the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment:

Provided further that the premium, if any, raised by the Licensee while issuing share capital and investment of internal resources created out of its free reserves, for the funding of the scheme, shall be reckoned as paid up capital for the purpose of computing return on equity, provided such premium amount and internal resources are actually utilized for meeting the capital expenditure of the transmission system or the distribution system, and are within the ceiling of 30% of capital cost approved by the Commission.

26.3 Any expenditure incurred or projected to be incurred on or after April 1, 2024, as may be admitted by the Commission, as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in this Regulation.

## **27. Return on Equity (RoE)**

27.1 Return on Equity shall be computed on the paid-up equity capital determined in accordance with Regulation 26 for the assets put to use.

Provided that Return on Equity shall be allowed in two parts, i.e., Base Return on Equity and Additional Return on Equity for Distribution Licensees of the UT of Jammu & Kashmir and the UT of Ladakh.

Provided also that in case of Generation Company and Transmission Licensee the Return on Equity shall be allowed in accordance with the prevalent CERC Tariff Regulations.

27.2 The Base Return on Equity for the Distribution Wires Business and Retail Supply Business of the Distribution Licensee shall be allowed on the equity capital determined in accordance with Regulation 26 and Regulation 50 for the assets put to use at base rate of fourteen (14%) per cent per annum.

27.3 **Additional Return On Equity (RoE) for Distribution Licensees:** The Additional Return On Equity (RoE) of 1.5% shall be allowed at the time of true-up subject to the following: -

- i. If the Meterisation of unmetered domestic consumers is within Timelines specified under Central Government Schemes or through directives issued by this Commission an Additional RoE of 0.50% shall be allowed.
- ii. If the actual Repairs and Maintenance expenses in a year are more than 95% of the approved Repairs and Maintenance expenses for that year, an Additional Return on Equity of 0.50% shall be allowed.
- iii. Further, an Additional RoE of 0.5% shall be allowed at the discretion of the Commission on compliance of directives issued by this Commission through Tariff Order or Suo-Moto proceedings.

## **28. Interest and finance charges on Loan capital and Security Deposit**

28.1 The loans arrived at in the manner indicated in Regulation 26 on the assets put to use, shall be considered as gross normative loans for the calculation of interest on the loan:

Provided that interest and finance charges on capital works in progress shall be excluded:

Provided further that in case of De-capitalisation or retirement or replacement of assets, the loan capital shall be reduced to the extent of the outstanding loan component of the original cost of the de-capitalized or retired or replaced assets, based on documentary evidence.

Provided further that interest and finance charges for the Generating Company and Transmission Licensee shall be as per provisions laid down in the prevalent CERC Tariff Regulations.

28.2 The normative loan outstanding as on April 1, 2024, shall be worked out by deducting the cumulative repayment as admitted by the Commission up to March 31, 2024, from the approved gross normative loan.

28.3 Notwithstanding any moratorium period availed by the Distribution Licensee, as the case may be, the repayment of the loan shall be considered from the first year of commercial operation of the project and shall be equal to the annual depreciation allowed in accordance with Regulation 30.

28.4 The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio of the previous year after providing appropriate accounting adjustment for interest capitalised:

Provided also that if there is no actual loan for a particular Year but the normative loan is still outstanding, the last available weighted average rate of interest for the actual loan shall be considered:

Provided further that if the Transmission Licensee or the Distribution Licensee, as the case may be does not have actual loan, then one (1) Year State Bank of India (SBI) MCLR / any replacement thereof as notified by RBI for the time being in effect applicable for one (1) Year period, as may be applicable as on 1<sup>st</sup> April of the relevant Year plus 100 basis points shall be considered as the rate of interest for the purpose of allowing the interest on the normative loan.

28.5 The interest on the loan shall be calculated on the normative average loan of the Year by applying the weighted average rate of interest:

Provided that at the time of truing up, the normative average loan of the Year shall be considered on the basis of the actual asset capitalisation approved by the Commission for the Year.

28.6 The Distribution Licensee, shall make every effort to re-finance the loan as long as it results in net savings on interest, and in that event the costs associated with such re-financing shall be borne by the beneficiaries and the net savings on interest shall be shared between the beneficiaries and the Distribution Licensee, as the case may be, in the ratio of 1:2.

Provided that the changes to the terms and conditions of the loans shall be reflected from the date of such refinancing.

- 28.7 The above interest computation shall exclude the interest on the loan amount, normative or otherwise, to the extent of the capital cost funded by consumer contribution, deposit work, capital subsidy or grant, carried out by the Distribution Licensee.
- 28.8 The finance charges incurred for obtaining loans from financial institutions for any Year shall be allowed by the Commission at the time of Truing-up, subject to prudence check
- 28.9 The excess interest during construction on account of time and/or cost overrun as compared to the approved completion schedule and capital cost or on account of excess drawal of the debt funds disproportionate to the actual requirement based on Scheme completion status, shall be allowed or disallowed partly or fully on a case-to-case basis, after prudence check by the Commission:

Provided that where the excess interest during construction is on account of delay attributable to an agency or contractor or supplier engaged by the Transmission Licensee, any liquidated damages recovered from such agency or contractor or supplier shall be taken into account for computation of capital cost:

Provided further that the extent of liquidated damages to be considered shall depend on the amount of excess interest during construction that has been allowed by the Commission.

- 28.10 Interest shall be allowed on the amount held as security deposit by the Distribution Licensee, held in cash from Retail Consumers at the Bank Rate as on 1st April of the Financial Year in which the Petition is filed:

Provided that at the time of truing-up, the interest on the amount of security deposit for the Year shall be considered on the basis of the actual interest paid by the Licensee during the Year, subject to prudence check by the Commission.

### **29. Foreign Exchange Rate Variation (FERV)**

- 29.1 The Licensee may hedge foreign exchange exposure in respect of the interest on foreign currency loan and repayment of foreign loan acquired for the transmission system or distribution system, in part or in full at its discretion.
- 29.2 The Licensee shall be permitted to recover the cost of hedging of foreign exchange rate variation corresponding to the foreign debt, in the relevant Year as an expense, subject to prudence check by the Commission, and extra rupee liability corresponding to such variation shall not be allowed against the hedged foreign debt.
- 29.3 To the extent that the foreign exchange exposure is not hedged, any extra rupee liability towards interest payment and loan repayment corresponding to the foreign currency loan in the relevant Year shall be allowed subject to prudence check by the Commission.

### **30. Depreciation**

- 30.1 The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission:

Provided that the depreciation shall be allowed after reducing the approved original cost of the retired or replaced or decapitalized assets:

Provided also that no depreciation shall be allowed on the assets financed through consumer contribution, deposit work, capital subsidy, or grant.

- 30.2 The salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to a maximum of 90% of the capital cost of the asset.
- 30.3 Land other than the land held under the lease shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing the depreciable value of the assets.
- 30.4 The depreciation for a Distribution Licensee shall be calculated annually, based on the Straight-Line Method, over the Useful Life of the asset at rates specified in **Appendix-I** of the Regulations for assets declared in commercial operation after 31<sup>st</sup> March 2024.

Provided that the balance depreciable value as on 31<sup>st</sup> March 2024 closing after a period of 15 years from the date of commercial operation shall be spread over the balance useful life of the assets.

- 30.5 In the case of existing assets, the balance depreciable value as on April 1, 2024, shall be worked out by deducting the cumulative depreciation as admitted by the Commission up to March 31, 2024, from the gross depreciable value of the assets. The rate of depreciation shall be continued to be charged at the rate specified in **Appendix-I** till cumulative depreciation reaches 70%. Thereafter, the remaining depreciable value shall be spread over the remaining life of the asset such that maximum depreciation does not exceed 90%.
- 30.6 The depreciation shall be chargeable from the first year of commercial operations. In case of projected commercial operation of the assets during the Year, depreciation shall be computed based on the average of opening and closing value of assets:

Provided that depreciation shall be re-calculated during truing-up for assets capitalised at the time of truing up of each Year of the Control Period, based on documentary evidence of asset capitalised by the Applicant, subject to the prudence check of the Commission.

- 30.7 For Generating Company and Transmission Licensee, the depreciation shall be calculated at rates and norms specified in Chapter 4 and Chapter-5 respectively.
- 30.8 The Distribution Licensee shall provide the list of assets added during each Year of Control Period and list of assets completing 90% of depreciation in the Year along with Petition for annual performance review, true-up and tariff determination for ensuing Year.

### **31. Interest on Working Capital**

- 31.1 The norms for working capital for Generating Company shall be as specified in Chapter 4 of these Regulations.
- 31.2 The norms for working capital for Transmission Licensee shall be as specified in Chapter 5 of these Regulations.
- 31.3 The norms for working capital for Distribution Wires Business and Retail Supply Business shall be as specified in Chapter 6 and Chapter 7 of these Regulations.
- 31.4 The interest on working capital shall be payable on normative basis notwithstanding that the Licensee has not taken a working capital loan from any outside agency or has exceeded the working capital loan based on the normative figures.
- 31.5 The rate of interest on working capital shall be equal to one (1) Year State Bank of India (SBI) MCLR / any replacement thereof as notified by RBI for the time being in effect applicable for one (1) Year period, as may be applicable as on 1st April of the Financial Year in which the Petition has filed plus 200 basis points.

### **32. Tax on income**

- 32.1 The treatment of tax on income for a Generating Company or Transmission Licensee shall be in accordance with the prevalent CERC Tariff Regulations.
- 32.2 The Commission in its MYT Order shall provisionally approve Income Tax payable for each Year of the Control Period, if any, based on the actual income tax paid, including cess and surcharge on the same, if any, as per the latest audited accounts available for the Distribution Licensee, subject to prudence check.
- 32.3 Variation between Income Tax actually paid, including cess and surcharge on the same, if any, and approved, if any, on the income stream of the Licensed business of the Distribution Licensees shall be reimbursed to/recovered from the Distribution Licensees, based on the documentary evidence submitted at the time of truing up of each Year of the Control Period, subject to prudence check.
- 32.4 Under-recovery or over-recovery of any amount from the Consumers on account of such tax having been passed on to them shall be adjusted every Year on the basis of income-tax assessment under the Income-Tax Act, 1961, as certified by the statutory auditors. The Distribution Licensee may include this variation in its truing up Petition:

Provided that tax on any income stream other than the core business shall not be a pass-through component in tariff and tax on such other income shall be borne by the Distribution Licensee.

### **33. Rebate**

- 33.1 The rebate to be provided by a Generating Company or Transmission Licensee to a Distribution Licensee for early payment of bills shall be in accordance with the prevalent CERC Tariff Regulations.
- 33.2 Such rebate earned by the Distribution Licensee shall be considered under Non-Tariff Income for the Distribution Licensee.
- 33.3 All rebates/incentives provided by the Generating Company or Transmission Licensee to the beneficiaries shall be allowed as an expense for the Generating Company or Transmission Licensee, as the case may be.
- 33.4 Penalties paid, if any, by the Generating Company or Transmission Licensee shall not be allowed as an expense for the Generating Company or Licensee

### **34. Bad and doubtful debts.**

- 34.1 The Commission may allow a provision for bad and doubtful debts up to one percent (1%) of the estimated annual revenue of the distribution licensee, subject to the actual writing of bad debts by it in the previous years.

Provided further that where the total amount of such provisioning allowed in previous years for bad and doubtful debts exceeds five (5) percent of the receivables at the beginning of the year, no such appropriation shall be allowed which would have the effect of increasing the provisioning beyond the said maximum.

### **35. Late Payment Surcharge**

- 35.1 In case the payment of bills of transmission charges by a beneficiary is delayed beyond a period as specified in the prevalent CERC Tariff Regulations, a late payment surcharge shall be levied on the billed amount in accordance with the prevalent CERC Tariff Regulations.

- 35.2 The delayed payment charge earned by the Transmission Licensee or the Distribution Licensee shall not be considered under its Non-Tariff Income.
- 35.3 Interest on delayed payment earned by the Transmission Licensee or the Distribution Licensee shall be considered under its Non-Tariff Income after subtracting the normative interest on additional working capital required by the Licensee on account of delayed payment by Consumers.
- 35.4 The delayed payment charge paid or payable by the Distribution Licensee to the Generating Company or the Transmission Licensee shall not be allowed as an expense for such Distribution Licensee.

### **36. Income from Other Business**

- 36.1 The revenue from other business shall be treated as income to the extent authorised by the Commission under Sections 41 and 51 of the Electricity Act, 2003.
- 36.2 Where the Transmission Licensee or Distribution Licensee is engaged in any Other Business, the income from such business shall be calculated by the Commission appropriately:

Provided that the Licensee shall follow a reasonable basis for allocation of all joint and common costs between the transmission or distribution business and the Other Business and prepare Accounting Statements accordingly.

Provided further that where the sum total of the direct and indirect costs of such Other Business exceeds the revenues from such Other Business, no amount shall be allowed to be added to the Aggregate Revenue Requirement of the Licensee on account of such Other Business.

### **37. Regulatory Asset**

- 37.1 In case of abnormal variation in income or expenses resulting in substantial revenue gap, full recovery of which in a single year is not feasible, the Commission may allow creation of Regulatory Asset as per guidelines provided in clause 8.2.2 of the Tariff Policy 2016 and its amendments and suitably provide for its recovery through tariff or as a surcharge within a period not exceeding seven years. Amortisation of the regulatory asset so created shall be dealt in accordance with the Tariff Policy, provided that the Commission may allow a carrying cost on Regulatory Asset at such rates as the Commission may deem fit.

## **Chapter 4: Generation**

### **38. Applicability**

- 38.1 The Regulations contained in this Chapter shall apply for the determination of tariff for supply of electricity to the Distribution Licensee from a Generating Station located in the UT of Jammu & Kashmir & the UT of Ladakh.
- 38.2 The Commission shall be guided by the terms and conditions contained in this Chapter in determining the tariff for supply of electricity by a Generating Company to a Distribution Licensee in the following cases:
- Where such tariff is pursuant to a power purchase agreement or arrangement entered into subsequent to the date of effectiveness of these Regulations; or
  - Where such tariff is pursuant to a power purchase agreement or arrangement entered into prior to the date of effectiveness of these Regulations and either the Commission has not previously approved such agreement/arrangement or the agreement/arrangement envisages that the tariff shall be based on the Tariff Regulations notified by the Commission; or
  - Where the Distribution Licensee is engaged in the business of generation of electricity, in determining the price at which electricity is supplied by the Generating Station of the Distribution Licensee to its Retail Supply Business.
- 38.3 Notwithstanding anything contained in this Chapter 4, the Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.

### **39. Components of Tariff**

- 39.1 The Aggregate revenue requirement for a Generation company shall be determined by the commission, except for projects covered under a competitive bidding process, on the basis of an application for determination of ARR made by the generating company in accordance with Chapter 2 of these regulations. The recovery of Aggregate Revenue Requirement and fuel cost for a Generation Company shall be in accordance with the prevalent CERC Tariff Regulations governing generation of electricity. The Aggregate Revenue Requirement for a Generation Company shall comprise of the following components:
- Return on Equity;
  - Interest and finance charges on Loan;
  - Depreciation;
  - Interest on Working Capital;
  - Operation and maintenance expenses;

f) Income tax

**Less:**

g) Non-Tariff Income;

h) Income from Other Business, to the extent specified in these Regulations

39.2 The treatment of each of the above components shall be in accordance with the prevalent CERC Tariff Regulations governing the generation of electricity.

39.3 The Aggregate revenue requirement for a Generation company shall be determined by the commission, except for projects covered under a competitive bidding process, on the basis of an application for determination of ARR made by the generating company in accordance with Chapter 2 of these regulations. The recovery of Aggregate Revenue Requirement and fuel cost for a Generation Company shall be in accordance with the prevalent CERC Tariff Regulations governing generation of electricity.

#### **40. Norms of operation**

40.1 The norms of operation for a Generating Station including Normative annual plant availability factor (NAPAF), Normative Annual Plant Load Factor (NAPLF), Gross Station Heat Rate, Auxiliary Consumption etc. shall be in accordance with the prevalent CERC Tariff Regulations governing generation of electricity.

Provided that the Generation Company viz. Jammu & Kashmir Power Development Corporation Limited (JKPDCL) shall conduct a detailed study to ascertain the plant-wise NAPAF for the twenty-two (22) Hydro Electric Power Stations (HEPs) and submit the same before the Commission under a separate petition. Based on the study report, the Commission shall determine the plant-wise NAPAF for the HEPs of JKPDCL.

Provided that the guidelines for calculation of NAPAF is laid down in **Appendix-III** to these Regulations.

### **Chapter 5: Intra-State Transmission**

#### **41. Applicability**

41.1 The Regulations contained in this Chapter shall apply for the determination of tariff for access and use of the intra- State transmission system in the UT of Jammu & Kashmir and the UT of Ladakh.

#### **42. Components of tariff**

42.1 The annual transmission charges for each Financial Year of the Control Period shall provide for the recovery of the Aggregate Revenue Requirement of the Transmission Licensee for the respective Financial Year of the Control Period, as reduced by the amount of Non-Tariff Income, income from Other Business and short-term open access charges as approved by the Commission:

Provided that in case of competitively awarded transmission system projects in pursuance of Section 63 of the Act and in accordance with guidelines for competitive bidding for transmission, the annual transmission charges shall be as per the annual Transmission Service Charges (TSC) quoted by such competitively awarded transmission projects.

Provided also that all new Intra-State Transmission Project costing above the threshold limit as decided by the Commission and meeting other conditions as laid down in **Appendix-IV** shall be developed through Tariff Based Competitive Bidding (TBCB).

42.2 The annual transmission charges of the Transmission Licensee shall be determined by the Commission on the basis of an application for determination of Aggregate Revenue Requirement made by the Transmission Licensee in accordance with Chapter 2 of these Regulations.

42.3 The Aggregate Revenue Requirement for a Transmission Licensee shall comprise the following components:

a) Return on Equity;

b) Depreciation;

c) Interest and Finance Charges on Loan Capital;

d) Interest on Working Capital and deposits from Transmission System Users;

e) Operation and maintenance expenses;

f) Income Tax

**Less:**

g) Income from Open Access Charges;

h) Non-Tariff Income;

i) Income from Other Business, to the extent specified in these Regulations:

42.4 The treatment of each of the above components shall be in accordance with the prevalent CERC Tariff Regulations governing transmission of electricity.

Provided that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case-to-case basis, subject to prudence check.

#### 43. Norms of Working Capital for Transmission Licensee

43.1 The Transmission Licensee shall be allowed interest on the estimated level of working capital for the Financial Year computed in accordance with prevalent CERC Tariff Regulations.

#### 44. Non-Tariff Income

44.1 The Non-Tariff Income for a Transmission Licensee shall be applicable as specified in the prevalent CERC Tariff Regulations.

#### 45. Norms of Operations for Transmission Licensee

45.1 The norms of operations for a Transmission Licensee shall be applicable as specified in the prevalent CERC Tariff Regulations.

Provided that sharing of incentive, if any with the beneficiaries for exceeding the norms of operations shall be in accordance with provisions of prevalent CERC Tariff Regulations.

#### 46. Transmission Loss

46.1 The energy losses in the transmission system of the Transmission Licensee, as determined by the State Load Despatch Centre, shall be borne by the Transmission System Users in proportion to their usage of the intra- State transmission system.

#### 47. Sharing of charges for Intra-State Transmission Network

47.1 The Aggregate Revenue Requirement of the Transmission Licensee, as approved by the Commission, shall be shared by all long-term users and medium-term users of the transmission system on a monthly basis in the ratio of their respective "Allotted Transmission Capacity" to the total Allotted Transmission Capacity, in accordance with the following formula:

$$ATC_n = (\text{Transmission ARR} / 12) \times (CC_n / SCC)$$

Where,

**ATC<sub>n</sub>** = Monthly Transmission Charges payable by the nth long-term user or medium-term user of the transmission system;

**Transmission ARR** = Aggregate Revenue Requirement of the Transmission Licensee, determined in accordance with these Regulations;

**CC<sub>n</sub>** = Allotted Transmission Capacity by the nth long-term user or medium-term user of the transmission system;

**SCC** = Sum of Allotted Transmission Capacity by all long-term users and medium-term users of the transmission system:

Provided that the **ATC<sub>n</sub>**, shall be payable on a monthly basis by each long-term user or medium-term user of the transmission system and shall be collected by the "State Transmission Utility (STU)".

47.2 The short-term Open Access Consumers shall pay transmission charges on Rs/MW/day basis as determined by the Commission in accordance with applicable open access regulations enforce.

47.3 75% of charges collected from the short-term Open Access Consumers shall be adjusted towards reduction in the charges payable by the long-term and medium-term Open Access Consumers. The remaining 25% of the charges collected from short-term Open Access users shall be retained by the Transmission Licensee.

#### 48. Consequential Impact of any Government of India Scheme

48.1 The consequential impact of any Government of India scheme for waiver/reduction of transmission charges, incentives, and losses for any entity/ies, on the transmission charges payable by the other entities, shall be addressed through separate Orders to be issued by the Commission from time to time.

### Chapter 6: Distribution Wires Business

#### 49. Separation of Accounts of Distribution Licensee

49.1 Every Distribution Licensee shall segregate accounts for Distribution Wires Business and Retail Supply Business and shall prepare an Allocation Statement. The wheeling charges pertaining to Distribution Wires Business of the Distribution Licensee shall be determined by the Commission on the basis of these segregated accounts:

Provided that in case complete accounting segregation has not been done, the following Allocation Statement shall be applicable:

**Table 1: Allocation Statement for segregation of Distribution Wires Business and Retail Supply Business**

Particulars	Wires Business (%)	Retail Supply Business (%)
Power Purchase Expenses	0%	100%
Inter-State Transmission Charges	0%	100%



Particulars	Wires Business (%)	Retail Supply Business (%)
Intra-State Transmission Charges	0%	100%
Employee Expenses	40%	60%
Administration & General Expenses	50%	50%
Repair & Maintenance Expenses	90%	10%
Capital Cost	90%	10%
Depreciation	90%	10%
Interest on Long-term Loan Capital	90%	10%
Interest on working capital and on consumer security deposits	10%	90%
Bad Debts Written off	0%	100%
Income Tax	90%	10%
Non-Tariff Income	10%	90%
Income from Other Business	50%	50%

Provided further that the above Allocation Statement shall be applied for all or any of the heads of expenditure and revenue, where actual accounting separation has not been done between the Distribution Wires Business and Retail Supply Business.

## 50. Applicability

50.1 The Regulations contained in this Chapter shall apply to the determination of wheeling charges for usage of distribution wires of a Distribution Licensee by a distribution system user, other than retail supply Consumers.

## 51. Aggregate Revenue Requirement for Distribution Wires Business

51.1 The wheeling charges for Distribution Wires Business of the Distribution Licensee shall provide for the recovery of the Aggregate Revenue Requirement, which shall comprise of the following:

- a) Return on Equity;
- b) Interest and finance charges on Loan;
- c) Depreciation;
- d) Interest on Working Capital and deposits from distribution system users;
- e) Operation and maintenance expenses;
- f) Income Tax;

### Less:

- g) Non-Tariff income;
- h) Income from Other Business, to the extent specified in these Regulations:

Provided that Return on Equity, Interest on Loan Capital, Depreciation, Interest on Working Capital, Interest on deposits from Consumers and distribution system users, and Income Tax for Distribution Wires Business shall be allowed in accordance with the provisions specified in Chapter 3 of these Regulations:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case-to-case basis, subject to prudence check:

Provided also that all penalties and compensation payable by the Licensee to any party for failure to meet any Standards of Performance or for damages, as a consequence of the orders of the Commission, Courts, Consumer Grievance Redressal Forum, and Ombudsman, etc., shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the Distribution Licensee shall maintain separate details of such penalties and compensation paid or payable by the Licensee, if any, and shall submit them to the Commission along with its Petition.

## 52. Operation and Maintenance (O&M) expenses for Distribution Wires Business

52.1 The Operation and Maintenance expenses for the Distribution Wires Business shall be computed in accordance with these Regulations.

52.2 Operation and Maintenance (O&M) expenses shall comprise of the following:

- a) Employee (EMP) expenses -salaries, wages, pension contribution and other employee costs;
- b) Administrative and General (A&G) expenses including insurance charges if any; and
- c) Repairs and Maintenance (R&M) expenses.

52.3 O&M expenses for the nth Year of the Control Period shall be approved based on the formula given below:

$$\mathbf{O\&M_n = (R\&M_n + EMP_n + A\&G_n) + Terminal Liabilities;}$$

(a) Employee Cost

Employee cost shall be computed on employee expenses for previous years escalated by consumer price index (CPI) and suitable Growth Factor adjusted by provisions for expenses beyond the control of the Distribution Licensee such as recovery/adjustment of terminal benefits, implications of Pay Commission, arrears and Interim Relief, governed by the following formula:

$$\mathbf{EMP}_n = (\mathbf{EMP}_{n-1}) \times (1 + \mathbf{CPI}_{inflation}) + \mathbf{Growth\ Factor(G)} + \mathbf{Provisions}$$

Where,

**EMP<sub>n</sub>** – Employee expenses of the Distribution Licensee for the nth Year;

**EMP<sub>n-1</sub>** – Average Employee expenses for past three years, if n=1; Employee expenses for (n-1)th year, otherwise.

**CPI<sub>inflation</sub>** – is the average increase in Consumer Price Index (CPI) for immediately preceding three (3) Years before the base Year;

**Growth Factor(G)** – Shall be Year-on-Year/CAGR/any escalation factor considered by the licensee for projecting the employee expenses considering future recruitment/retirement plans or requirement of additional manpower;

**Provision:** Provision for expenses beyond control of the Distribution Licensee and expected one-time expenses as specified above.

#### **(b) Repairs and Maintenance(R&M) Expense**

Repairs and Maintenance expense shall be calculated on Actual R&M expenses incurred for previous years escalated by Wholesale Price Index (WPI) as per the following formula:

$$\mathbf{R\&M}_n = (\mathbf{R\&M}_{n-1}) \times (1 + \mathbf{WPI}_{inflation})$$

Where,

**R&M<sub>n</sub>** – Repair and Maintenance expenses of the Distribution Licensee for the nth Year;

**R&M<sub>n-1</sub>** – Average Repair and Maintenance expenses for past three years, if n=1; Repair and Maintenance expenses for (n-1)th year, otherwise.

**WPI<sub>inflation</sub>** – is the average increase in the Wholesale Price Index (WPI) for immediately preceding three (3) Years before the base Year;

#### **(c) Administrative and General Expense**

A&G expense shall be computed on actual A&G expenses of previous years escalated by wholesale price index (WPI) and adjusted by provisions for confirmed initiatives (IT initiatives as proposed by the Distribution Licensee and validated by the Commission) or other expected one-time expenses, and shall be governed by following formula:

$$\mathbf{A\&G}_n = (\mathbf{A\&G}_{n-1}) \times (1 + \mathbf{WPI}_{inflation}) + \mathbf{Provision}$$

Where,

**A&G<sub>n</sub>**– Administrative and General expenses of the Distribution Licensee for the nth Year;

**A&G<sub>n-1</sub>**– Average Administrative and General expenses for past three years, if n=1; Administrative and General expenses for (n-1)th year, otherwise.

Actual Administrative and General expenses for (n-1)th Year;

**WPI<sub>inflation</sub>** – is the average increase in the Wholesale Price Index (WPI) for immediately preceding three (3) Years before the base Year;

**Provision:** Cost for initiatives or other one-time expenses as proposed by the Distribution Licensee and validated by the Commission

#### **(d) Terminal liabilities**

Terminal liabilities of employees of the Licensee including pension expenses etc. shall be approved as per actuals submitted by the Licensee, subject to prudence check or be established through actuarial studies. Additionally, any variation due to changes recommended by the pay commission shall be allowed separately by the Commission, subject to prudence check.

- 52.4 For the purpose of estimation, the same value of factors – **CPI<sub>inflation</sub>** and **WPI<sub>inflation</sub>** shall be used for all Years of the Control Period. However, the Commission shall consider the actual values of the factors – **CPI<sub>inflation</sub>** and **WPI<sub>inflation</sub>** during the truing up exercise for the Year for which true up is being carried out and true up the O&M Expenses for that Year, only to the extent of inflation.

### **53. Norms of Working Capital for Distribution Wires Business**

- 53.1 The Distribution Licensee shall be allowed interest on the estimated level of working capital for the Distribution Wires Business for the Financial Year, computed as follows:

- a) O&M Expenses for one (1) month; plus
- b) Maintenance spares at 40% of Repair and Maintenance (R&M) Expenses for one (1) month; plus
- c) Receivables equivalent to two (2) months of the expected revenue from charges for use of distribution wires at the prevailing tariff;

**Less**

- d) Amount, if any, held as security deposits under clause (b) of sub-section (1) of Section 47 of the Act from distribution system users except the security deposits held in the form of Bank Guarantees:

Provided that at the time of truing up for any Year, the working capital requirement shall be re-calculated on the basis of the values of components of working capital approved by the Commission in the truing up.

**54. Non-Tariff Income**

- 54.1 The amount of Non-Tariff Income relating to the Distribution Wires Business as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in determining the wheeling charges of the Distribution Wires Business of the Distribution Licensee:

Provided that the Distribution Licensee shall submit full details of its forecast of Non-Tariff Income to the Commission along with its application for determination of wheeling charges.

- 54.2 The Non-Tariff Income shall inter-alia include:

- a) Income from rent of land or buildings;
- b) Income from sale of scrap;
- c) Income from statutory investments;
- d) Income from interest on contingency reserve investment;
- e) Interest on advances to suppliers/contractors;
- f) Rental from staff quarters;
- g) Rental from contractors;
- h) Income from hire charges from contactors and others;
- i) Income from advertisements, etc.;
- j) Miscellaneous receipts;
- k) Excess found on physical verification;
- l) Deferred Income from grant, subsidy, etc., as per Annual Accounts;
- m) Prior period income, etc.:

Provided that the interest/dividend earned from investments made out of Return on Equity corresponding to the Distribution Wires Business of the Distribution Licensee shall not be included in Non-Tariff Income.

**55. Determination of wheeling Charges**

- 55.1 The Commission shall specify the Wheeling Charge of Distribution Wires Business of the Distribution Licensee in its Order passed under sub-section (3) of Section 64 of the Act:

Provided that the revenue from wheeling charges paid by the distribution system users other than the retail Consumers under the above proviso shall be used to reduce the Aggregate Revenue Requirement of the Distribution Wires Business to be recovered from the retail Consumers of the concerned Distribution, as amended from time to time.

**56. Wheeling Losses**

- 56.1 The Distribution Licensee shall be allowed to recover, in kind, the approved level of wheeling losses arising from the operation of the distribution system, as stipulated in the respective Tariff Order.

**Chapter 7: Retail Supply of Electricity**

**57. Applicability**

- 57.1 These Regulations shall apply to determination of tariff for retail supply of electricity by a Distribution Licensee to its Consumers.

**58. Aggregate Revenue Requirement for Retail Supply Business**

- 58.1 The tariff for retail supply of the Distribution Licensee shall provide for the recovery of the Aggregate Revenue Requirement of the Retail Supply Business for the respective Years of the Control Period, as approved by the Commission and comprising the following components:

- a) Cost of own power generation and power purchase expenses from other sources including Jammu Kashmir Power Corporation Ltd (JKPCL);
- b) Inter-State transmission charges;
- c) RLDC fees;
- d) Intra-State transmission charges;
- e) SLDC fees and charges;
- f) Balance Aggregate Revenue Requirement for Distribution Wires Business, as determined under Chapter 6 of these Regulations, after deducting income from wheeling charges payable by distribution system users other

than the retail Consumers getting electricity supply from the same Distribution Licensee in accordance with prevalent Open Access Regulations, as amended from time to time;

- g) Provision for bad and doubtful debts;
- h) Return on Equity capital;
- i) Operation and Maintenance Expenses;
- j) Depreciation;
- k) Interest and finance charges on Loan Capital;
- l) Interest on Working Capital;
- m) Interest on consumer security deposits;
- n) Income Tax;

**Less**

- o) Non-Tariff income;
- p) Income from Other Business, to the extent specified in these Regulations;
- q) Receipts on account of Cross-Subsidy Surcharge;
- r) Receipts on account of Additional Surcharge:

Provided that Depreciation, Interest on Loan Capital, Interest on Working Capital, Interest on consumer security deposits, Contribution to Contingency Reserves, Return on Equity, and Income Tax for Retail Supply Business shall be allowed in accordance with the provisions specified in Chapter 3 of these Regulations:

Provided further that prior period income/expenses shall be allowed by the Commission at the time of truing up based on audited accounts, on a case-to-case basis, subject to prudence check:

Provided also that all penalties and compensation payable by the Licensee to any party for failure to meet any Standards of Performance or for damages, as a consequence of the orders of the Commission, Courts, Consumer Grievance Redressal Forum, and Ombudsman, etc. or penalty imposed by Commission on Licensee for non-compliance with Renewable Purchase Obligations in accordance, as amended from time to time shall not be allowed to be recovered through the Aggregate Revenue Requirement:

Provided also that the Distribution Licensee shall maintain separate details of such penalties and compensation paid or payable by the Licensee, if any, and shall submit them to the Commission along with its Petition.

- 58.2 The tariff for retail supply by the Distribution Licensee shall be determined by the Commission on the basis of a Petition for determination of tariff filed by the Distribution Licensee in accordance with Chapter 2 of these Regulations:

Provided that the Aggregate Revenue Requirement of the Distribution Licensee shall be allocated or apportioned between the Distribution Wires Business and Retail Supply Business in accordance with Table 1 in Regulation 49.1, till the accounts for Distribution Wires Business and Retail Supply Business are not separated:

Provided further that the tariff for retail supply may comprise of any combination of fixed/demand charges, energy charges, and any other charges, for the purpose of recovery from the Consumers, as may be stipulated by the Commission:

Provided also that the Commission may determine the area-wise tariff for Distribution Licensee based on the performance parameters as may be stipulated by the Commission.

**59. Power Procurement Planning**

- 59.1 The Distribution Licensee shall prepare a plan for procurement of power (in MW/ MU) to serve the demand for electricity in its area of supply and submit such plan to the Commission for approval in accordance with the prevalent Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Power Purchase and Procurement Process) Regulations 2023.

**60. Power Purchase Quantum and Cost**

- 60.1. The power purchase quantum and cost shall be calculated in accordance with the prevalent Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh Power Purchase and Procurement Process Regulations 2023.

**61. Fuel and Power Purchase Adjustment Surcharge (FPPAS)**

- 61.1. The Fuel and power purchase adjustment surcharge (FPPAS) formula has been specified as provided in Section 62(4) of the Electricity Act 2003, for recovery/adjustment of increase or decrease in power purchase cost.

*The Commission recognises that in order to update its billing system/ application software etc , the licensee need time and implementation of monthly Fuel and Power Purchase Adjustment Surcharge at the outset shall create problems in implementation of FPPAS . In view of this during the present control period, JKPC/distribution*

licensee shall submit the detailed calculation for FPPAS before the Commission on a quarterly basis as per the procedure prescribed below:

Fuel and Power Purchase Adjustment Surcharge shall be computed by JKPCL/distribution licensee, in  $(n + 2)^{th}$  month, on the basis of actual variation in cost of fuel and power purchase for the power procured during the  $n$ ,  $(n+1)^{th}$  &  $(n+2)^{th}$  month as per the formula specified in Regulation 61.6 below. The FPPAS calculation for the quarter consisting the  $n$ ,  $(n+1)^{th}$  &  $(n+2)^{th}$  month shall be submitted to the Commission during  $(n + 2)^{th}$  month, and after approval of the Commission, the FPPAS for the quarter shall be passed on to the consumers through adjustment in the tariff in suitable instalment as suggested by the Commission.

Provided that distribution licensees shall pay the Fuel and Power Purchase Adjustment Surcharge to JKPCL on quarterly basis after approval of the Commission.

- 61.2. Fuel and Power Purchase Adjustment Surcharge during the next control period starting from FY 2026-27 shall be computed and charged by JKPCL/distribution licensee, in  $(n + 2)^{th}$  month, on the basis of actual variation, in cost of fuel and power purchase for the power procured during the  $n^{th}$  month. For example, the fuel and power purchase adjustment surcharge on account of changes in tariff for power supplied during the month of April of any financial year shall be computed and billed in the month of June of the same financial year:

Provided that the computation for FPPAS shall be done according to the formula specified by the Commission and billed to consumers on a monthly basis automatically and JKPCL/distribution licensee must submit the detailed calculation before the Commission on a quarterly basis for post-facto approval.

- 61.3. The distribution licensee shall submit all necessary details of the variation between expenses incurred and the fuel and power purchase adjustment surcharge recovered, and the detailed computations and supporting documents, as required by the Commission, during true up of the normal tariff.
- 61.4. To ensure smooth implementation of the fuel and power purchase adjustment surcharge mechanism and its recovery, the distribution licensee shall ensure that the licensee billing system is updated to take this into account and a unified billing system shall be implemented to ensure that there is a uniform billing system irrespective of the billing and metering vendor through interoperability or use of open-source software as available.
- 61.5. The licensee shall publish all details including the fuel and power purchase adjustment surcharge formula, calculation of monthly fuel and power purchase adjustment surcharge, and recovery of fuel and power purchase adjustment surcharge (separately for automatic and approved portions) on its website and archive the same through a dedicated web address.
- 61.6. Computation of Fuel and Power Purchase Adjustment Surcharge: The formula for Computation of Fuel and Power Purchase Adjustment Surcharge (FPPAS) for  $n$ th month is as follows:

$$\text{Monthly FPPAS for } n\text{th Month (\%)} = (A-B) * C \div \{Z * (1 - \text{Distribution losses in \%} \div 100)\} * ABR$$

Where,

“ $n$ th” month means the month in which billing of fuel and power purchase adjustment surcharge component is done. This fuel and power purchase adjustment surcharge is due to changes in tariff for the power supplied in  $n$ th month;

“ $A$ ” is Total units procured in  $(n - 2)^{th}$  Month (in kWh) from all Sources including Long-term, Medium-term and Short-term Power purchases (To be taken from the bills issued to JKPCL);

“ $B$ ” is bulk sale of power from all Sources in  $(n - 2)^{th}$  Month. (in kWh) = (to be taken from provisional accounts to be issued by State Load Dispatch Centre by the 10th day of each month);

“ $C$ ” is incremental Average Power Purchase Cost = Actual average Power Purchase Cost (PPC) from all Sources in  $(n - 2)^{th}$  month (Rs./kWh) (computed) - Projected average Power Purchase Cost (PPC) from all Sources (Rs./kWh)- (from tariff order);

“ $Z$ ” = [ $\{$ Actual Power purchased from all the sources outside the State in  $(n - 2)^{th}$  Month. (in kWh) \*  $(1 - \text{Inter-state transmission losses in \%} / 100) + \text{Power purchased from all the sources within the State (in kWh)}\} * (1 - \text{Intra-state losses in \%} / 100) - B]$  in kWh

“ $ABR$ ” = Average Billing Rate for the year (to be taken from the Tariff Order in Rs/kWh)

“**Distribution Losses (in %)**” = Target Distribution Losses (from Tariff Order)

“**Inter-state transmission Losses (in %)**” = As per Tariff Order

“**Intra-state transmission Losses (in %)**” = As per Tariff Order

- 61.7. The Power Purchase Cost shall exclude any charges on account of Deviation Settlement Mechanism.

61.8. Other charges which include Ancillary Services and Security Constrained Economic Despatch shall not be included in the Fuel and Power Purchase Adjustment Surcharge and adjusted through the true-up approved by the Commission.

**62. Transmission Charges**

62.1 The Distribution Licensee shall be allowed to recover transmission charges payable for access to and use of the intra-State transmission system in accordance with the tariff approved by the Commission under Chapter 5 of these Regulations and the inter-state transmission system as per prevalent CERC Tariff Regulations.

**63. Operation and Maintenance (O&M) expenses for Retail Supply Business**

63.1 The Operation and Maintenance Expenses for the Retail Supply Business shall be computed in accordance with Regulation 52 of these Regulations.

**64. SLDC and RLDC Fees & Charges**

64.1 The Distribution Licensee shall be allowed to recover SLDC fees and charges payable to SLDC in accordance with the fees and charges approved by the Commission. Further the distribution licensee shall be allowed to recover RLDC fees.

**65. Provision for bad and doubtful debts**

65.1. The provision for bad and doubtful debts shall be dealt in accordance with Regulation 34 of these Regulations.

**66. Norms of Working Capital for Retail Supply Business**

66.1 The Working Capital for Retail Supply Business shall be determined in accordance with Regulation 58 of these Regulations

**67. Non-Tariff Income**

67.1 The amount of Non-Tariff Income relating to the retail supply of electricity as approved by the Commission shall be deducted from the Aggregate Revenue Requirement in calculating the tariff for retail supply of electricity by the Distribution Licensee:

Provided that the Distribution Licensee shall submit full details of its forecast of Non-Tariff Income to the Commission along with its application for determination of tariff.

67.2 The Non-Tariff Income shall inter-alia include:

- a) Income from rent of land or buildings;
- b) Income from sale of scrap;
- c) Income from statutory investments;
- d) Interest on advances to suppliers/contractors;
- e) Rental from staff quarters;
- f) Rental from contractors;
- g) Income from hire charges from contractors and others;
- h) Income from advertisements, etc.;
- i) Meter/metering equipment/service line rentals;
- j) Service charges;
- k) Consumer charges;
- l) Recovery for theft and pilferage of energy;
- m) Rebate availed on account of timely payment of bills;
- n) Miscellaneous receipts;
- o) Deferred Income from grant, subsidy, etc., as per Annual Accounts;
- p) Prior period income, etc.:

Provided that the interest/dividend earned from investments made out of Return on Equity corresponding to the Retail Supply Business of the Distribution Licensee shall not be included in Non-Tariff Income:

Provided further that any income earned by a Distribution Licensee by sale of power to other Distribution Licensees or to Consumers as per Section 49 of the Act using the existing power purchase agreements or bulk supply capacity allocated to the Distribution Licensee's Area of Supply shall be reduced from the Aggregate Revenue Requirement of the Distribution Licensee for the purpose of determination of tariff. Such reduction shall be carried out in accordance with Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Power Purchase and Procurement Process of Licensees) Regulations, as applicable.

**68. Receipts on account of Cross-Subsidy Surcharge and Additional Surcharge**

- 68.1 The Cross-Subsidy Surcharge received by the Distribution Licensee in accordance with the prevalent Open Access Regulations as amended from time to time, at the rate approved by the Commission shall be deducted from the Aggregate Revenue Requirement, at the time of truing up.
- 68.2 The Additional surcharge received by the Distribution Licensee in accordance with the prevalent Open Access Regulations as amended from time to time, at the rate approved by the Commission shall be deducted from the Aggregate Revenue Requirement, at the time of truing up.

**69. Distribution Losses**

- 69.1. The Distribution Licensee shall recover the approved level of distribution losses arising from the Retail Supply of electricity.
- 69.2. The Commission may stipulate a trajectory for distribution losses for the Control Period in accordance with these Regulations, as part of the Multi Year Tariff Order.
- 69.3. Any variation between the actual level of distribution losses and the approved level shall be dealt with, as part of the Truing up exercise in accordance with Regulation 18.

**70. Determination of Tariff**

- 70.1 The Commission may categorize Consumers on the basis of their load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required and any other factor as considered appropriate by the Commission.
- 70.2 The Commission shall endeavor to determine cost of supply for each category/ sub-category of Consumers.
- 70.3 The Commission shall endeavor to reduce gradually the cross-subsidy between Consumer categories with respect to the cost of supply in accordance with the provisions of the Act.
- 70.4 The tariff proposal by Licensee and the tariff determination by the Commission shall be based on the following principles:
- a) The tariff for all categories shall preferably be two parts, consisting of fixed and variable charges.
  - b) The fixed charges in tariff shall progressively reflect actual fixed cost incurred by Distribution Licensee;
  - c) The overall retail supply tariff for different Consumer categories shall progressively reflect the cost of supply for respective categories of Consumers;
  - d) The tariff for residential Consumers shall be set considering the affordability of tariff for various class of Consumers;
  - e) The tariff shall be set in such a manner that it may not present a tariff shock to any category of Consumers.

**Chapter 8: Miscellaneous**

**71. Saving of Inherent Power of the Commission**

- 71.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- 71.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- 71.3 Nothing in these Regulations shall, expressly or by implication, bar the Commission to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

**72. Issue of Orders and Practice Directions**

- 72.1 Subject to the provision of the Act and these Regulations, the Commission may, from time to time, issue Orders and Practice directions with regard to the implementation of these Regulations and procedure to be followed on various matters.

**73. Power to amend**

- 73.1 The Commission may, at any time, vary, alter, modify or amend any provisions of these regulations following the due process of Law.

**74. Power to remove difficulties**

- 74.1 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.

**75. Power of Relaxation**

- 75.1 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.

**76. Interpretation**

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

**77. Repeal**

77.1 The adopted Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2018 shall stand repealed from the date of coming into force of these Regulations and any reference to these Regulations in any of the Regulations, standards, codes or procedures of the Joint Electricity Regulatory Commission shall be deemed to be replaced by the Joint Electricity Regulatory Commission for the UT of J&K and the UT of Ladakh (Generation, Transmission and Distribution Multi Year Tariff) Regulations, 2023.

77.2 Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations so far as it is not inconsistent with these Regulations shall be deemed to have been done or purported to have been done under these Regulations.

77.3 These Regulations are in addition to and not in derogation of the other Regulations /Codes issued by the Commission.

**By Order of the Commission.**

**V.K.Dhar, (JKAS)  
Secretary, JERC  
J&K and Ladakh**

**Appendix -I: Depreciation Schedule and Useful Life for assets  
[Refer to Regulation 2.1 (54) and Regulation 30.7]**

**a) Generation and Transmission Assets**

The Useful Life and depreciation rates for generation and transmission assets shall be as specified in the prevalent CERC Tariff Regulations.

**b) Distribution Assets**

Sr. No.	Asset Class	Useful life (Years)	Rate(%)
1	<b>Land owned under full title</b>	Infinity	0
2	<b>Land held under lease</b>		
(A)	For investment in land	Period of lease or the period remaining unexpired on the assignment of the lease	0
(B)	For cost of clearing site	Period of lease remaining unexpired at the date of clearing the site	0
3	<b>Assets purchased new</b>		
(A)	Buildings and civil engineering works of a permanent character, not mentioned above:		
(i)	Offices and showrooms	50	1.80
(ii)	Temporary erection such as wooden structures	5	18.00
(iii)	Roads other than kutcha roads	50	1.80
(iv)	Others	50	1.80
(B)	Transformers, transformer (kiosk) substation equipment & other fixed apparatus (including plant foundations)		
(i)	Power Transformers (including foundations) having a rating of 100 kilo volt amperes (kVA) and over	25	3.60
(ii)	Others	25	3.60
(C)	Switchgear, including cable connections	25	3.60
(D)	Lightning arrestors:		
(i)	Station type	25	3.60
(ii)	Pole type	15	6.00
(iii)	Synchronous condenser	35	2.57
(E)	Batteries	5	18.00
(F)	Underground cable including joint boxes and disconnected boxes	35	2.57
(G)	Cable duct system	50	1.80



Sr. No.	Asset Class	Useful life (Years)	Rate(%)
(H)	Overhead lines including supports:		
(i)	Lines on fabricated steel operating at nominal voltages higher than 66 kV	35	2.57
(ii)	Lines on steel supports operating at nominal voltages higher than 11 kV but not exceeding 66 kV	25	3.60
(iii)	Lines on steel or reinforced concrete supports	25	3.60
(iv)	Lines on treated wood supports	25	3.60
(I)	Meters		
(i)	Electro Mechanical	15	6.00
(ii)	Electronic/ Smart Meters	10	9.0
(J)	Self-propelled vehicles	5	18.00
(K)	Air conditioning plants:		
(i)	Static	15	6.00
(ii)	Portable	5	18.00
(L)	Others		
(i)	Office furniture equipment and fixtures	15	6.00
(ii)	Office equipment	15	6.00
(iii)	Internal wirings including fittings and apparatus	15	6.00
(iv)	Street Light fittings	15	6.00
(M)	Apparatus let on hire:		
(i)	Other than motors	5	18.00
(ii)	Motors	15	6.00
(N)	Communication equipment		
(i)	Radio and higher frequency carrier systems	15	6.00
(ii)	Telephone lines and telephones	15	6.00
(O)	Assets purchased in second hand and assets not otherwise provided for in the schedule	Such reasonable period as the Commission determines in each case having regard to the nature, age and conditions of assets at the time of its acquisition by the current owner	

**Appendix-II: Methodology for Computation of AT&C Loss**  
[Refer to Regulation 12.2 (c)]

Name of Union Territory			
Name of Distribution Licensee			
Sr. No.	Particulars	Calculation	Unit
A	Input Energy (MkWh)	Energy Generated - Auxiliary Consumption + Energy Purchased(Gross)* - Energy Traded/ Inter State Sales.	
B	Transmission Losses (MkWh)		
C	Net Input Energy (MkWh)	A-B	
D	Energy Sold(MkWh)	Energy Sold to all categories of consumers excluding units of EnergyTraded/Inter-State Sales.	
E	Revenue from Sale of Energy (Rs. Cr.)	Revenue from Sale of Energy to all categories of consumers (including Subsidy Booked) but excluding Revenuefrom Energy Traded /Inter-State Sales.	
F	Adjusted Revenue from Sale of Energy on Subsidy Received basis (Rs. Cr.)	Revenue from Sale of Energy (same as E above) minus Subsidy Booked plus Subsidy Received against subsidy booked during the year	
G	Opening Debtors for Sale of Energy (Rs. Cr.)	Opening debtors for sale of Energy as shown in Receivable Schedule (Without deducting provisions for doubtful debtors). Unbilled Revenue shall not be considered as Debtors.	
H	Closing Debtors for Sale of Energy (Rs. Cr.)	i) Closing debtors for Sale of Energy as shown in Receivable Schedule (Without deducting provisions for	

		doubtful debts). Unbilled Revenue shall not be considered as Debtors. ii) Any amount written off during the year directly from(i)	
I	Adjusted Closing Debtors for sale of Energy (Rs. Cr.)	H(i+ii)	
J	Collection Efficiency (%)	(F+G-I)/E*100	
K	Units Realized (MkWh) = [Energy Sold * Collection Efficiency]	D*/J/100	
L	Units Unrealized (MkWh) = [Net Input Energy - Units Realized]	C-K	
M	AT&C Losses (%) = [{Units Unrealized/Net Input Energy}*100]	L/C *100	

**Note:**

- \*DISCOMs are required to give gross energy purchased i.e., Total Power Purchased including transmission losses.
- Debtors for trading of power have not been adjusted for calculation of collection efficiency since information is generally not available in notes to accounts.
- Figures in above table, wherever available, should be consistent with the information contained in Annual Report/Accounts.
- Calculation of AT&C losses in the format given in Table above should form a part of annual accounts of all utilities selling directly to consumers as notes to accounts or annexure.
- Details of subsidy booked during the year and subsidy received against current year and against previous years as given in Table below should form part of annual accounts as notes to accounts or annexure

Details of Subsidy Booked and received	Amount (Rs. Crs)
Subsidy Booked during the year (Rs. Cr.)	
Subsidy received during the year (Rs. Cr.)	
i. Subsidy received against subsidy booked for current year (Rs. Cr.)	
ii. Subsidy received against subsidy booked for previous years (Rs. Cr.)	

**Appendix – III: Guidelines for determination of Normative Plant Availability Factor (NAPAF) of various Hydro Generating Stations  
[Refer to Regulation 40.1]**

- Normative Annual Plant Availability Factor (NAPAF) of various Hydro Generating Stations shall be determined based on following criteria /guidelines:
  - Storage and pondage type plants with head variation between Full Reservoir Level (FRL) and Minimum Draw Down Level (MDDL) of up to 8% and where plant availability is not affected by silt: 90%
  - In case of Storage and pondage type plants with head variation between Full Reservoir Level and Minimum Draw Down Level of more than 8% and where plant availability is not affected by silt, the month wise peaking capability as provided by the project authorities in the DPR (approved by CEA or the State Govt.), shall form basis of fixation of NAPAF.

This has been explained with the following example,

Installed capacity: 4x250 MW (say)

Month	Expected Avg. of Daily 3 hour Peaking Capacity
<b>April</b>	701
<b>May</b>	448
<b>June</b>	133
<b>July</b>	497
<b>August</b>	544
<b>September</b>	990
<b>October</b>	1000
<b>November</b>	1000
<b>December</b>	1000
<b>January</b>	1000
<b>February</b>	1000

<b>March</b>	693
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- Weighted average of expected daily peaking capability = 790 MW
  - Peaking capacity is based on the assumption that one unit shall be under annual maintenance during month of May, July, February and March.
  - Considering 2% allowance on plant capacity on account of forced outages during the year, expected average peaking capacity= 770 MW.
  - Thus, NAPA F =  $770/1000 = 77\%$ .
- (c) Pondage type plants where plant availability is significantly affected by silt, a margin of 5% has been allowed and NAPA F shall be 85%.
- (d) In case of purely Run-of-river type plants, NAPA F shall be determined plant wise, based on its 90% dependable 10-daily inflows pattern as approved in the DPR of the project.
- (e) A further allowance may be made by the Commission while determining the NAPA F under special circumstances i.e. abnormal silt problem or other operating conditions and known plant limitations.
- (f) When head variation between FRL and MDDL is more than 8%, following multiplying factors shall be applied:  
 Multiplying factor for head variation =  $(\text{Head at MDDL}/\text{Rated Head}) \times 0.5 + 0.52$

**Appendix -IV: Threshold Limit for Intra-State Transmission System to be developed through Tariff Based Competitive Bidding (TBCB)**  
**[Refer to Second Proviso of Regulation 42.1]**

1. The Commission through a separate notification on 'Determination of Threshold Limit for development of Intra-State Transmission System through Tariff Based Competitive Bidding' shall determine the threshold limit for development of all Intra-State Transmission System (new and augmentation) projects. The projects costing above threshold limit through would be executed under the Section 63 of the Act under Tariff Based Competitive Bidding in accordance with the competitive bidding guidelines notified by the Central Government from time to time.
2. This threshold limit shall be applicable for all new Intra-State Transmission System (Projects) for which approval is yet to be accorded by the Commission.
3. The entire Intra-State independent transmission upstream/downstream project shall be designed as single project for inviting bids for development of project through Tariff Based Competitive Bidding.
4. In case the Administration of UT of Jammu & Kashmir and UT of Ladakh/STU intends to develop any Intra-State Transmission System above the threshold limit through cost plus approach due to some specific reasons, such as project is of critical nature or the Project may lead to ownership or interface issues, the Administrative Body/STU shall obtain prior approval of the Commission.