

Petition for Seeking Review of Tariff Order dated 28<sup>th</sup> March 2025 passed by the Hon'ble Commission regarding Truing Up Of FY 2023-24, Annual Performance Review (APR) for FY 2024-25, Annual Revenue Requirement for MYT Control Period of FY 2025-26 to FY 2027-28 and Determination of Tariff for FY 2025-26

**June 2025**



**Case No. 29/2024 &  
30/2024**



# Maintainability of Review Petition

- A. The Hon'ble Commission can exercise the power of review under Section 94(1)(f) of the Electricity Act on the principles contained in Order 47 Rule I of the CPC, 1908.
- B. The Petitioner has demonstrated in this Review Petition sufficient cause for the Hon'ble Commission to review and rectify the errors mentioned in the impugned order dated 28<sup>th</sup> March 2025.
- C. Under Order 47 Rule 1 of CPC, a person aggrieved by the order of a Court can file a review on the following grounds:  
*“1. Application for review of judgment. (1) Any person considering himself aggrieved—*  
a. *by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*  
b. *by a decree or order from which no appeal is allowed, or*  
c. *by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”*
- C. The judgments of the Hon'ble Supreme Court unequivocally establish that a Review Petition is not only maintainable for error apparent on the face of the record but would also be maintainable on grounds that the impugned order would not have been passed but for erroneous assumption, which in fact did not exist, some mistake or for any other sufficient
- reason.
- D. It is a settled principle of law that an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of record but also if the same is necessitated on account of some mistake or for any other sufficient reason.
- E. Section 94 of the Electricity Act 2003 provides that the Appropriate Commission shall, for the purposes of any inquiry or proceedings under the Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the matters specified in that Section. Sub-section 1(f) of Section 94 deals with the review of decisions, directions, and orders.
- F. Further, while addressing the issues raised by Patna Metro Rail Corporation Limited in the tariff order dated 28<sup>th</sup> March 2025, the Hon'ble Commission has specified that those issues shall be addressed afterwards separately. **This entails that the said order dated 28.03.2025 is already under review by the Hon'ble Commission.**

# Request to condone the delay in filing Review Petition

- A. The Hon'ble Commission has issued the tariff order on 28<sup>th</sup> March 2025.
- B. Subsequently, analyzing the said tariff order by the Petitioner in accordance with the relevant rules and Regulations along with vetting and verification of data by various departments consumed substantial time.
- C. Moreover, the Petitioner has analyzed all the direction issued by the Hon'ble Commission in the aforesaid order and tried to comply the same. However, the Petitioner faced some challenges in implementation of few.
- D. For example: In reference to Time-of-day tariff across all consumers (except Agriculture) for FY 2025-26, the Petitioner is facing difficulty in its implementation due to present billing structure of few of the consumer categories and also due to limited availability of compatible meter. The issue was discussed at large internally with several departments and with metering agencies on several occasions. Based on the discussion, points have been submitted in the Review Petition.
- E. The aforesaid exercise and discussions with several departments and external stakeholders, took substantial time for the Petitioner.
- F. Further, Regulation 31 of BERC (Conduct of Business Regulation, 2005) and its amendments issued therein specifies that the Review petition may be filed within 30 days beyond the period of 60 days after the order of the Commission in some circumstances.
- G. The aforesaid delay is neither willful nor intentional and is caused solely due to undertaking such exercise on account of issue faced by the petitioner.
- H. Thus, the petitioner by way of the present petition and in the interest of justice, equity and good conscience prays to condone the delay of **6 days** and allow the Hon'ble Commission to admit the captioned petition.

# Introduction

## Background

- Bihar DISCOMs (NBPDCCL & SBPDCL) has filed a separate True up Petition for FY 2023-24, Annual performance Review for FY 2024-25, Annual Revenue Requirement for the Multi Year Tariff Control Period for FY 2025-26 to FY 2027-28 and Tariff for FY 2025-26 on 15<sup>th</sup> November 2024
- The two DISCOMs also filed separate Business Plan petition for the Multi Year Tariff Control Period for FY 2025-26 to FY 2027-28 along with its Tariff Petition
- The Commission approved the 4 Petitions in a single order dated 28<sup>th</sup> March 2025
- Aggrieved by certain treatment, apparent errors and disallowances by the Commission, the DISCOMs has filed review petition to BERC as per the provisions of the Electricity Act, 2003, BERC MYT Distribution Regulations (2021 & 2024) and BERC (Conduct of Business Regulations, 2005) and amendments issued therein.
- Further, a summary of disallowances have been prepared.

## Points for Review

- A. Error in arriving Transmission loss for FY 2023-24 and thereby disallowances of resultant parameters for FY 2023-24
- B. Error in arriving the additional DSM charges for FY 2023-24 and accordingly disallowance of Power Purchase cost made due to DSM Charges for FY 2023-24
- C. Error in arriving the methodology for sharing of (Gains) / loss on account of Power Purchase cost for FY 2023-24
- D. Other Finance Charges for FY 2023-24
- E. Error in disallowances on account of ESCERTs expense for FY 2023-24
- F. Error in non-consideration of Rent Charges for Smart Prepaid meter for FY 2023-24, FY 2024-25 and FY 2025-26 to FY 2027-28
- G. Error in calculation of GFA and resultant parameters (Depreciation, R&M expense and Return on Equity) for FY 2023-24, and subsequent effect in FY 2025-26 to FY 2027-28
- H. Capex and Capitalization for FY 2023-24 and FY 2024-25
- I. Interest on loan for FY 2025-26 to FY 2027-28
- J. Error in arriving of Distribution loss, collection efficiency and AT&C loss for FY 2025-26 to FY 2027-28
- K. Error in arriving A&G expense for FY 2025-26 to FY 2027-28
- L. Error in arriving Interest on Working Capital for FY 2025-26 to FY 2027-28
- M. Relaxation in applicability of TOD Tariff Structure for FY 2025-26
- N. Green Tariff for FY 2025-26
- O. Typographical errors

# Review Petition MYT FY 2025-26 (1/8)

## Parameter

## Reasons for Review

A

**Error in arriving Transmission loss for FY 2023-24 and thereby disallowances of resultant parameters for FY 2023-24**

- STU loss as considered by NBPDCCL & SBPDCL are based on actuals as per the audited accounts of FY 2023-24.
- **Discrepancy in Approved Loss:** Hon'ble Commission has computed the actual intra-state transmission loss of 1273.247 MU but has approved the STU loss of 1059.92 MU which appears to be an error
- The commission relied on an SLDC certificate from BSPTCL, which contains discrepancies between feeder sums and transformer LV sums at various GSS, making it unreliable
- STU loss as reported by BSPTCL is inclusive of the quantum of input and output energy of open access consumers, railways and other entities apart from Bihar DISCOMs. Therefore, accounting the same STU loss on to the petitioner attributing to the loss on part of other entities is not correct

**Prayer:** The Petitioner respectfully requests the Hon'ble Commission to consider the STU loss for true-up year of FY 2023-24 based on actuals as per the audited accounts of FY 2023-24 and subsequently consider the resultant parameters, such as, Power Purchase cost, energy balance, AT&C loss and others as claimed by the Petitioner for the FY 2023-24.

B

**Error in arriving the additional DSM charges for FY 2023-24 and accordingly disallowance of Power Purchase cost made due to DSM Charges for FY 2023-24**

- .The Hon'ble Commission treated the aforesaid DSM charges as penal in nature, whereas from the CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2022 (CERC DSM Regulations) - it is amply evident that the Deviation charges specified under above Regulations **are merely a commercial mechanism and not penal charges.**
- **Role of Uncontrollable Factors:** The discoms emphasize that deviations in power drawl are often due to uncontrollable factors affecting demand and availability, and thus deviations are a normal aspect of power system operation
- **Railway Deviations:** The commission did not properly account for the deviations caused by the Indian Railways in Bihar, which are part of the overall DSM charges
- **Typographical Error:** Typographical error in the tariff order regarding the frequency bands and conditions under which DSM charges are applicable

**Prayer:** The Hon'ble Commission is prayed to allow the expenses actually incurred and booked in the audited books of accounts towards deviation charges as claimed in true up Petition for FY 2023-24 by the DISCOMs.

# Review Petition MYT FY 2025-26 (2/8)

## Parameter

## Reasons for Review

C

**Error in arriving the methodology for sharing of (Gains) / loss on account of Power Purchase cost for FY 2023-24**

- Treatment made by the Hon'ble Commission to arrive at the sharing of (Gains) / loss on account of Power Purchase cost is not correct and appears to be an error on the face record due to the following ground:
  - Not considering the distribution loss trajectory for FY 2023-24 already approved by the Hon'ble Commission
  - Error in arriving APPC due to non-consideration of 1% Rebate on Power purchase cost
- Hon'ble Commission not considered the distribution loss trajectory for FY 2023-24 as already approved
- *Accordingly, DISCOMs request the Hon'ble Commission to consider the distribution loss target of 16.60% for NBPDCCL and 19.91% for SBPDCL for FY 2023-24 as already approved in the tariff order for FY 2024-25 dated 01.03.2024 while computing the sharing of gain / (loss) on account of additional power purchase due to excess distribution loss approved by the Commission for the FY 2023-24*

**Prayer:** The Petitioners request the Hon'ble Commission to consider the distribution loss target of 16.60% for NBPDCCL and 19.91% for SBPDCL for FY 2023-24 as already approved in the tariff order for FY 2024-25 dated 01.03.2024 while computing the sharing of gain / (loss) on account of additional power purchase due to excess distribution loss approved by the Commission for the FY 2023-24 at Bihar level.

Accordingly, the Hon'ble Commission is requested to consider the claim of the Petitioner pertaining to arriving the methodology for sharing of (Gains) / loss on account of Power Purchase cost for FY 2023-24 and the amount raised by the Petitioner may be allowed.

D

**Other Finance Charges for FY 2023-24**

- **Disallowance of Bill Discounting Charges (Claimed:- Rs. 15.71 crore for NBPDCCL & Rs. 30.09 for SBPDCL) :** The Commission did not approve the bill discounting charges claimed by NBPDCCL and SBPDCL, citing that these are working capital financing charges already covered by the interest on working capital (IOWC)
- The Petitioner requests the Commission to consider the bill discount charges in the ARR, as these charges are reflected in the audited accounts and contribute to reducing overall working capital costs.
- Mechanism/facility of Bill Discounting the DISCOMs are able to reduce their requirement of working capital and the Interest on Working Capital (IOWC) submitted in the Tariff Petition is after reducing it through the process of Bill Discounting.

**Prayer:** Hon'ble Commission is requested to kindly consider the bill discount charges claimed by Discoms as per the Audited Accounts.

# Review Petition MYT FY 2025-26 (3/8)

## Parameter

## Reasons for Review

E

**Error in disallowances on account of ESCERTs expense for FY 2023-24**

- Actual expense incurred towards the purchase of ESCERTs in FY 2023-24: **for SBPDCL- Rs.34.92 Cr & for NBPDCCL- Rs.10.04 Crore**
- PAT is a mechanism for improvements in energy efficiency of energy intensive industries. Specific high energy intensive industries are identified as Designated Consumers (DCs) within certain key sectors.
- The 'Distribution Licensee' was also included as DCs under second cycle of PAT. PAT Cycle II commenced from 1st April 2016 and was completed on 31st March 2019
- It was submitted to the Bureau of Energy Efficiency (BEE) that Discoms do not contribute to Green House Gas emissions and are in continuous evolving phase on account of various projects like Smart Metering, RDSS etc. Therefore, Discoms may be exempted from PAT Cycle-II, however, the Petitioners purchased Energy Savings Certificates (ESCERTs) in FY 2023-24 under protest.

**Prayer:** The Hon'ble Commission is requested to kindly consider the expense of the Petitioners incurred towards purchase of ESCERTs and allow the actual expense as claimed by the petitioners for FY 2023-24.

F

**Error in non-consideration of Rent Charges for Smart Prepaid meter for FY 2023-24, FY 2024-25 and FY 2025-26**

- The Commission disallowed smart prepaid meter rent charges for Phase II and Phase III due to a lack of prior approval by the Petitioner for these expenses
- DISCOMs have already provided the detailed justification in the prayer to consider the rental charges Phase II & Phase III Installation
- However, the Hon'ble Commission while approving the meter rental charges pertaining to Phase II and Phase III of tune to only **75% for FY 2023-24, 50% for FY 2024-25 and NIL for FY 2025-26 onwards** brings non-uniformity in approach and is not justified
- Phase-II and Phase-III smart metering plan is structured as a combination of 70% OPEX and 30% CAPEX mode.
- Smart metering implementation has been emphasized by the Ministry of Power and BEREC, which is guided by the several Regulation and Guidelines - in light of regulations stipulated by MoP/CEA no specific approval is required from the State Commission

**Prayer:** The Petitioner respectfully requests the Hon'ble Commission to approve the meter rental charge for Phase-II and Phase-III smart prepaid meters as claimed by the Petitioner for FY 2023-24, FY 2024-25 and FY 2025-26 to FY 2027-28.

# Review Petition MYT FY 2025-26 (4/8)

## Parameter

## Reasons for Review

G

**Error in calculation of GFA and resultant parameters (Depreciation, R&M expense and Return on Equity) for FY 2023-24, and subsequent effect in for FY 2025-26 to FY 2027-28**

### *Variations in GFA*

- Bihar DISCOMs used FY 2023-24 audited accounts for GFA, while the commission considered the opening GFA balance from the prior tariff order dated 01.03.2024.
- The Hon'ble Commission has considered the opening GFA for FY 2023-24 and FY 2025-26 to FY 2027-28 which is not in accordance with the accounts for FY 2023-24, thereby creating a cascading effect for subsequent years
- **Disallowance in Depreciation on account of Fixed Asset Register (FAR):** Hon'ble Commission has allowed only 75% of the total calculated depreciation for FY 2023-24 and FY 2025-26 to FY 2027-28
- **ERP system implementation:** Bihar DISCOMs are actively implementing an Enterprise Resource Planning (ERP) system, as mandated under the RDSS to enable the creation and maintenance of a component-wise Fixed Asset Register (FAR), along with comprehensive item-wise asset details
- Hon'ble Commission has not specified in the tariff order dated 28.03.2025 that how the **disallowance of 25% in depreciation shall be recovered by the Bihar DISCOMs.**

**Prayer:** Disallowance in the mentioned parameters have been made primarily because of difference in GFA and non-preparation of FAR. Accordingly, the DISCOMs request the Hon'ble Commission to revisit the methodology adopted and accordingly allow the depreciation, R&M expense and ROE claimed by the petitioner for FY 2023-24 and FY 2025-26 to FY 2027-28.

H

**Capex and Capitalisation for FY 2023-24 and FY 2024-25**

- Difference in the claimed vs approved for FY 23-24 of opening CWIP, capex, capitalization and closing CWIP for several schemes, such as, DDUGJY, MKVYS, old schemes etc.
- Claim for FY 2023-24 is in accordance with the audited books of accounts and MYDT Regulations, 2021 & MYDT Regulations, 2024. However, the rationale for disallowance is not provided by the Hon'ble Commission.
- **In case of SBPDCL:** Details of reconductoring scheme for FY 2024-25 as submitted has not been allowed by the Hon'ble Commission

**Prayer:** Accordingly, DISCOMs request the Hon'ble BEREC to kindly consider the claim of capex, capitalization and CWIP for FY 2023-24 and FY 2024-25.

# Review Petition MYT FY 2025-26 (5/8)

## Parameter

## Reasons for Review

I

**Interest on loan for FY 2025-26 to FY 2027-28**

- Opening loan balance and addition of loan for FY 2025-26 to FY 2027-28 differs as claimed by DISCOMs vis-à-vis approved by the Hon'ble BERC
- DISCOMs has considered the loan portfolio based on the capex and capitalisation plan as envisaged, whereas BERC considered opening loan for FY 2025-26 to FY 2027-28 based on the closing loan approved in review for FY 2024-25 in accordance with the approved capex plan
- The Commission has provisionally considered the weighted average rate of interest at 9.17 % for both DISCOMs whose rationale is not provided.

**Prayer:** The Hon'ble Commission is requested to consider the submission of the DISCOMs and accordingly approves the interest on loan for FY 2025-26 to FY 2027-28 as claimed by the both DISCOMs

J

**Error in arriving of Distribution loss, collection efficiency and AT&C loss for FY 2025-26 to FY 2027-28**

- BERC (Multi Year Distribution Tariff), Regulations 2024 did not specify any Distribution Losses, Billing Efficiency, Collection Efficiency and AT & C Loss trajectory
- Sunset time for RDSS scheme as specified by Ministry of Power is 31st March 2025, therefore, AT&C loss trajectory for DISCOMs for FY 2025-26 and subsequent years was not known.
- DISCOMs has projected the AT&C loss for FY 2025-26 onwards **considering 0.25% reduction in AT&C loss** of FY 2024-25 and accordingly projected distribution loss and collection efficiency for FY 2025-26
- Hon'ble BERC considered the reduction by **2.94% for NBPDCCL & 4.62% for SBPDCL (against previous year)** which is significantly large reduction of distribution loss per year
- Distribution loss and AT&C losses for a distribution licensee may not get drastically reduced beyond a certain threshold limit and requires massive investments
- Hon'ble BERC has also reduced capitalization and Smart Prepaid Meters Phase 2 & 3 in absence of prior performance and its approval, thereby approving double penalty on account of reduction in AT&C loss and its capitalization claim
- Consideration of 100% collection efficiency is not appropriate - Bihar is a poor state wherein consumer's per capita income is very low as compared to the national average. Therefore, consumers usually tend to default payment of bills or delayed payment

**Prayer:** The Bihar DISCOMs hereby respectfully request the Hon'ble Commission that distribution loss, collection efficiency and AT&C loss projection for the period after the RDSS scheme, i.e. from FY 2025-26 to FY 2027-28 may be considered as claimed by the petitioner in the MYT tariff petition dated 15th November 2024

# Review Petition MYT FY 2025-26 (6/8)

## Parameters

K

**Error in arriving A&G expense for FY 2025-26 to FY 2027-28**

## Reasons for Review

- A&G expense for a year and A&G base norms is to be calculated considering the actual A&G expense for the year, however The Hon'ble BERC has calculated A&G base norms considering Net A&G expense (Total A&G expenses - Meter Reading and Bill distribution - Franchise Commission – Rental charge for smart prepaid meter) instead of total A&G expense
- The Hon'ble BERC has not specified the reasoning for change in approach for calculating A&G base norms for MYT control period of FY 2025-26 to FY 2027-28

**Prayer:** The Petitioners request the Hon'ble Commission to kindly consider the A&G expenses norms and A&G expenses as submitted by the petitioners and accordingly allow the A&G expenses as claimed by the petitioner for FY 2025-26 to FY 2027-28.

L

**Error in arriving Interest on Working Capital for FY 2025-26 to FY 2027-28**

- The difference is primarily because of the variations in dependent parameters (R&M expense, receivables, power purchase cost, depreciation, ROE etc.) as claimed by the DISCOMs vis-à-vis approved by the Hon'ble BERC
- Hon'ble BERC's treatment of reducing two months of anticipated Government's financial support from the working capital requirement of the DISCOMs may not be appropriate as the State Government's financial support is passed on to the consumers through tariff subsidy, not retained with the DISCOMs

**Prayer:** It is requested to the Hon'ble Commission to allow the Interest on working capital for FY 2025-26 to FY 2027-28 as claimed by the Bihar DISCOMS

# Review Petition MYT FY 2025-26 (7/8)

## Parameters

M

Relaxation in applicability of TOD Tariff Structure for FY 2025-26

## Reasons for Review

- The Hon'ble Commission has approved the TOD tariff structure for all consumers having Contract Demand more than 10kW (excluding Agriculture consumer).
- Bihar DISCOMs experiencing issues in its implementation on the following two major grounds:
  - **Difficulty in TOD tariff implementation across all consumers (except Agriculture) in absence of compatible meter:** Smart meters are compatible to implement TOD tariff, other conventional meters are not compatible for the same
  - **Difficulty in TOD tariff implementation for Categories having two tariff-slabs:** calculation for slab wise TOD is a bit difficult and enabling IT based billing system is cumbersome job, difficulty for implementation of TOD for domestic and NDS consumers

**Prayer:** In view of the above implementation challenges, the petitioner hereby requests the Hon'ble Commission that applicability of TOD tariff structure may please be reviewed and following proposal of the petitioner may be considered:

- TOD tariff structure may be limited to Smart meter consumers, for other consumers tariff structure shall be implemented once the said conventional meters in replaced with Smart meter
- Billing with TOD tariff may be allowed as following:
  - For day wise energy charge calculation - bill as per respective normal energy charge rate (Rs./kWh or KVAh)
  - Monthly weightage average per unit energy charge (Rs./kWh or KVAh) shall be calculated to arrive at a single tariff for entire consumption of the month

N

Green Tariff for FY 2025-26

- The Hon'ble BEREC has approved a green tariff of Rs.0.42/ unit - incremental tariff and shall be applied over and above the normal tariff rates
- **Error in considering cross-subsidy charges: Rs.0.92 per unit considered**, whereas the cross-subsidy charges as determined by the Hon'ble BEREC in table 9.13 (p.646) of the tariff order for FY 2025-26 is **Rs.1.86 per unit**
- The Hon'ble BEREC has considered average cost of power purchase from RE sources considering the RE purchase cost at consumer end as Rs.4.06 per unit, the rationale for the same is not provided in the tariff order
- DISCOMs adopted the methodology similar to MP and other states for proposing the Green tariff for Bihar for FY 2025-26 & accordingly proposed Green tariff of **Rs.1.17 per unit for FY 2025-26.**

**Prayer:** The Petitioners respectfully request the Hon'ble Commission to approve the green tariff for Bihar for FY 2025-26 as proposed by the Petitioner (Rs.1.17 per unit).

# Review Petition MYT FY 2025-26 (8/8)

## Parameters

## Reasons for Review



### Typographical errors

#### NBPDCL

- Table 6.42 on page no.437: CAPEX and Capitalisation data as specified for NBPDCL for FY 2025-26 to FY 2027-28 pertains to SBPDCL and vice versa. This appears to be typographical error

#### SBPDCL

- Table 7.8 on page no.477: NDS sales for FY 2025-26 is specified as 195.92 MU whereas it should be 1951.92 MU
- Table 7.8 on page no.477: HT General sales for FY 2025-26 is specified as 2044.03 MU whereas it should be 1788.03 MU
- Table 7.8 on page no.478: HTS General-III sales for FY 2025-26 is specified as 28.92 MU whereas it should be 284.92 MU
- Table 4.106 on page no.227: Header of the fourth column is 'FY 2022-23 (Actuals)' whereas it should be 'FY 2023-24 (Actuals)'
- Table 6.42 on page no.437: CAPEX and Capitalization data as specified for NBPDCL for FY 2025-26 to FY 2027-28 pertains to SBPDCL and vice versa (same is NBPDCL as well)

Petition for Seeking Review of  
Tariff Order dated 28<sup>th</sup> March  
2025 Passed by The Hon'ble  
Commission regarding Business  
Plan of Bihar DISCOMS for  
Control Period FY 2025-26 to FY  
2027-28

June 2025



Case No. 33/2024 &  
34/2024

# Review Petition Business Plan FY 2025-26 to FY 2027-28

**Point Presented to Review:** Error in arriving the Capex and Capitalisation for the FY 2025-26 to FY 2027-28

## Capitalisation Claimed by DISCOMs Vs Approved by BERC for FY 2025-26 to FY 2027-28

Year	NBPDC (Rs Cr)			Year	SBPDCL (Rs Cr)		
	Claimed	Approved	Disallowance		Claimed	Approved	Disallowance
2025-26	3,836.90	2,165.98	1,670.92	2025-26	3,371.08	2,393.47	977.61
2026-27	2,298.13	1,319.66	978.47	2026-27	2,814.17	1,998.06	816.11
2027-28	593.45	344.96	248.49	2027-28	921.08	653.97	267.11

## Reasons for Review

- ❑ **Error in Capex and Capitalization Approval:** The Discoms submitted detailed scheme-wise and year-wise capex plans in the tariff petition dated 15th November 2024, highlighting projects like new 33 kV lines, system augmentation, Grid connectivity to rural areas under RDSS & technological interventions such as smart metering, energy accounting, reconductoring etc. The Commission approved only 55% and 71% of the projected capitalization for NBPDC and SBPDCL, respectively, citing past achievements in FY 2023-24 as insufficient
- ❑ **Importance of Projects :** The discoms are planning for initiatives related with loss reduction and system improvements, grid connectivity to rural areas would enhance the socio-economic condition of the inhabitants of those villages. Reduced CAPEX could hinder development
- ❑ **Regulatory Provisions:** Hon'ble BERC Regulation 6.2(c), 2018 allows for submission of a subsequent year-wise capital investment plan which can be revised based on actual figures.
- ❑ **Reference from Madhya Pradesh :** The Madhya Pradesh Electricity Regulatory Commission provided provisional approval for capex plans for all three discoms for the period from FY 2022-23 to FY 2025-26, with the remark that it will carry out prudence check of actual capitalization at the time of true up.

**Prayer:** Petitioner requests and prays the Hon'ble Commission to:

- Admit this Petition on record and treat it as complete
- Review and modify the Order dated 28th March 2025 passed in Case No. 33/2024 and 34/2024 on the below mentioned points
  - Error in arriving Capex and Capitalization for FY 2025-26 to FY 2027-28
- Examine the proposal submitted in the enclosed Review Petition for a favorable dispensation
- Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter this filing and make further submissions as may be required at a future date. The Petitioner's believes that such an approach would go a long way towards providing a fair treatment to all the stakeholders and may eliminate the need for a review or clarification.
- Pass such further Order, as the Hon'ble Commission may deem fit and appropriate keeping in view of the facts and circumstances of the

Thank you



# Annexure



# Summary of the Parameters Claimed and Approved under Review Petition - MYT FY 2025-26

S. No	Particulars	Year	Unit	Claimed	Approved	Difference	Claimed	Approved	Difference	Remarks
				NBDCL			SBPDCL			
A	STU Loss	FY 2023-24	MU	571.39	471.46	99.93	706.91	588.47	118.44	The commission relied on an SLDC certificate, while DISCOMs considered based on audited accounts
B	DSM charges	FY 2023-24	Rs. Crore	25.16	0.76	24.4	31.4	0.95	30.45	Commission treated DSM charges as penal in nature, whereas as per the CERC regulations these are merely a commercial mechanism and not penal charges. Also, commission did not properly account deviations caused by the Indian Railways
C	Additional Power purchase cost on account of sharing of (gain)/ loss	FY 2023-24	Rs. Crore	-0.56	117.87	118.43	-92.24	415.96	508.2	-
D	Other Finance Charges	FY 2023-24	Rs. Crore	15.71	0	15.71	30.09	0	30.09	Commission did not approve the bill discounting charges, citing that these are already covered by the interest on working capital (IOWC)
E	ESCERTs expense	FY 2023-24	Rs. Crore	10.04	0	10.04	34.92	0	34.92	Actual expense incurred towards ESCERTs in FY 2023-24: for SBPDCL- Rs.34.92 Cr & for NBDCL- Rs.10.04 Crore. Also, it was submitted to the BEE - Discoms may be exempted from PAT Cycle-II
F	Rent charges for smart prepaid meter	FY 2023-24	Rs. Crore	103.67	94.24	9.43	94.49	92.04	2.45	Disallowed for Phase II and Phase III due to a lack of prior approval by DISCOMs for these expenses
		FY 2024-25	Rs. Crore	316.43	200.91	115.52	220.56	166.04	54.52	
		FY 2025-26	Rs. Crore	781.24	106.58	674.66	451.03	136.59	314.44	
		FY 2026-27	Rs. Crore	1091.2	106.58	984.62	550.94	136.59	414.35	
		FY 2027-28	Rs. Crore	1117.82	106.58	1011.24	550.94	136.59	414.35	

# Summary of the Parameters Claimed and Approved under Review Petition - MYT FY 2025-26

S. No	Particulars	Year	Unit	Claimed	Approved	Difference	Claimed	Approved	Difference	Remarks
				<b>NBPDCL</b>			<b>SBPDCL</b>			
G	Depreciation	FY 2023-24	Rs. Cr	513.3	316.14	197.16	360.4	268.6	91.8	Hon'ble Commission has allowed only 75% of the total calculated depreciation & not specified in the tariff order dated 28.03.2025 that how the disallowance of 25% in depreciation shall be recovered by the Bihar DISCOMs
		FY 2025-26	Rs. Cr	778.53	428.33	350.20	505.21	375.42	129.79	
		FY 2026-27	Rs. Cr	836.64	485.12	351.52	571.93	440.88	131.05	
		FY 2027-28	Rs. Cr	864.51	512.27	352.24	595.36	480.01	115.35	
	R&M expense	FY 2023-24	Rs. Cr	266.41	260.17	6.24	273.81	258.76	15.05	BERC considered the opening GFA for FY 2023-24 the same as closing GFA of FY 2022-23 as approved in True up and for further years the difference is due to the consideration of opening GFA.
		FY 2025-26	Rs. Cr	280.29	236.97	43.32	308.32	287.94	20.38	
		FY 2026-27	Rs. Cr	321.45	257.4	64.05	356.96	321.9	35.06	
		FY 2027-28	Rs. Cr	346.54	269.85	76.69	397.11	349.78	47.33	
	Return on Equity	FY 2023-24	Rs. Cr	421.28	421.78	-0.5	341.22	342.9	-1.68	BERC considered the opening equity for FY 2023-24 based on the closing equity considered true-up for FY 2022-23 and same approach followed for coming years (Opening GFA differs)
		FY 2025-26	Rs. Cr	639	531.27	107.73	516.41	427.46	88.95	
		FY 2026-27	Rs. Cr	772.09	604.47	167.62	646.3	519.68	126.62	
		FY 2027-28	Rs. Cr	835.65	639.43	196.22	724.74	575.37	149.37	
H	Capex	FY 2023-24	Rs. Cr	1850.55	1842.89	7.66	1421.81	1400.21	21.6	Opening CWIP, capex, capitalization and closing CWIP for several schemes approved by the Hon'ble Commission differs as DISOM's claim is in accordance with the audited books of accounts FY 23-24 & MYDT Regulations, 2021 & MYDT Regulations, 2024
	Capitalisation	FY 2025-26	Rs. Cr	3798.63	2089.25	1709.38	2797.51	1986.24	811.27	

# Summary of the Parameters Claimed and Approved under Review Petition - MYT FY 2025-26

S. No	Particulars	Year	Unit	Claimed	Approved	Difference	Claimed	Approved	Difference	Remarks
				NBPDCCL			SBPDCL			
I	Interest on loan	FY 2025-26	Rs. Crore	768.13	637.81	130.32	623.42	525.89	97.53	BERC considered opening loan for FY 2025-26 to FY 2027-28 based on the closing loan approved in review for FY 2024-25 in accordance with the approved capex plan
		FY 2026-27	Rs. Crore	897.45	693.84	203.61	776.49	616.93	159.56	
		FY 2027-28	Rs. Crore	916.59	686.29	230.3	844.61	645.75	198.86	
J	Distribution Loss	FY 2025-26	%	14.47%	14.12%	0.35%	17.40%	16.68%	0.72%	- BERC (Multi Year Distribution Tariff), Regulations 2024 did not specify any Distribution Losses, Billing Efficiency, Collection Efficiency and AT & C Loss trajectory. - DISCOMs has projected the AT&C loss for FY 2025-26 onwards considering 0.25% reduction while BERC considered the reduction per year as 2.94% for NBPDCCL & 4.62% for SBPDCL. - Commission has considered 100% collection efficiency
		FY 2026-27	%	14.39%	13.71%	0.68%	17.32%	15.91%	1.41%	
		FY 2027-28	%	14.31%	13.30%	1.01%	17.23%	15.18%	2.05%	
	Collection Efficiency	FY 2025-26	%	98.50%	100.00%	-1.50%	97.16%	100.00%	-2.84%	
		FY 2026-27	%	98.70%	100.00%	-1.30%	97.36%	100.00%	-2.64%	
		FY 2027-28	%	98.90%	100.00%	-1.10%	97.56%	100.00%	-2.44%	
	AT&C Loss	FY 2025-26	%	15.75%	14.12%	1.63%	19.75%	16.68%	3.07%	
		FY 2026-27	%	15.50%	13.71%	1.79%	19.50%	15.91%	3.59%	
		FY 2027-28	%	15.25%	13.30%	1.95%	19.25%	15.18%	4.07%	
K	A&G expense	FY 2025-26	Rs. Crore	285.68	161.55	124.13	209.63	154.15	55.48	To be calculated considering the actual A&G expense for the year, however BERC has calculated A&G base norms considering Net A&G expense. Net A&G expense=(Total A&G expenses - Meter Reading and Bill distribution - Francise Commission – Rental charge for smart prepaid meter) instead of total A&G expense
		FY 2026-27	Rs. Crore	318.8	180.49	138.31	233.25	171.65	61.6	
		FY 2027-28	Rs. Crore	355.37	201.42	153.95	258.85	190.56	68.29	
L	Interest on Working Capital	FY 2025-26	Rs. Crore	16.17	7.6	8.57	18.17	0	18.17	The difference is primarily because of the variations in dependent parameters & BERC's treatment of reducing two months of anticipated Government's financial support from the working capital requirement of the DISCOMs may not be appropriate
		FY 2026-27	Rs. Crore	18.12	9.24	8.88	22.68	0	22.68	
		FY 2027-28	Rs. Crore	18.73	10.05	8.68	25.54	0	25.54	

# Summary of the Parameters Claimed and Approved under Review Petition - MYT FY 2025-26

S. No	Particulars	Year	Unit	Claimed	Approved	Difference	Claimed	Approved	Difference	Remarks
				NBPDCCL			SBPDCL			
M	TOD Tariff	FY 2025-26	-	-	-	-	-	-	-	BERC approved TOD tariff for all consumers above 10 KW load (except Agriculture). DISCOMs pray the following: a) TOD tariff structure may be limited to Smart meter consumers only having load more than 10 KW (except Agriculture consumer) in line with the MYT petition submitted. b) Further, for the consumers having currently installed conventional meters, TOD tariff structure shall be implemented once the said conventional meters in replaced with Smart meter. c) For the consumer categories having two tariff slab structure, the billing with TOD tariff may be allowed as per the proposal submitted in the Review Petition.
N	Green Tariff	FY 2025-26	Rs. / kWh	1.17	0.42	0.75	1.17	0.42	0.75	Difference in calculation methodology, as the Hon'ble Commission has determined the green tariff relying on four key parameters as provided below: <ul style="list-style-type: none"> <li>Average pooled power cost of RE</li> <li>Cross subsidy charges</li> <li>Service Charge covering prudent cost of distribution licensee for providing Green Energy</li> <li>Fixed cost of thermal units due to stranded power</li> </ul>