

**BEFORE THE GUJARAT ELECTRICITY REGULATORY  
COMMISSION AT GANDHINAGAR**

**PETITION NO. 1812 OF 2019**

In the matter of:

Petition for Condonation of Delay for re-submission of Petition for approval of Multi-Year Aggregate Revenue Requirement for FY 2016-17 to FY 2020-21 & determination of tariff for FY 2019-20.

Petitioner : Deendayal Port Trust (erstwhile Kandla Port Trust)  
Represented by : Shri Ravi Seth and Shri Ankit Vats

**CORAM:**

**Shri Anand Kumar, Chairman  
Shri K. M. Shringarpure, Member  
Shri P.J.Thakkar, Member**

**Date: 27/09/2019**

**ORDER**

- 1 The present Petition has been filed by the Petitioner seeking condonation of delay in re-submission of the Petition for approval of Aggregate Revenue Requirement for FY 2016-17 to FY 2020-21 and determination of tariff for FY 2019-20. The Petitioner has also prayed to the Commission to admit following Petitions which were filed along with the present Petition.
  - I. The Petition for approval of Aggregate Revenue Requirement for FY 2016-17 to FY 2020-21, the True ups of FY 2016-17 and FY 2017-18 and determination of tariff for FY 2019-20.
  - II. The Petition for True up of FY 2011-12 to FY 2015-16.
- 2 The matter was heard on 29.07.2019. Shri Ravi Seth, appearing on behalf of the Petitioner, submitted as follows:

- 2.1 The Petitioner had filed Petition for True up of FY 2015-16, Aggregate Revenue Requirement for FY 2016-17 to FY 2020-21 and for determination of tariff for FY 2017-18 before this Commission as Case No. 1639 of 2016, registered on 18<sup>th</sup> February, 2017. The Commission passed the Order dated 30<sup>th</sup> June, 2017 in the said Petition, observing as follows:

**“COMMISSION’S ORDER**

*Since, the tariff petition suffers from grave errors, data gaps, and inconsistencies, and repeated communication to KPT did not yield any positive results, the Commission hereby, dismiss the petition in exercise of the powers given in Section 64 (3) (b) of the Electricity Act, 2003 and Regulation 29.1 (b) of the GERC (Multi- Year Tariff) Regulations, 2016. However, KPT should comply with the statutory requirements and re-submit the petition complete in all respect as per GERC (MYT) Regulations, 2011 and 2016.”*

Keeping in view the delay in re-submission of the Petition, the Commission directed the Petitioner to file a separate application for condonation of delay along with the Tariff Petition vide Letter No. GERC/Tariff/3517/5835/1278 dated 23.07.2018. Consequently, the Petitioner has filed the present Petition along with the Tariff Petitions.

- 2.2 The Petitioner had been previously maintaining common audited accounts for its port and electricity distribution businesses. To comply with the statutory requirements of keeping separate audited accounts for the electricity distribution business, the Petitioner had initiated the exercise for separating the accounts for its electricity distribution business by appointing a CAG empanelled Auditor.
- 2.3 Since the accounts had been common, segregation of accounts and preparation of separate accounts for electricity distribution business for a period of eight years, i.e. from FY 2011-12 to FY 2017-18 through a CAG empanelled Auditor, took a long and painstaking effort.

2.4 Besides separation of accounts for the Petitioner's electricity distribution business, the Petitioner also carried out following activities for the preparation of the Tariff Petitions:

- I. A detailed study of load survey to assess the connected load in the distribution system to deduce the energy sales for un-metered consumption points;
- II. Deployment of billing software for the accurate current billing data, consumption and load for assessing the actual income that would also be helping in projections for MYT period;
- III. Tendering for procurement of meters through a government portal (GEM) to make the distribution area 100% metered by FY 2019-20.

2.6 That the above mentioned activities prolonged the preparation of Tariff Petitions and caused delay in filing the same before the Commission. The Commission is requested to consider the above cited reasons for the delay in filing the Petition and condone the same.

3 We have heard the Petitioner. We observe that the Petitioner, Deendayal Port Trust (DPT, erstwhile KPT), is one of the major ports of India under the Ministry of Shipping, Government of India. Apart from the port operations, the Petitioner is also a distribution licensee as per the license for supply of electrical energy granted by the Chief Commissioner of Kutch under the Indian Electricity Act, 1910 vide Notification No. AF-133/55 dated 12<sup>th</sup> April, 1956. Consequent to the enactment of the Electricity Act, 2003, DPT became a deemed licensee under the Act and is required to file a Tariff Petition under Section 62 of the Act.

3.1 We also note that the Petitioner has been filing the Tariff Petitions before this Commission since FY 2011-12. It is nevertheless a fact that in the absence of separate audited accounts for its electricity distribution business, the truing up of Aggregate Revenue Requirement has never been taken up for the Petitioner. We further note that the Commission, vide Order dated 30.06.2017, dismissed DPT's Petition No. 1639 of 2017 observing that the said Petition suffered from grave errors, data gaps and inconsistencies. In the said Order, the Petitioner was directed to re-submit the petition complete in all respect as per the GERC (MYT) Regulations, 2011 and 2016, duly complying with all necessary statutory requirements. We also find that the Petitioner was asked to file a separate petition for condonation of delay along with the Tariff

Petition as the Petitioner was unable to re-submit the Tariff Petition in the time frame prescribed under the GERC (MYT) Regulations.

3.2 Now, the Petitioner has submitted the present Petition seeking condonation of delay in re-submitting the Tariff Petitions for the reasons as cited in foregoing paras. We observe that the Petitioner re-submitted the Tariff Petitions along with separate audited accounts for its electricity distribution business for the period from FY 2011-12 to FY 2017-18. We also take a note of various activities such as load survey study, 100% metering and deployment of billing software for fair and efficient operations of its distribution business undertaken by the Petitioner. We feel that the preparation of separate audited accounts for the said eight years along with other important initiatives undertaken by the Petitioner for its electricity distribution business are justifiably a time-consuming process, especially in beginner's formative regulatory efforts that the Petitioner has embarked on in the current tariff filings.

3.1 Therefore, considering the above facts, we decide to condone the delay in filing the Petitions for a) Approval of ARR for FY 2016-17 to FY 2020-21, the True-ups of FY 2016-17 & FY 2017-18 and determination of tariff for FY 2019-20; and b) the True-up of FY 2011-12 to FY 2015-16.

4. We order accordingly.

5. With this Order, the Petition stands disposed of.

Sd/-  
**[P. J. THAKKAR]**  
Member

Sd/-  
**[K. M. SHRINGARPURE]**  
Member

Sd/-  
**[ANAND KUMAR]**  
Chairman

Place: Gandhinagar  
Date: 27/09/2019