

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
BHOPAL**

Dated: 29<sup>th</sup> September, 2012

**Subject: In the matter of application for review of True-up order dated 06.08.2012 for FY 2009-10 passed in petition No.70/2010.**

**Petition No.66/2012**

**ORDER**

(Date of Motion Hearing: 25<sup>th</sup> September, 2012)

**M. P. Power Transmission Co. Ltd., Jabalpur**

**Petitioner**

V/s

1. **M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Jabalpur**
2. **M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd., Bhopal**
3. **M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., Indore**
4. **M.P. Audyogik Kendra Vikas Nigam, Indore (SEZ Pithampur)**

**Respondents**

Shri S.S. Nigam, Addl. EE, Shri Vincent D'Souza, and Shri D. Chakraborty, Executive Engineers appeared on behalf of the petitioner.

2. MP Power Transmission Co. Ltd. (MPPTCL), Jabalpur filed the subject petition for review of Transmission True-up order for FY 2009-10 passed by the Commission on 6<sup>th</sup> August, 2012 in petition No.70/2010.

3. The petitioner broadly submitted the following in the petition:

- i) *The Commission issued True-up order on 06.08.2012, allowing a True-up amount of Rs.53.99 Crs.*
- ii) *The Commission has considered an entry of 'Interest Income' of Rs.8.61 Crores from Schedule-13 of Annual Accounts for FY 2009-10, and added to the Non-tariff Income of 5.43 Crores making a total of Rs.14.04 Crores. The reasons recorded under Para 4.103 to 4.107 of the True-up order dated 06.08.2012.*
- iii) *Out of Rs.8.61 Crores, an amount of Rs.8.58 Crores has already been transferred to CWIP that is the "Interest During Construction" which is already deducted from the total Interest eligibility under the Table-49 given in Para 4.68 of the instant True-up order.*
- iv) *The remaining interest i.e. Rs.3,56,170.00 has already been included in entry of 'Interest Income' of Rs.7.99 Lacs given in Table-B in Para 4.102 of the True-up order.*
- v) *With the above contention, the petitioner prayed the following in the petition:*
  - (a) *Modify the non-tariff income as Rs.5.43 Crores in place of Rs.14.04 Crores mentioned in True-up order dated 06.08.2012.*
  - (b) *According to (a) above, revise the True-up amount to Rs.62.60 Crores in place of Rs.53.99 Crores approved in True-up order dated 06.08.2012.*

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4. The case was listed for motion hearing today i.e. 25<sup>th</sup> September, 2012. Having heard the petitioner, the Commission has observed that the grounds on which review of the Commission's order can be considered are only the following :

- (i) Discovery of new or important matter of evidence, which after exercise of due diligence was not within the knowledge of the petitioner or could not be produced by him, at the time when the order was made, or
- (ii) Mistake or error apparent on the face of the record, or
- (iii) Any other sufficient reason

5. It was argued by the petitioner that there is an error apparent while considering the non-tariff income in the subject true-up order. The petitioner informed during the hearing that there would be a change in their asset base on account of interest income allocated to capital work in progress pursuant to change in their accounting policy.

6. The Commission has been following a consistent approach by treating the interest earned as revenue income in its previous tariff/true-up orders. The contention of the petitioner that it is an error apparent is therefore, not tenable. The Commission therefore, holds that arguments put forth are not valid for a review and that the instant review petition is not maintainable.

7. On the issue of contended reduction in capital works in progress, the petitioner is given liberty to agitate for its restoration in the forthcoming tariff petition on furnishing necessary documents/records in support.

Ordered accordingly.

Sd/-  
**(C. S. Sharma)**  
**Member**

Sd/-  
**(Rakesh Sahni)**  
**Chairman**