

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Subject: In the matter of making “Rebate for existing HT connections” applicable to all industrial consumers under “Tariff Schedule HV3, FY2016-17

(P. No. 53/2016)

ORDER

Date of Order: 27/10 /2016

**M/s Grasim Industries Ltd. (Chemical Division) ,
Nagda , Distric Ujjain MP, :**

Petitioner

V/s

**M.P. Power Management Co. Ltd.
(MPPMCL) Jabalpur :**

Respondent

Shri P.L. Nene & Shri U.K. Dubey appeared on behalf of the Petitioner.

2. The petitioner in instant petition has requested the Commission to consider extending the rebate as provided under Tariff Schedule HV – 3.1 Industrial, under clause (e) of the specific terms and conditions of Tariff Schedule HV – 3 to the existing HT connections falling under sub-category HV - 3.4, Power Intensive Industries, in pursuance of proposal made under ARR & Retail Supply Tariff Petition for FY 2016-17 (P.No. 73/2015) filed by the MPPMCL before the Commission.

3. During the motion hearing the Commission observed that though the petitioner’s request for revision in the clause (e) of the specific terms and conditions of the Tariff Schedule HV – 3 stipulated in the Retail Supply Tariff Order for FY 2016-17 issued by the Commission on 05/04/2017 also amounts to the review of the Commission’s Order but the petitioner has not filed a review petition. However, a review of a tariff order is admissible as per the clause 1.32 and 1.33 of MPERC (Details to be furnished and fee payable by licensee or generating company for determination of tariff and manner of making application) Regulations 2004. This is given below:

“Review of Tariff Order :

1.32 All applications for the review of tariff shall be in the form of petition accompanied by the prescribed fee. A petition for review of tariff can be admitted by the Commission under the following conditions:

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- (a) The review petition is filed within sixty days from the date of the tariff order and*
- (b) It is proved that an error apparent from the records is there.*

1.33 The Commission on its own, being satisfied that there is a need to review the tariff of any generating company or the licensee, shall initiate the process of review the tariff of any generating company or the licensee in accordance with the procedures set out in MPERC (Conduct of Business) Regulations.”

Further, for filing a review petition before the Commission, the following conditions have to be fulfilled:

- (a) 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 order was passed or;*
- (b) on account of some mistake or error apparent on the face of the record or;*
- (c) any other sufficient reason.*

4. The subject petition has been scrupulously scrutinized for establishing the maintainability in light of the aforementioned provisions. The petitioner has not established any error apparent / calculation error or any violation of provisions of the regulations / Act in the tariff order. The petitioner has also not been able to produce any new and important matter or evidence which could not be produced before the Commission when the tariff order was passed. Further, the petitioner is also not able to procure any other sufficient reason which calls for a review of the aforementioned condition in the retail supply tariff order for FY 2016-17.

5. In view of the facts and circumstances as stated hereinabove, the Commission has noted that the instant petition is not maintainable. The instant petition is disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman