BEFORE THE SIKKIM STATE ELECTRICITY REGULATORY COMMISSION AT GANGTOK

Case No.: Miscellaneous Application No. 1 of 2026

(Converted from Review Petition No. 01/R.P/PDS/2026)

Coram:

Shri. Tempo Gyatso Bhutia. Member (Law)

Date of Order: 27TH August 2026.

IN THE MATTER OF:

An application under the inherent powers of the Commission seeking mid-term modification of the Tariff Order dated 30th June, 2026, passed in Petition No. 01-PDS/2026 regarding the withdrawal of the rebate on energy charge.

AND

IN THE MATTER OF:

Power Department, Government of Sikkim

Kazi Road, Gangtok, Sikkim – 737101

Represented by: Shri Bikash Deokota, Secretary (PDS)

..... Applicant/Petitioner

ORDER

Background and Maintainability

The present Petition was instituted by the Power Department, Government of Sikkim, on 10th August 2026, styled as Review Petition, seeking a review of the Tariff Order dated 30th June 2026. Upon preliminary examination, the Commission observes that the Petitioner's averments regarding subsequent operational delays do not satisfy the strict procedural criteria for a review under Section 94(1)(f) of the Electricity Act, 2003, read with Order 47 Rule 1 of the Code of Civil Procedure, 1908.

The Commission observes that while Section 94(1) of the Electricity Act, 2003, vests it with specific procedural powers of a civil court under the Code of Civil Procedure (CPC), 1908, a regulatory authority is not strictly bound by the rigid finality that renders a standard civil court functus officio upon passing a judgment. Unlike a civil court adjudicating an adversarial dispute, a State Electricity Regulatory Commission exercises continuous, dynamic oversight over the implementation of its tariff frameworks.

When subsequent operational shifts—such as the delayed deployment of the smart prepaid metering infrastructure—frustrate the underlying premise of a tariff order and threaten the consumer interest protections mandated by Section 61(d) of the Act, the Commission's jurisdiction does not extinguish. This Commission exercises its continuous regulatory

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Sikkim State Electricity Regulatory Commission
Deorali, Gangtok, Sikkim

jurisdiction and the inherent powers expressly preserved under the SSERC (Conduct of Business) Regulations, 2012. This ongoing mandate provided under Regulation 79 (a)(b) and Regulation 80 of the SSERC (Conduct of Business) Regulations, 2012 empowers the Commission to look beyond the Petitioner's nomenclature, cure procedural labelling defects, and issue prospective, mid-term tariff modifications to prevent consumer hardship, leaving the final financial reconciliation to the statutory Annual True-Up process. Hence this Review petition is being heard as a Miscellaneous Application.

For the purpose of computing limitation and procedural compliance, this Miscellaneous Application shall be deemed to have been filed on 10th August 2026, being the date of original institution, thereby preserving the filing date and curing any defect of delay.

Directions and Relief

In consideration of the above, the Commission hereby directs as follows:

Continuation of Rebate: The Tariff Order dated 30th June 2026 is hereby modified. The 5% rebate on energy charges for all Domestic and Commercial consumers shall be fully reinstated and maintained for the entirety of FY 2026-27.

True-Up Reconciliation: The Petitioner shall precisely quantify the revenue impact resulting from the continuation of this rebate. The financial reconciliation of this variance from the approved Annual Revenue Requirement (ARR) will be evaluated during the Annual True-Up exercise for FY 2026-27.

Billing Compliance: The Petitioner shall immediately issue a public notice and instruct its billing section to reflect this 5% rebate in all subsequent billing cycles without disruption, the same being retrospectively effective w.e.f 1st day of August, 2026.

Further the benefit of 1% rebate for consumers having already installed prepaid meters as provided for at (i) of XI. Additional Benefits for Consumers Having Prepaid Meters in the APPENDIX of the Order dated 30/06/2026 stands withdrawn to prevent overlapping incentives.

The Petitioner is further ordered to expedite the installation and operation of the smart prepaid meters at the earliest and to file a completion report of the same with this Commission.

Ordered accordingly.

Sd/-

(Tempo Gyatso Bhutia)

Member (Law)

Place: Gangtok, Sikkim

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