

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

Sub: In the matter of petition under Section 94 read with Section 62{3} of the Electricity Act, 2003 and Clause 33, 34, 40 and MPERC (Conduct of Business) (Revision-I) Regulations, 2016 and Clause 3.5, 10.15, 11.17 of the MPERC Supply Code, 2004 read with provisions of MPERC (Establishment of Forum and Electricity Ombudsman for Redressal of Grievances of the consumers) (Revision-I) Regulations, 2009 and for review of prevailing tariff order seeking re-classification/re-categorization of tariff category applicable on the electricity supply to airports operated and maintained by the Airports Authority of India in the state of Madhya Pradesh.(P.No. 28/2019 )

**Order**

**Date of Motion hearing: 06. 12.2019**

**Date of order: 16.12.2019**

Airport Authority of India ,  
Western Region, Mumbai

:

Petitioner

V/s

1. **M.P. Poorv KVVCL (East Discom), Jabalpur** : **Respondents**  
2. **M.P. Paschim KVVCL (West Discom), Indore**  
3. **M.P. Madhya KVVCL.( (Central Discom), Bhopal**

Shri Suvigya Awasthy, Advocate and Shri Sunil Kundalik Waghmare, Jt. GM appeared on behalf of petitioner.

Shri G.R. Patele, GM appeared on behalf of Central Discom.

Shri Shailendra Jain, Dy. Director appeared on behalf of West Discom.

The petition has been filed under Section 94 of the Electricity Act, 2003 read with Section 62(3) of the Electricity Act, 2003 and provisions of relevant Regulations notified by the Commission for review of the prevailing tariff order seeking re-classification/re-categorization of the tariff category applicable on the electricity supply to Airports operated and maintained by the Airports Authority of India(AAI) in the State of Madhya Pradesh. The petitioner has submitted that the AAI being a Public Utility Service Provider and a Statutory Body constituted in terms of Section 3 of the Airport Authority of India Act, 1994, is not a commercial organization and therefore requested for a separate tariff category for the petitioner in prevailing retail supply tariff order for FY2019-20.

2. During the hearing held on 20.08.2019, the request made by the petitioner for extension of time to file the revised petition in light of Retail Supply Tariff Order for FY2019-20 issued on 8<sup>th</sup> August 2019, was considered by the Commission. Subsequently, the petitioner has filed the revised petition on 10.10.2019. The petitioner had not appeared in the hearing held on 05.11.2019 hence it was given a last opportunity to appear before the Commission & plead its case.

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3. With regard to review of decisions, directions and orders issued by the Commission, Regulation 40 (2) of Regulations viz. MPERC (Conduct of Business) (Revision-I) Regulations, 2016, provides fulfilment of grounds, namely:- (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. During the hearing held on 06.12.2019, the Commission observed that for FY2020-21, MP Power Management Co. Ltd. and Distribution Licensees of the state have jointly filed a petition for determination of ARR and Retail supply Tariff in accordance with provisions of the Electricity Act 2003 and the same is currently under process with the Commission. In light of aforesaid development, the Commission observed that it would be appropriate that contention of the petitioner in the subject petition be submitted by way of comments /suggestions in response to the public notice as and when published for the aforesaid retail supply petition filed by MPPMCL & Discoms for FY2020-21. The representatives appeared for the Respondent No. 2 & 3 raised their objection on present petition in light of Section 62(4) of the Electricity Act 2003. In response, Ld. Counsel of the petitioner requested the Commission to grant liberty to the petitioner to file its objections /comments in the ARR & retail supply tariff petition for FY 2020-21.

Sub: In the matter of petition under Section 94 read with Section 62{3} of the Electricity Act, 2003 and Clause 33, 34, 40 and MPERC (Conduct of Business) (Revision-I) Regulations, 2016 and Clause 3.5, 10.15, 11.17 of the MPERC Supply Code, 2004 read with provisions of MPERC (Establishment of Forum and Electricity Ombudsman for Redressal of Grievances of the consumers) (Revision-I) Regulations, 2009 and for review of prevailing tariff order seeking re-classification/re-categorization of tariff category applicable on the electricity supply to airports operated and maintained by the Airports Authority of India in the state of Madhya Pradesh.(P.No. 28/2019 )

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5. Having heard the Petitioner and the Respondent and after considering the facts and circumstances as brought before the Commission during the hearings held on 06.12.2019, the Commission observed that the petitioner could not establish any of the above grounds for consideration of review by the Commission. Also, the petitioner could not establish either any error apparent on the face of the record or any other sufficient reason. As such, there is no ground on the basis of which the review of the impugned order for FY2019-20 could be considered. However, the petitioner shall be at liberty to file its comments/suggestions as per scheme of law after issue of public notice on the petition for determination of ARR & Retail Supply Tariff for FY 2020-21 filed by the petitioner.

In view of all above, the review petition no. 28/2019 stands disposed of.

Sd/-  
**(Shashi Bhushan Pathak)**  
**Member**

Sd/-  
**(Mukul Dhariwal)**  
**Member**

Sd/-  
**(Dr.Dev Raj Birdi)**  
**Chairman**