

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Subject:- In the matter of Application under Regulation 46 of Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 (hereinafter referred to as 'COB Regulations') in Petition No. 31 of 2015 for continuation of Provisional Tariff for the sale of power generated from 600 MW Unit-1 of 2 X 600 MW Coal based Thermal Power Project (phase-1) in District Annupur, Madhya Pradesh, in accordance with Prayers sought in Petition No. 31 of 2015.

Petition No.06/2016

ORDER

(Date of Motion Hearing: 8th March' 2016)

(Date of Order : 9th March' 2016)

M/s M.B Power (Madhya Pradesh) Ltd.

Petitioner

V/s

1. M.P. Power Management Company Limited, Jabalpur
2. M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Jabalpur,
3. M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd., Bhopal,
4. M.P. Paschim Kshetra Vidyut Vitaran Ltd., Indore

Respondents

Mr. Sakya Singha Chaudhuri, Advocate and Shri Manoj Rastogi, GM (Commercial) appeared on behalf of the petitioner.

The petitioner has broadly submitted the following in the subject petition filed on 26th February' 2016.

- i. *"The Petitioner had filed Petition No. 19 of 2014 under Section 62 and Section 86 (1) (a) of the Electricity Act, 2003 read with Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2012.*
- ii. *The Hon'ble Commission after hearing the Petitioner on 21.07.2015, passed an order on 29.07.2015 approving the Provisional tariff for Unit – 1 of the Petitioner's Project. As per the aforesaid order of the Hon'ble Commission, the Provisional tariff shall be effective from date of CoD of Unit-1 i.e. 20th May, 2015 to 31st March, 2016. Further, the provisional tariff determined in aforementioned order shall be subject to adjustment as per **Regulation 15.3** of the MPERC (Terms and Conditions for determination of generation tariff) Regulations, 2012 on determination of the final tariff by the Hon'ble Commission after submission of the audited accounts and all other relevant details/documents and clarifications to the satisfaction of the Commission.*

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- iii. *The Petitioner respectfully submits that the Unit-2 of the Petitioner’s Project is expected to commence commercial operation by end of March 2016 and the Petitioner in compliance to Hon’ble Commission order dated 29.07.2015 would be filing petition for approval of Provisional Tariff for Unit-2 of the phase – 1 of the Project.*
- iv. *The Petitioner respectfully submits that subsequent to commencement of commercial operation of Unit-2, the Petitioner will file the petition for determination of final tariff based on duly audited and certified data which in turn will require bulk compilation of data and other details post commercial operation date (i.e. expected by end of March 2016) of Unit – 2 of the phase – 1 of the Project. This in turn requires appreciable time as audit of data and documents of phase – 1 of the Petitioner’s Project post Commissioning of Unit – 2 is likely to be completed by September/October, 2016.*
- v. *The Petitioner submits that in the present petition, the Petitioner had sought the provisional Tariff for Unit – 1 till approval of final tariff order, however this Hon’ble Commission was pleased to allow provisional tariff vide Order dated 29.07.2015 upto 31st March 2016 only and the Unit – 1 of the Petitioner’s Project is currently supplying power to Madhya Pradesh Discoms from the commercial operation date (hereinafter “COD”) under PPAs dated 05.01.2011 and 04.05.2011 with Respondents.*
- vi. *It is submitted that the audited accounts of Petitioner along with Unit wise breakup of figures in audited accounts shall be available by September/ October 2016. Subsequently within a month, the Petitioner will approach the Commission along with relevant details, audited accounts and break-up of Unit wise figures for determination of final tariff in line with the directions of this Commission in order dated 29.07.2015. The Petitioner vide this application humbly prays to this Hon’ble Commission to continue the provisional tariff in terms of order dated 29.07.2015 passed in Petition no. 31/2015 for Unit – 1 of the Project, effective for the period beginning 01.04.2016 till final tariff order is approved by this Hon’ble Commission.”*

2. Motion hearing in the matter was held on 8th March, 2016 when the Commission observed that in case of existing projects, Proviso (i) and (ii) of Regulation 7.11 of MPERC

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(Terms & Conditions for determination of Generation Tariff) Regulations, 2015 {RG-26 (III) of 2015} provides as under:

“Provided that:

- (i) the generating company shall continue to bill the beneficiaries at the tariff approved by the Commission and the same shall be applicable as on 31.3.2016 for the period starting from 1.4.2016 till approval of tariff by the Commission in accordance with these Regulations:*
- (ii) the difference between the billing done in accordance with proviso (i) above and the tariff determined in accordance with Regulation 5 of these regulations shall be recovered or refunded by the generating company with simple interest at the rate equal to the bank rate as on 1st April of the respective year, within six months from the date of tariff order issued by the Commission -----”*

3. In view of the submissions made in the petition and the above provisions under Regulation 7.11 of MPERC (Terms & Conditions for determination of Generation Tariff) Regulations, 2015 {RG-26 (III) of 2015}, the petition is admitted and the petitioner is allowed to provisionally bill the Respondent No.1, for the period starting from 1st April, 2016 till approval of tariff by the Commission in accordance with the aforesaid Regulations, as per the order issued by the Commission on 29th July, 2015 in petition No.31 of 2015 for its Unit-I (600 MW).

4. The petitioner is directed to file the petition for determination of final tariff at the earliest but not later than 30th November’ 2016 along with the Annual Audited Accounts and all other essential details/documents required for determination of final tariff.

Ordered accordingly,

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman