

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

**Subject: Review application on Commission's Order dated 05/04/2016 in Petition No. 73/2015.**

**ORDER**

**Date of Motion Hearing: 24/05/2016**

**Date of Order : 27/05/2016**

**M/s Prism Cement Ltd. Satna.**

**Petitioner**

Shri Jabir Khan, GM (E&I) appeared on behalf of the petitioner.

2. The petitioner has filed the subject petition for seeking review of the Commission's order dated 05/04/2016 in respect of petition no. 73/2015 in the matter of determination of ARR and retail supply tariff for FY 2016-17. The petitioner has stated that in the retail supply tariff order under tariff schedule HV 3.1 for 132 kV the fixed charges determined by the Commission are more than the charges proposed by the distribution licensees in their petition for determination of retail supply tariff for FY 2016-17. The distribution licensees had proposed monthly fixed charges of Rs. 555.00 per kVA of billing demand in their petition while the Commission had determined monthly fixed charges of Rs. 560.00 per kVA of billing demand. The petitioner has submitted that the fixed charges so determined by the Commission should not be higher than the proposal submitted by the distribution licensees as this impact has not been envisaged by it and therefore no objection was raised. The petitioner has requested the Commission the review the Retail supply tariff order and to amend the same as deemed fit and proper.

3. 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. The same 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:*

*(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.”*

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

**Subject: Review application on Commission's Order dated 05/04/2016 in Petition No. 73/2015.**

*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 Commission determines the tariff as per the provisions under Section 61, 62, 63 and 64 of the Electricity Act 2003. The Act and the Regulations specified therein by the Commission do not stipulate that the Commission cannot determine the tariffs over and above the proposal put forth by the distribution licensees. Further, the tariff policy stipulates that average realization from a category of consumers should be within the range of +/- 20% of the average cost of supply. In order to achieve the same the Commission has been consciously making efforts over the past several years to reduce the cross subsidy levels across all consumer categories. For FY 2016-17 the average realization for tariff category HV – 3 has been achieved as 123% of the average cost of supply which is lower than the same achieved during FY 2015-16 i.e. 125%.

5. In light of above, the Commission observed that the petitioner has failed to bring out any new and important matter or evidence and also could not establish any mistake or error apparent on the face of the record in the order, the subject petition for review of the retail supply tariff order for FY 2016-17 is not maintainable. The petition is therefore, dismissed.

**(Alok Gupta)**  
Member

**(A. B. Bajpai)**  
Member

**(Dr. Dev Raj Birdi)**  
Chairman