

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Subject: In the matter of True up of Tariff order of Unit-I (45 MW) of M/s BLA Power (P) Ltd. for FY 2014-15 and 2015-16 and MYT petition for FY 2016-17 to FY 2018-19 for sale of 30% capacity to MPPMCL and 5% power to GoMP.

Petition No.13 of 2017

ORDER

**(Hearing through Video Conferencing)
(Date of Motion Hearing: 26th July'2022)
(Date of Order: 2nd August' 2022)**

M/s. BLA Power Pvt. Ltd.

84, Maker Chambers III,
Nariman Point, Mumbai-400 021

- **Petitioner**

V/s

1. Govt. of Madhya Pradesh, Energy Department
Ballabh Bhawan, Bhopal (M.P.)

2. M.P. Power Management Company Ltd.,
Block No. 2, Shakti Bhawan, Rampur, Jabalpur – 482008

3. M. P. PoorvKshetra Vidyut Vitaran Co. Ltd.
Shakti Bhawan, Rampur, Jabalpur – 482008.

4. M. P. Madhya Kshetra Vidyut Vitaran Co. Ltd.
NishthaParisar, Govindpura, Bhopal – 462023

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

- **Respondents**

Ms. Shikha Ohri, Advocate and Shri Manoj Sahu appeared on behalf of Petitioner.

Shri Ravin Dubey, Advocate and Shri Nitin Kumar Khatri appeared on behalf of Respondent No. 1 & 2.

M/s BLA Power (P) Ltd. filed this petition for True up of Tariff order of Unit No. 1 (45 MW) for FY 2014-15 and 2015-16 (determined vide Commission's tariff order dated 22nd May' 2015) and determination of Multi-year tariff from FY 2016-17 to FY 2018-19 for sale of 30% capacity to MPPMCL and 5% power to GoMP (only variable charge/cost).

2. At the motion hearing held on 26th July' 2022, Ld. Counsel who appeared for the petitioner informed that there have been new developments subsequent to filing of this petition and that it is necessary to incorporate these developments and associated information in this petition which would require substantial amendment in the subject petition that has been filed, therefore, the petitioner may be allowed to amend this petition for which adequate time may be given. Learned Counsel for the petitioner has also requested that pleading on behalf of petitioner on the hearing today, may be allowed to be filed through a written note within next three days. Request of petitioner was granted. However, no written note is filed by petitioner till date.

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3. The Commission felt that the subject petition has been ongoing for a very long time and any further delay in adjudicating this matter on grounds of subsequent developments does not seem appropriate. Moreover, logical presentation of facts and information would require revision/ comprehensive changes in the subject petition. Since, Ld. Counsel for petitioner expressed her apprehension about limitation therefore, it is made clear that rule of limitation is not applicable in determination of tariff.
4. Therefore, it is appropriate that the subject petition in present form is not heard and it is directed that a fresh petition comprehensively covering all facts and information be filed by petitioner for consideration of the Commission. It is further directed that fees deposited in the subject petition be adjusted against fresh petition.

With the aforesaid observations and directions, the subject petition stands disposed of.

(Gopal Srivastava)
Member (Law)

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman