

**Before The J&K State Electricity Regulatory Commission
Jammu/Srinagar**

Petition No. JKSERC/47 of 2014

In the matter of:

Application for grant of extension to file Annual Performance Review FY 2014-15 and Tariff Revision Petitions FY 2015-16 for Transmission and Distribution Segments of Jammu & Kashmir Power Development Department.

Coram:

Sh. Basharat Ahmad Dhar, Chairperson.

Sh. G.M. Khan, Member (F).

PRESENT ON BEHALF OF RESPONDENTS.

J&K Power Development Department:

S/Sh.

1. Ajay Gupta, Chief Engineer, S&O Wing, Jammu.
2. K.A. Badoo, Chief Engineer, PMM/Commercial & Survey Wing, Kashmir.
3. B.A. Khan, Chief Engineer, M&RE, Kashmir.
4. Ravi Chanyal, Chief Engineer, P&D wing, Jammu.
5. Nasarullah Jan, Executive Engineer, TO to DC(P).
6. Azhar Vakil, AEE, DCP office.

ORDER

(Passed on this 8th Day of December, 2014)

The Development Commissioner (Power) has filed an application before the Commission seeking extension in time to file Annual Performance Review FY 2014-15 and Tariff Revision Petitions FY 2015-16

for Transmission and Distribution Segments of Jammu & Kashmir Power Development Department. He has prayed that the date for filing of Annual Performance Review FY 2014-15 and Tariff Revision Petitions FY 2015-16 be extended till 30th January, 2015.

The extension to file the Petition has been sought on the ground of recent floods in the State during which the important offices of the JKPDD which includes the office of DC(P) Srinagar, office of EM&RE wing, Kashmir and the office of Commercial & Survey Wing, Kashmir and their subordinate offices remained inundated due to which vital records and information, both in hard and soft forms got destroyed and the department is in the process of retrieving and rebuilding the same. The department has also taken the plea of remaining over busy in restoration of the power infrastructure which has suffered massive damages due to floods. Last but not the least the DC(P) has also sought extension on the ground that due to the Model Code of Conduct being in force the department may not be able to seek necessary approvals from the Government of Jammu & Kashmir on tariff revision proposals and related matters before filling the Petitions before this Commission.

The application was taken up for hearing today. The Jammu & Kashmir Power Development Department has become habitual of seeking extensions in time for tariff and related petitions every year on one pretext or the other. The Utility is required to file an Annual Performance Review for 2nd year of the control period (FY 2014-15) and Tariff Revision Petitions for the FY 2015-16 for its Transmission and Distribution Segments by 30th Nov. 2014 in terms of the provisions of the Act as well as the JKSERC (Conduct of Business) Regulations, 2005 and JKSERC (Multi Year Distribution Tariff) Regulations 2012 but even then the

department has been sleeping over the matter and has now approached the Commission for seeking extension in time at the eleventh hour.

Filing of Annual Performance Review and Tariff Revision Petitions and true ups based on audited accounts is a regular and annual feature of the Utility and as such it should have been institutionalized the arrangement and created a regulatory cell for ensuring timely filing of the APR/Tariff Revision Petitions. As per the provisions of the Act and the Regulations, the Commission requires a minimum period of 120 days to examine the proposals and to complete various prescribed procedural requirements which includes putting the proposal in public domain and holding of public hearing both at Jammu & Srinagar to elicit response of the stakeholders besides obtaining suggestions of the State Advisory Committee before Notification of the Tariff Order by end of March, 2015. It will not be out of place to mention that a sister organization of the department viz JKSPDC have institutionalized the arrangement in this behalf and are invariably submitting the petition ahead of the stipulated time-frame. This time also the generating utility has already filed the Petition ahead of time schedule which is being examined in the Commission.

Everybody in the State was aware that elections would be announced in the State and Model Code of Conduct would come into force. How could PDD remain oblivious of this and did not initiate timely action for seeking necessary approval from the government on Tariff Revision Proposal.

There should have been no hindrance in filing of APR for Transmission segment of JKPDD as no approvals on tariff revisions proposal and related matters from the Government are involved.

The casual approach of the PDD does not end here. The PDD was supposed to communicate status of the action taken on the directives issued by the Commission in the previous Tariff order but it has failed to do so till date. Some of the directives were supposed to be complied within a specific period from the date of issuance of order. No compliance report has been filed inspite of expiry of the deadlines for complying with these directives. Also the Utility was supposed to file Power Procurement Plan by the end of the October but unfortunately that too has not been done.

The Commission, therefore reluctantly extends the timelines and directs the applicant to file APR/Tariff Petitions/True ups by or before 31st December, 2014 with the direction to the utility that they should institutionalize the arrangements for ensuring timely submission of these petitions and in future, the Commission would not be accepting any excuses for such delays.

Application is disposed of accordingly.

Sd/-
G.M.Khan
Member

Sd/-
Basharat Ahmad Dhar
Chairman

No.: JKSERC/Secy/ 22/1305
Dated.:09 .12.2014

Sd/-
(Abdul Hamid) KAS
Secretary,
J&K State Electricity Regulatory Commission

Copy to the:-

1. Development Commissioner (Power), PDD, Jammu.