

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: In the matter of approval of additional cost recovery on account of supplementary bills raised by the generators during FY2012-13

Order

Date of motion hearing: 26.09.2017

Date of order: 28.09.2017

- 1 M. P. Power Management Co. Ltd, Jabalpur (MPPMCL) : Petitioners**
- 2 M.P. Madhya KVVCL ,Bhopal (Central Discom)**
- 3 MP Poorv KVVCL, Jabalpur . (East Discom)**
- 4 MP Paschim KVVCL,Indore. (West Discom)**

Shri F.K Meshram, (CGM (RM) appeared on behalf of MPPMCL. Shri A.R. Verma, GM appeared on behalf of Central Discom. Shri Praveen Jain, DGM and Shri SK Okhade, DGM appeared on behalf of East Discom. Shri Shailendra Jain, Dy. Dir appeared on behalf of West Discom.

2. The petitioners have jointly filed the subject petition seeking approval of additional cost recovery on account of supplementary bills raised by the Generators for period prior to FY 2012-13 and disallowed by the Commission during the true up exercise of FY 2012-13 as well as Review Petition filed therein. The petitioners interalia have prayed in the petition to consider and approve the claim of Rs 1217.79 Crores for MP State as a whole (Rs. 344.34 Crores for East Discom, Rs. 422.22 Crores for Central and Rs. 451.23 Crores for the West Discom) towards the amount of supplementary bills of previous years.

3. During the motion hearing held on 26/09/2017 the Commission noted that the instant petition has been filed on the premise that the Commission had disallowed the claim of the petitioners in the true up order as well as in the order on review filed on the true up order for FY 2012-13. Further, the petitioners have also contested for errors in the orders of the Commission issued in respect of the true up of the ARRs of the past period from FY 2005-06 to FY 2011-12 and in the compliance orders on APTEL's judgments. The petitioners have filed the claim of Rs. 1217.79 Crore against the actual bills of the amount of Rs. 1102.67 Crore reflected in audited balance sheets of FY2012-13 of petitioners. However, when enquired by the Commission the petitioners could not establish their claim in respect of errors in the Commission's orders.

4. The Commission on perusal of petition has observed that the Commission's orders referred to in the instant petition are aptly clear in all aspects. The petitioners' have erroneously contested in petition that the Commission has disallowed the power purchase claims of previous years during true up of FY 2012-13 while the Commission has categorically stated in its previous true up orders that it is inclined to consider the amount of Rs. 1102.67 Crore reflected in audited balance sheets of petitioners for FY12-13 provided that these amount are duly reconciled with respective year's true ups. Further, the petitioners' have inappropriately claimed that the

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Commission erred in issuing the compliance orders on APTEL's judgments while there have not been any errors in calculations as contested by the petitioners.

5. The Commission observed that the petitioners have filed the instant petition without verifying their own records / data and also by erroneously considering the superseded orders of the Commission ignoring the compliance orders those were subsequently issued pursuant to the APTEL's judgments with revised working in the matter. The Commission's Orders referred to in the instant petition have already attained the finality as no review has been sought by the petitioners within stipulated time as per the provisions of the relevant regulations issued by the Commission from time to time.

6. The Commission observed that the petition in the present form is not maintainable hence disposed of. The petitioners may file a fresh petition in accordance with directions through the true up order for FY2012-13 in light with aforesaid observations.

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman