

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI.**

CORAM

S.K.F. KUJUR, Chairman
P.C.VERMA Member, Tech.
SHAKUNTALA SINHA, Member

Case No.2 of 2007-08.

M/S. Super Steel Casting Ltd. HazaribaghPetitioner

Versus

Damodar Valley Corporation

Chief Engineer(Commercial) Damodar Valley Corporation.Respondent

With Case No.03 of 2007-08

M/s Bishwanath Ferro Alloys Ltd.Petitioner

Versus

Damodar Valley Corporation

Chief Engineer (Commercial) Damodar Valley Corporation

With Case No.04 of 2007-08

M/s Balmukund Sponge & Iron Ltd.

Versus

1. Damodar Valley Corporation Ltd.

2. Chief Engineer (Commercial) Damodar Valley Corporation Respondents.

With case No.5 of 2007-08

M/S. Balajee Electrosteel LimitedPetitioner

Versus

1. Damodar Valley Corporation

2. Chief Engineer (Commercial) Damodar Valley Corporation.....Respondents.

For the petitioners:

1. Shri N.K. Pasari, Advocate.
2. Shri J.S. Pasari, Advocate.
3. Shri M.S. Mittal, Advocate.
4. Smt. Sheela Prasad, Advocate.

2. Shri V.K. Singh, Advocate.

For the Commission:

Shri Sudarshan Srivastava, Advocate.

Order
(30/04/2007)

1. All these cases have been taken together and can be dealt with by a common order since the issue that arises for our consideration is one & the same that is whether the D.V.C. the common respondent in all the cases can charge enhanced rate of fuel surcharge from April, 2006 to September, 2006 @ of 85.74 ps and from October 2006 onwards @ of 87.74 ps, of its own without getting it approved and its distribution tariff determined by this Commission. This common order will cover all the cases mentioned above and dealt together.
2. Petitioner of the above noted cases are the consumers of the D.V.C.
3. On the similar facts and situation eight cases were filed by the different Consumers of the D.V.C. receiving the same letter No.3497 dated 18.01.2007 issued by the respondent No.2 the Chief Engineer (Commercial), Damodar Valley Corporation (D.V.C.). In all those eight cases this Commission has ordered that the D.V.C. cannot enhance the rate of fuel cost surcharge without getting the same approved by this Commission.
4. Learned Counsels for the petitioners of all the above mentioned cases and the learned Counsel for the D.V.C. submitted that in view of the orders passed by this Commission in the cases of similar nature, there is no need of submission from either side.
5. Admittedly the D.V.C. has neither got its distribution Tariff determined by this Commission nor got the formulae for fuel cost surcharge approved by this Commission.
6. Hence the D.V.C. is disallowed to charge the increase in fuel cost surcharge of paise 21.93 per unit for the period from April 2006 to September 2006 and further ad-hoc increase of 2 paise (i.e. total increase of 23.93 paise) per unit from October 2006

No.2 the Chief Engineer (Commercial) D.V.C. till determination of the Distribution Tariff of the D.V.C, by this Commission.

Sd/-
Shaktala Sinha
Member (Legal)

Sd/-
P.C. Verma
Member (Tech)

Sd/-
S.K.F. Kujur
Chairman