



Chhattisgarh State Electricity Regulatory Commission

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In the matter of stand by feeder maintenance charges

Petition No.59 of 2009 (M)

South East Central Railway, Bilaspur

.... Petitioner

V/s

Chhattisgarh State Power Distribution Company Ltd.
(Successor company of Chhattisgarh State Electricity
Board, CSEB for short), Raipur

.... Respondent

Present: Manoj Dey, Chairman
B.K. Sharma, Member

ORDER **(Passed on 28.01.10)**

The South East Central Railway, Bilaspur (SECR or Railways, for short) filed a petition against the Chhattisgarh State Power Distribution Company Ltd., Raipur (CSPDCL, for short) against billing of maintenance charges on standby feeder w.e.f. 01.09.07. The history of the case is that Railways availed electric connections on 132 KV for traction purposes from Madhya Pradesh Electricity Board (MPEB, for short) at various locations and after formation of new State, such connections coming within the geographical area of Chhattisgarh became consumers of Chhattisgarh State Electricity Board (CSEB, for short and subsequently CSPDCL). Looking to the nature of essential service, since the supply interruption to the traction can badly affect the train movements, the Railways availed alternative supply through standby feeder from the MPEB. After starting functioning of Chhattisgarh State Electricity Regulatory Commission (Commission, for short) in the State, the CSEB submitted an application to the Commission for approval of miscellaneous and general charges relating to supply in the State. Details of proposal was placed under public domain and objections/suggestions and comments were invited from the stakeholders. Considering the written objections and suggestions received by the Commission, reply to the written objections submitted by the CSEB and after conducting public hearing, this Commission in exercise of the powers vested in it by section 43, 45 and 46 of the Electricity Act, 2003 (the Act, for short) and all other powers enabling it on its behalf passed the order related to the miscellaneous and general charges of the various services rendered by the CSEB to the consumers. On the point related to the maintenance charges on standby feeder the CSEB had proposed that *some EHT consumers prefer alternate supply arrangement through standby feeders because they require uninterrupted power supply. The Board has to maintain the additional EHT line erected for feeding alternate supply to the consumers. The Board proposed to recover maintenance charges in respect of*

above type of line in form of alternate supply arrangement. The charges proposed by the Board were Rs.10,000/- per KM per month for 132KV and Rs.14,000/- per KM per month for 220 KV lines based on the current cost of erection per kilometer of line. The decision of the Commission on above is as follows: “ No objection has been received on this proposal. This is a new charge proposed by the Board. During technical validation, the Board informed that alternate supply arrangement does not exist at other voltages such as 33KV and 11KV and hence charges for these voltages have not been proposed. The Commission agrees with the rationale for levy of these charges. However, these charges should not be leviable when more than one feeder is required for providing normal contracted supply. In other words, the charges will be attracted only in cases where alternate arrangement for supply is sought through alternate feeders. The Commission approves Rs.2125/- per KM per month for both 132KV and 220KV lines based on the normative O&M expenses allowed by Central Electricity Regulatory Commission for the year 2007-08 for transmission licensee.” Though, there was no objection/suggestion on this point from any of the stakeholder including the Railways before issue of the order for miscellaneous and general charges by this Commission on dated 10.08.07, the SECR has now filed a petition for their exemption from the payment of the maintenance charges for the alternative supply. The SECR in their pleading have stated that these charges were not levied earlier and are also not being levied by some other distribution licensees from whom SECR is availing connection for traction. It is also pleaded that as per CEA guidelines for power system planning multi-circuit transmission lines should be used and the Railways are using double circuit transmission lines on its own cost for strengthening the transmission network. It is further pleaded that the burden of providing uninterrupted power supply for Railway traction falls on the CSPDCL and the availability of standby feeder thus helps the supply authority at the time of emergency. As per clause 3(b) of HT agreement between Railways and MPEB, the supply lines are to be maintained by the Board at its own cost. It is further pleaded that the cost of supply includes generation cost, wheeling charge and maintenance cost etc. and thus the charges for maintenance cost of standby feeder have already been accounted for in calculation of cost of supply. Therefore, charging again for maintenance of standby feeder is not correct. The petitioner has thus prayed to direct the CSPDCL to not to levy standby feeder maintenance charges from Railways.

2. The respondent CSPDCL in their reply to the petition pleaded that any dispute between a licensee and consumer on payment of prescribed charges is termed as billing dispute and specifically falls within the domain and jurisdiction of Electricity Consumer Grievances Redressal Forum as per provision under Regulations 19 and 20 of CERC (Redressal of grievances of consumers) Regulations, 2007. Thus, any petition by the consumer before this Commission in the matter of billing dispute is not at all maintainable due to lack of jurisdiction. It is further pleaded that the section 6.17 of the Commission’s order dated 10.08.07 related to petition No. 40 of 2006(M) for determination of miscellaneous and general charges payable by the consumers is specifically dealing with the standby feeder maintenance charges and is being levied only to the such consumers including SECR who cannot afford even a small avoidable interruption and are availing facility of the standby feeder for alternative supply. This is an extra facility provided by the licensee to such consumers and there is no logic to borne the charges towards maintenance for such extra facility by those common consumers who are not availing such extra facility. It is further stated that

recovery of such charges is legitimate and is as per lawful provision. The respondent thus pleaded to reject this petition on the ground of lack of jurisdiction for adjudication.

3. On the pleading of respondent that the instant petition is related with the billing dispute between the licensee and the consumer and thus falls within the jurisdiction of Electricity Consumer Grievance Redressal Forum and the petition is not maintainable due to lack of jurisdiction, we were of the view that the petition does not relate with the billing dispute between the distribution licensee and a consumer, but pertains to the dispute related to the applicability of miscellaneous and general charges payable by the consumer to the distribution licensee fixed by this Commission's order dated 10.08.07 and thus it comes under the jurisdiction of this Commission, accordingly we decided to proceed with the case. On contention of the petitioner that the burden of providing uninterrupted power supply for the railway traction falls on CSPDCL and availability of standby feeder helps the supply authority at the time of emergency, the charges for maintenance cost of standby feeder have already been accounted for in calculation of cost of supply, the respondent has pleaded that maintenance charges of standby feeders are being levied only to the consumers who are availing the facility for alternate supply through separate feeder. This is an extra facility provided by the licensee to such consumers and charges towards extra maintenance required for such facility is not desirable to be borne by the other consumers and thus is not incorporated in common cost of supply. This Commission has already fixed standard of performance for the distribution company related to the services of the consumers which also includes the standard for availability of the supply and the maximum period for resumption of the supply in case of interruption. Where any consumer requests for alternate source of supply through additional feeder as in case of Railways on account of their essential nature of load, the distribution company is required to provide additional service in maintaining such additional feeder and hence such consumers are liable to pay the necessary charges. Considering this aspect, this Commission has approved the standby feeder maintenance charge in para 6.17 of its order passed on 10.08.07 under petition No.40 of 2006(M). On the pleading of the petitioner that as per clause 3(b) of HT agreement between the Railways and MPEB the supply lines are to be maintained by the Board at its own cost and this charge was not levied earlier, it is to clarify that we have already mentioned in para 6.17 of our order passed on 10.08.07 that this is a new charge proposed by the Board. The proposal of the distribution company was placed under public domain and no objection/comment on standby feeder maintenance charge was received from any of the stakeholder including the Railways. Accordingly after due consideration of the proposal and based on the merit of the case the order was passed by this Commission. It is also to mention here that in clause 26(a) of the agreement between the Railways and MPEB it is mentioned that the rates and other charges and the miscellaneous charges in the general conditions of supply are those in force at the time of executing/commencement of the agreement. The consumer shall be eligible for whatever reduction in or rebate from these rates or increases upon them as may from time to time be charged or be liable to pay any new rate or tariff amount which the Board may in its discretion deem fit to charge in lieu of the payments fixed under this agreement. Therefore, provision of billing of maintenance charge for alternate source of supply through separate feeder approved by this Commission is in order.

On the pleading of the petitioner that CEA guidelines for power system planning multi-circuit transmission lines should be used and the Railways are using double circuit transmission lines on its own cost for strengthening the transmission network, the para 23.11 of the enclosure submitted alongwith petition is related with the guidelines of CEA for power system planning indicating the various options to be considered for strengthening of the transmission network and choice shall be based on cost, reliability, right of way requirements, energy losses, down time etc. of which one of the option is adoption of multi voltage level and multi circuit transmission lines. In fact, the guidelines of the CEA is related for planning of the transmission system of the utility and not related with supply feeder to a consumer and therefore we do not agree with the pleading of the petitioner on this point.

4. Considering all above points we do not find any substance/merit on the pleading of the petitioner for not billing the maintenance charge on standby feeder. The petition is therefore rejected.

Sd/-
Member

Sd/-
Chairman