

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of Petition under Regulation 61.5 of the MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2020.

Petition No. 03 of 2021

ORDER

(Hearing through video conferencing)

(Date of Motion Hearing: 23rd February' 2021)

(Date of Order 26th February' 2021)

Management Director,

M.P. Power Management Company Ltd.,
Block No. 15, Shakti Bhawan,
Rampur, Jabalpur – 482008

- **Petitioner**

Vs.

The Managing Director,

M.P. Power Generating Co. Ltd.
Block No. 9, Shakti Bhawan, Vidut Nagar,
Rampur, Jabalpur – 482 008

- **Respondent**

1. The Managing Director

M. P. Poorv Kshetra Vidyut Vitaran Co. Ltd.
Shakti Bhawan, Rampur, Jabalpur – 482008.

2. The Managing Director

M. P. Madhya Kshetra Vidyut Vitaran Co. Ltd.
Nishtha Parisar, Govindpura, Bhopal – 462023

3. The Managing Director

M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd.
GPH Compound, Pologround, Indore.

- **Proforma Respondents**

Shri Manoj Dubey, Advocate appeared on behalf of the petitioner.

M.P. Power Management Company Ltd. has filed the subject petition under Regulation 61.5 of the MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2020. The petitioner has prayed to waive of the incentives relating to thermal generating stations payable by the petitioner to the Respondent No. 1 under Regulation 42.6 of the MPERC Generation Tariff Regulations, 2020.

2. At the motion hearing held in the subject matter on 23rd February' 2021, Ld. Counsel who appeared for the petitioner explained the genesis of the subject petition. The Commission observed that the subject petition is filed under Regulation 61.5 of MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2020. The Regulation 61 of the MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2020 provides as under:

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61.1 Tariff determined in these Regulations shall be a ceiling tariff. The generating company and beneficiaries may mutually agree to charge a lower tariff.

61.2 The generating company may opt to charge the lower tariff for period not exceeding the validity of these regulations on account of lower depreciation based on the requirement of repayment. In such case, the unrecovered depreciation on account of reduction of depreciation by the generating company during useful life shall be allowed to be recovered after the useful life in these Regulations.

61.3 The generating company may opt to charge the lower tariff for a period not exceeding the validity of these Regulations on agreeing to deviation from operational parameters, reduction in operation & maintenance expenses, reduced return on equity and incentive specified in these Regulations.

61.4 The deviation from the ceiling tariff specified by the Commission shall come into effect from the date agreed to by the generating company and the beneficiaries.

61.5 The generating company and the beneficiaries of a generating station shall be required to approach the Commission for charging lower tariff in accordance with Regulations 61.1 to 61.3 above. The details of the accounts and the tariff actually charged under Regulations 61.1 to 61.3 above shall be submitted at the time of true up.

3. As per the above provisions under Regulations, the generating company and beneficiary (petitioner herein) may mutually agree to charge a lower tariff and they are required to approach the Commission for charging lower tariff in accordance with Regulations 61.1 and 61.3 of the same Regulation. Accordingly, the petitioner (beneficiary) and the Respondent (Generator) have to approach the Commission jointly in terms of Regulation 61.5 of MPERC Generation Tariff Regulations, 2020.

4. In view of the above, the subject petition is not admitted in the present form. However, the petitioner is at liberty to file afresh petition in this matter in terms of Regulation 61.5 of MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2020. As requested by Ld. Counsel of the petitioner, the fee deposited by MPPMCL with the subject petition shall be adjusted in the afresh petition to be filed in this matter.

With the above direction, the subject petition is disposed of.

(Shashi Bhushan Pathak)
Member

(Mukul Dhariwal)
Member

(S.P.S Parihar)
Chairman