

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY AT NEW DELHI
APPELLATE JURISDICTION**

APPEAL NO OF 2016

IN THE MATTER OF:

Appeal against the order dated 15/09/2016 passed by the Joint Electricity Regulatory Commission in Petition No. 205 of 2016

AND

IN THE MATTER OF:

DNH Power Distribution Corporation Limited
2nd floor, Vidyut Bhawan, (New Bldg),
66 KV Road, Amli, Near. Secretariat
Silvassa – 396230, UT of Dadra & Nagar Haveli Appellant

VERSUS

Joint Electricity Regulatory Commission
(for the state of Goa and Union territories)
'Vanijya Nikunj', 2nd floor, Udyog Vihar,
Phase – V, Gurgaon – 122016, Haryana ...Respondent

APPEAL UNDER SECTION 111(1) OF THE ELECTRICITY ACT, 2003

MOST RESPECTFULLY SHOWETH:

1. DETAILS OF APPEAL

The present Appeal is being filed under Section 111 of the Electricity Act, 2003 against order dated 15.09.2016 passed by the Joint Electricity Regulatory Commission (hereinafter called the '**State Commission**') passed in Petition No. 205 of 2016 whereby the State Commission has determined the quantum of additional surcharge to be paid by the Open Access consumers as Rs. 0.47 per KWH. The Appellant is aggrieved on the computation of the additional surcharge, where in the claim of the Appellant was much higher, however the additional surcharge has been determined only at 47 paise per kWh. A copy of the Impugned Order is attached herewith as **Annexure A**.

2. The impugned order was communicated to the Appellant on 15.09.2016 through website of JERC.

3. THE ADDRESS OF THE APPELLANT FOR SERVICE IS SET OUT HEREUNDER:

- i) DNH Power Distribution Corporation Limited
1st floor, Vidyut Bhawan,
66 KV Road, Amli, Opp. Secretariat
Silvassa – 396230, UT of Dadra & Nagar Haveli
- ii) Name and Address of the Counsel,
Anand K. Ganesan & Swapna Seshadri, Advocates,
C-67, Lower Ground Floor,
Nizamuddin East, New Delhi – 110013.
Mobile: +91-9810941482/+91-9818735544
Email: anand@msapartners.in, swapna@msapartners.in

4. THE ADDRESS OF THE RESPONDENTS FOR SERVICE OF ALL NOTICES IN THE APPEAL ARE AS SET OUT HEREUNDER:

- (i) Joint Electricity Regulatory Commission
(for the state of Gopen access and Union territories)
'Vanijya Nikunj', 2nd floor, Udyog Vihar,
Phase – V, Gurgaon – 122016, Haryana

5. JURISDICTION OF THE APPELLATE TRIBUNAL

The Appellant declares that the subject matter of the appeal is within the jurisdiction of this Tribunal.

6. LIMITATION.

The impugned order dated 15/09/2016 was communicated to the Appellant on 15.09.2016 through website of JERC. The Appellant declares that the present appeal is filed within the period of limitation as provided in Section 111 (2) of the Electricity Act, 2003.

7. FACTS OF THE CASE

- A. The Appellant, DNH Power Distribution Corporation Limited (erstwhile Electricity Department) is a distribution licensee in the Union Territory of Dadra and Nagar Haveli and has been vested with the functions of distribution of electricity in the Union Territory of Dadra and Nagar Haveli. The Electricity Department, Union Territory of Dadra & Nagar Haveli, is vested with the transmission and system operation activities in Union Territory of Dadra and Nagar Haveli.
- B. The Respondent is the Electricity Regulatory Commission for the State of Goa and the Union Territories, exercising powers and discharging duties under the provisions of the Electricity Act, 2003.
- C. The total demand in the Union Territory has reached approximately 750 MW. Out of the above, about 95% of the total demand is from the industrial consumers in the Union Territory. The consumption by domestic and agricultural consumers is very negligible and in the region of 2-3% of the total electricity demanded by the Union Territory.
- D. The Appellant as the distribution licensee for the Union Territory of Dadra & Nagar Haveli is required to plan its power purchase agreements considering the demand, the projected growth etc. in order to meet the total demand in the Union Territory. Being a distribution licensee, the Appellant has a Universal Service Obligation, namely, to supply power to any person on demand in the Union Territory as per Section 43 of the Electricity Act 2003.
- E. The Appellant does not have any source of generation of its own, but takes electricity from generating companies and others to meet the demand of electricity from the consumers in the Union Territory. The primary demand of electricity by the Appellant is met out of allocations by the Government of India from central

sector generating stations such as NTPC Ltd., NTPC-SAIL Joint Venture at Bhilai and Ratnagiri Gas and Power Private Limited.

- F. The power purchase cost is an uncontrollable cost for the Appellant. The purchase of power by the Appellant is primarily from the central sector generating stations as mentioned above for which the tariff is determined and regulated by the Central Electricity Regulatory Commission (hereinafter called **Central Commission**). Apart from the above, the Appellant has also entered into a Long Term PPA with M/s EMCO Limited for supply of 200 MW capacity, which has been entered into under Section 63 of the Electricity Act pursuant to a competitive bidding process under the supervision of the Joint Commission and adoption of tariff by the Joint Commission.
- G. The Appellant does not procure any electricity under short-term or day ahead basis and all the power purchases are tied up on long term basis considering the total demand in the Union Territory. The present contracted capacity available with the Appellant is about 1062 MW, which is sufficient to meet the total demand in the Union Territory of about 750 MW.
- H. Out of the total revenue requirements of the Appellant as approved by the Joint Commission, 95% or more of the total cost constitutes only the power purchase cost. Only the balance 3-5% is incurred by the Appellant for other purposes including employees cost, administrative and general expenses command repair and maintenance expenses, depreciation, interest and finance charges, interest on working capital, provision for bad and doubtful debts etc. This is as against other licensees and states where the power purchase cost does not even constitute 80% of the total revenue requirements of the distribution licensees.
- I. Under the Electricity Act, the consumers have been given the right to procure electricity through open access, subject to conditions and subject to the charges that are payable as provided for under

the Electricity Act, 2003. In terms of Sections 38, 39 and 40 of the Electricity Act, it is the duty of the transmission licensee to provide non-discriminatory use of the transmission system for open access. The primary intention behind the concept of open access evolved under the provisions of the Electricity Act is to promote competition while at the same time ensure that the consumers in general are not burdened with any additional surcharge on account of open access and that the open access charges compensated the licensee for the loss suffered on account on such open access.

J. Section 42 of the Electricity Act provides as under:

"42. Duties of distribution licensee and open access -

(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that such open access shall be allowed on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity

before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

- K. On a plain reading of the above provision, the surcharge under Section 42 (4) of the Electricity Act is for the purpose of meeting the fixed cost of the distribution licensee on account of its obligation to supply. The obligation to supply is provided under Section 43 of the Electricity Act.
- L. The Electricity Act provides for the following charges to be levied by the distribution licensee on open access consumers and which are towards particular purposes:
 - (a) **Wheeling charges:** The wheeling charges are payable only if the electricity lines of the distribution licensee are used. In case of dedicated transmission lines etc. where no part of the distribution system is used, no wheeling charges are payable;
 - (b) **Cross-subsidy surcharge:** This is to compensate for the existing level of cross-subsidy in the system.
 - (c) **Additional surcharge (Section 42(4)):** This is payable to compensate for any stranded capacity of the distribution licensee on account of consumers taking supply through open access.

- M. As stated hereinabove, the surcharge under Section 42(4) is to compensate the licensee for the stranded power purchase cost incurred by such licensee on account of open access. The distribution licensee enters into power purchase agreements on long term basis considering the demand in its area of supply. All such long term power purchase agreements entail the liability on the distribution licensee to pay the fixed charges whether the electricity is purchased/scheduled or not.
- N. After the distribution licensee enters into such power purchase agreements, in case the consumers take supply from third parties through open access, to such extent the PPAs of the distribution licensees gets stranded and the electricity is not purchased/scheduled by the licensee. However the obligation to pay the fixed charges is there.
- O. To meet and compensate this obligation to pay the fixed charges for the capacity that has been stranded and non-scheduled on account of open access consumers, the additional surcharge is payable under Section 42(4) of the Electricity Act, 2003.
- P. In the Union Territory of DNH, during the FY 2015-16 approximately 180-200 MW of power was procured by various consumers through Open access which has now increased to 321 MW, which is approximately 35% of the total demand. No other State's quantum of open access has reached this magnitude yet.
- Q. On account of such open access, substantial quantum of power purchases of the Appellant has been left stranded and on which the Appellant is required to pay the fixed charges without electricity being scheduled. It is submitted that if the open access consumers procure power from other sources and do not pay the full tariff of the Distribution Licensee, it results in under recovery of capacity/fixed charges which are paid by the Appellant to the generators which burden gets passed on to the non open access

consumers at large. This actually results in subsidization of the open access consumers by the general consumers.

R. The Joint Commission had framed and notified the Open access in Transmission and Distribution Regulations, 2009 (hereinafter called the **Regulations**), inter-alia, providing for the terms and conditions subject to which open access would be granted to the consumers within the Union Territory. A copy of the Regulations of the Joint Commission are attached hereto and marked as **Annexure B**.

S. Clause 16 (iii) of the Regulations provides that:

"A consumer availing open access and receiving supply of electricity from other person than the distribution licensee shall pay additional charges to meet the fixed cost of the Licensee arising out of obligation to provide supply under sub Section 4 of Section 42 of EA"

T. It is respectfully submitted that the Hon'ble Supreme Court has held in the case of **SESA Sterlite Limited Versus Orissa Electricity Regulatory Commission and others** (2014) 8 SCC 444 that open access can be allowed on payment of a surcharge, to be determined by the State Commission, to take care of the requirements of current level of cross-subsidy and the fixed cost arising out of the Licensee's obligation to supply. The Hon'ble Supreme Court has, inter-alia, held as under:

"(3) CSS: Its Rationale

25. The issue of open access surcharge is very crucial and implementation of the provision of open access depends on judicious determination of surcharge by the State Commissions. There are two aspects to the concept of surcharge - one, the cross-subsidy surcharge i.e. the surcharge meant to take care of the requirements of current levels of cross-subsidy, and the other, the additional surcharge to meet the fixed cost of the distribution licensee arising out of his obligation to supply. The presumption, normally is that generally the

bulk consumers would avail of open access, who also pay at relatively higher rates. As such, their exit would necessarily have adverse effect on the finances of the existing licensee, primarily on two counts – one, on its ability to cross-subsidise the vulnerable sections of society and the other, in terms of recovery of the fixed cost such licensee might have incurred as part of his obligation to supply electricity to that consumer on demand (stranded costs). The mechanism of surcharge is meant to compensate the licensee for both these aspects.”

- U. In the circumstances and in accordance with the above provisions, the Appellant filed a petition being Petition No. 205 of 2016 before the Joint Commission seeking determination and approval of additional surcharge to be paid by the open access consumers in the area of operation of the Appellant. A copy of the petition filed by the Appellant before the Joint Commission is attached hereto and marked as **Annexure C**.
- V. The Joint Commission had sought for comments and objections from the public at large. The Joint Commission had also examined the time block wise data for the period July, 2015 to Feb, 2016 and found that the quantum of surplus capacity or stranded power increases when a consumer opts for open access. This, coupled with the fact that there was no short term purchases by the Appellant, established the fact that the stranded capacity to such extent was attributable to the open access consumers and the fixed charges were liable to be compensated by way of additional surcharge.
- W. By the impugned order, the Joint Commission has in principle agreed that the Appellant has stranded capacity on account of open access consumers, which is to be compensated by the open access consumers in the form of additional surcharge under Section 42(4) of the Electricity Act.
- X. In the case of the Union Territory, the consumers avail open access on short-term basis and also continue to keep their contracted

demand with the licensee. Therefore, it is open to the consumers to draw electricity from the licensee at any point of time. Further, the open access is only sought on short term basis and it is always open to the consumers to come back to the licensee at any point of time to seek electricity. Therefore, the Appellant would necessarily have to maintain the contracted capacity to meet the demand. Thus, the Joint Commission agreed that the capacity contracted by the consumer to avail open access shall be considered as stranded capacity of the Appellant due to open access.

- Y. But the Joint Commission erred in computing the unrecovered fixed cost liability of the Appellant due to open access and determined the additional surcharge as Rs. 0.47 per kWh to against Rs 1.41/Unit be recovered from the open access consumers and that too w.e.f. Oct 2016 whereas the matter of OA starts from May 2016.
- Z. In the circumstances, the Appellant has challenged the impugned order before the Hon'ble Tribunal.

8. (i) FACTS IN ISSUE

- (1) Whether the Joint Commission has correctly computed and determined the additional surcharge under Section 42(4) of the Electricity Act, 2003?
- (2) Whether the Joint Commission has adopted the correct methodology and figures for determination of additional surcharge under Section 42(4) of the Electricity Act, 2003?
- (3) Whether the methodology has been suggested to fill the revenue loss due to time gap between effective date of order implementation and actual time of starting of OA.

(ii) QUESTIONS OF LAW

The following questions of law arise in the present appeal:

- A. Whether in the facts and circumstances of the present case, the Joint Commission is justified in determining the additional surcharge at 47 paise per kWh ?
- B. Whether the Joint Commission was justified in ignoring 5 months (May – September 2016) for implementation of additional surcharge?

9. GROUNDS RAISED WITH LEGAL PROVISIONS

- A. The Joint Commission has erred in determining the additional surcharge at the lower amount of 47 paise per kWh as against the claim of the Appellant of a much higher amount of Rs. 1.41. The Joint Commission has failed to appreciate that the actual loss being caused to the Appellant on account of the stranded capacity is much higher which was to be compensated by the open access consumers. The Joint Commission has erred in artificially reducing the quantum of additional surcharge.
- B. The Joint Commission has failed to appreciate that even after adopting the figures for the year 2016-17 as against the calculations made for the year 2015-16 at the time of filing the petition, the quantum of additional surcharge cannot reduce so drastically from Rs. 1.41 as per the claim of the Appellant and 47 paise per kWh determined by the Joint Commission. The increase in the fixed charges effected by the tariff order for the year 2016-17 only adds about 25 paise per kWh to the tariff recovery and cannot reduce the calculation of additional surcharge to such an extent.
- C. The Joint Commission has failed to appreciate that the calculation of additional surcharge need to be based on the quantum of electricity being consumed by the various categories of consumers

and not based on a hybrid formula and consideration of connected load and contracted demand. The determination has to follow a set principle and the same values and assumptions need to be adopted in the formula. The Joint Commission has failed to appreciate that on account of such hybrid formula being adopted, the consumption of HT/EHT consumers being considered for the calculation of additional surcharge has been artificially reduced and therefore artificially reducing the quantum of additional surcharge.

- D. The Joint Commission has failed to appreciate that while the connected load is being taken as 1575 MVA, for arriving at the proportion to the account of the HT/EHT consumers the criteria is taken as a contracted load. By adopting the methodology, the Joint Commission has arrived at the quantum of supply to the HT/EHT consumers at only 81.16% as against the actual consumption of the HT/EHT consumers being in the range of about 94 % every year.
- E. The Joint Commission has failed to appreciate that the concept of connected load cannot be used as a measure or input for calculation of tariff and particularly additional surcharge. The obligation of the licensee is to meet the demand of the consumers and the consumption of electricity ought to be the criteria for determination of additional surcharge. Even as per the tariff order of the Joint Commission for the year 2016-17, the proportion of the supply to the HT/EHT consumers is in the region of 94 % of the total demand in the Union Territory. The Power Purchase requirements is considering the demand in the Union Territory and not the connected load. In fact, even the power purchase planning by the Appellant is based on the estimated consumption. In the circumstances, the Joint Commission has erred in not adopting the said methodology.
- F. The Joint Commission has failed to appreciate that the concept of connected load cannot be used to estimate the demand, the projected requirement of electricity or for power purchase planning. The contracted capacity and the consumption is the only

criteria for power purchase planning and the requirement of electricity. The connected load is only an estimate based and not a commercial decision of the consumer nor an estimate of the demand. The power purchase planning and the PPAs entered into being on the basis of the demand and the peak load, all calculations have to necessarily be based on such demand and not on connected load.

- G. The Joint Commission has failed to appreciate that the additional surcharge needs to be compensatory for the stranded capacity and the fixed charges payable by the Appellant corresponding to such standard capacity. The quantum of electricity attributable to the HT/EHT the consumers has to be taken on a realistic basis and considering the past proportion of consumption by the various categories of consumers and also the future projections. The admitted position is that the EHT/HT consumers constitute and consume about 94% of the total demand of the Union Territory and therefore the quantum of fixed cost allocation attributable to the HT/EHT consumers ought to be about 94 % of the total fixed cost to the account of the Appellant. As against the above, the Joint Commission has erred in artificially reducing the fixed cost allocation to be HT/EHT consumers.
- H. The Joint Commission has failed to appreciate that a uniform, consistent and realistic methodology is required to be adopted for calculation of the additional surcharge with regard to the allegation of the fixed charges. The concept of connected load and contracted capacity from hybrid formula which has resulted in artificially reduction of the quantum of fixed cost allocation to the HT/EHT the consumers of only 81.16% whereas the HT/EHT the consumers consume about 94% of the total demand in the Union Territory. In the circumstances, the Joint Commission has erred in calculation of the additional surcharge.
- I. The Joint Commission has failed to appreciate that on account of the methodology adopted, the agricultural, domestic and

commercial consumers, who constitute only about 4-5% of the total demand in the Union Territory have been imposed about 19% of the fixed cost, which is impermissible. The above has resulted in the subsidization of the industrial consumers and particularly the open access consumers, which is impermissible and contrary to the decisions and directions of the Hon'ble Tribunal. The implementation of the order should have been effective from May 2016 and not from Oct 2016.

- J. The Joint Commission has erred in determining the additional surcharge at the lower amount of 47 paise per kWh as the determined charges are based on the approved figures taken from Tariff Order for FY 2016-17. The Additional Surcharge is related to fixed cost of stranded power and is approved based on clear demonstration of stranded capacity for the period under consideration. This calculation of Additional Surcharge is a post-facto analysis where in actual and not approved numbers are used to arrive at the surcharge. Further, the formula used by Joint Commission satisfies the common sense but fails to establish relationship with stranded power. It is stated that the additional surcharge out to be in terms of the formula as proposed by the Appellant, which is attached hereto and marked as **Annexure-D**.
- K. The Joint Commission has failed to appreciate that the Additional Surcharge out to have been applicable for the year 2016-17 and not from October, 2016. The figures for calculation of additional surcharge is for the year 2016-17. Further, when the open access was not operationalized pending the petition for determination of additional surcharge, on the complaint made by the consumers the same as operationalized pending the petition. When the benefit has been granted to the consumers pending the petition, the charges for the same also ought to be recovered from the consumers. The determination related back to the date of the tariff being made applicable and the petition filed before Joint Commission and the

additional surcharge ought to have been made applicable for the entire period of the year 2016-17

- L. The Appellant crave leave to add to the grounds mentioned hereinabove and submits that the contentions are in the alternate and without prejudice to one another.

10. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The Appellant has not filed any other suit, appeal or has initiated any other legal proceeding against the impugned order dated 15/09/2016 passed by the Joint Electricity Regulatory Commission.

11. GROUNDS FOR SUCH RELIEF (S) AND THE LEGAL PROVISIONS, IF ANY, RELIED UPON

N.A.

12. DETAILS OF INTERIM APPLICATION, IF ANY, PREFERRED ALONG WITH APPEAL.

N.A.

13. DETAILS OF APPEAL/S, IF ANY PREFERRED BEFORE THIS APPELLATE TRIUBNAL AGAINST THE SAME IMPUGNED ORDER/DIRECTION, BY RESPONDENTS WITH NUMBERS, DATES AND INTERIM ORDER, IF ANY PASSED IN THAT APPEAL.

N.A.

14. DETAILS OF INDEX

An index containing the details of the documents to be relied upon is enclosed.

15. PARTICULARS OF FEE PAYABLE AND DETAILS OF BANK DRAFT IN FAVOUR OF PAY AND ACCOUNTS OFFICER, MINISTRY OF POWER, NEW DELHI.

In respect of the fee of appeal.

Name of the Bank. _____ Branch _____ payable at Delhi. DD No.-
_____ Date_____.

16. LIST OF ENCLOSURES.

Annexure A: Order dated 15/09/2016 passed by the Joint Electricity Regulatory Commission.

Annexure B: A copy of the Regulations of the Joint Commission

Annexure C: A copy of the petition filed by the Appellant before the Joint Commission

Annexure D: Proposed formula for calculation of Additional Surcharge

17. WHETHER THE ORDER APPEALED AS COMMUNICATED IN ORIGINAL IS FILED.

Yes

18. WHETHER THE APPELLANT IS READY TO FILE WRITTEN SUBMISSIONS/ARGUMENTS BEFORE THE FIRST HEARING AFTER SERVING THE COPY OF THE SAME ON RESPONDENTS.

Yes

19. WHETHER THE COPY OR MEMORANDUM OF APPEAL WITH ALL ENCLOSURES HAS BEEN FORWARDED TO ALL RESPONDENTS AND ALL INTERESTED PARTIES, IF SO, ENCLOSE POSTAL RECEIPT/COURIER RECEIPT IN ADDITION TO PAYMENT OF PRESCRIBED PROCESS FEE.

No

20. ANY OTHER RELEVANT OR MATERIAL PARTICULARS/DETAILS WHICH THE APPELLANT DEEMS NECESSARY TO SET OUT:

N.A.

21. RELIEFS SOUGHT.

In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in para 8 and the grounds of appeal stated in para 9, the Appellant prays for the following reliefs:

- (a) Allow the appeal and set aside the order dated 15/09/2016 passed by the State Commission to the extent challenged in the present appeal.
- (b) Pass such other Order(s) and this Hon'ble Tribunal may deem just and proper.

Dated at Silvassa this 13th day of December, 2016

Counsel for Appellant

[Signature]
Appellant

Executive Engineer(Dist.)

DECLARATION BY APPELLANT DNH Power Distribution Corporation Ltd.
U.T. of Dadra & Nagar Haveli, Silvassa

The Appellant above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original.

Verified at Silvassa on this 13th day of December, 2016.

Counsel for Appellant

[Signature]
Appellant

Executive Engineer(Dist.)

DNH Power Distribution Corporation Ltd.
U.T. of Dadra & Nagar Haveli, Silvassa

VERIFICATION

I, Harshad Mohanbhai Patel S/o Mohanbhai Permabhai Patel aged about 53 years, working as Executive Engineer(Dist) in the office of DNH Power Distribution Corporation Limited, resident of Samarvani, Silvassa do hereby verify that the contents of paras 1 to 7 and 10 to 20 are based on the records of the Appellant maintained in the ordinary course of business and believed by me to be true and paras 8, 9 and 21 are believed to be true on legal advice and that I have not suppressed any material facts.

Date:

Place:

[Signature]
Appellant/Authorized Officer
Executive Engineer(Dist.)
DNH Power Distribution Corporation Ltd.
U.T. of Dadra & Nagar Haveli, Silvassa

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IN THE APPELLATE TRIBUNAL FOR ELECTRICITY AT NEW DELHI
APPELLATE JURISDICTION
APPEAL NO OF 2016

IN THE MATTER OF:

DNH Power Distribution Corporation Limited

.....Appellant

VERSUS

Joint Electricity Regulatory Commission

....Respondent

AFFIDAVIT

I, Shri Harshadbhai Mohanbhai Patel, son of Shri Mohanbhai Premabhai Patel, aged about 53 years, resident of Samarvani, Silvassa, do hereby solemnly affirm and state as under:

1. I say that I am Executive Engineer (Dist) in the Appellant Corporation and am competent to swear the present affidavit.
2. I say that I have read the contents of the above appeal filed by the Appellant against the order dated 15/09/2016 passed by the State Commission and I have understood the contents of the same.
3. I say that the contents of the above appeal filed by the Appellant are based on the information available with the Appellant in the normal course of business and believed by me to be true.
4. I say that the Annexures to the Memorandum of appeal are the true and correct copies of their original.

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Silvassa on this 13th day of November, 2016

R. L. P.
DEPONENT 13th 2016
Executive Engineer(Dist.)

DNH Power Distribution Corporation Ltd.
U.T. of Dadra & Nagar Haveli, Silvassa

R. L. P.
DEPONENT 13th 2016
Executive Engineer(Dist.)
DNH Power Distribution Corporation Ltd.
U.T. of Dadra & Nagar Haveli, Silvassa