

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

**Sub: In the matter of Reviewing Order on ARR and Retail Supply Tariff Order for FY 2016-17 passed on 5<sup>th</sup> April, 2016. (in P No. 73/2015), Extending the rebates mentioned as applicable for HV 3.1 consumer category in the Order to HV 3.2, HV 3.3 and HV 3.4 consumer categories too and Extending the rebates mentioned in the Order applicable for HV 3.1 consumer category for a further period of 5 years. ( P.No. 49/2016)**

**ORDER**

**Date of order:.09.08.2017.**

**M. P. Power Management Co. Ltd.,**  
Shakti Bhawan, Rampur,  
Jabalpur – 482 008.

**M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd. (West Discom)**  
GPH Compound, Pologround,  
Indore - 452 015.

**M. P. Poorv Kshetra Vidyut Vitaran Co. Ltd., (East Discom)**  
Shakti Bhawan, Rampur,  
Jabalpur – 482 008.

**M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd. (Central Discom )**  
Nishtha Parisar, Govindpura,  
Bhopal – 462 023.

**Petitioners**

- 1 The subject petition was filed by the petitioners for seeking review on the Commission's retail supply tariff order for FY 2016-17 issued on 05/04/2016 for extending the rebates indicated at Sl. No. (e) and (f) of specific terms and conditions of tariff schedule HV -3 (Industrial, Non-industrial and Shopping malls), applicable for the tariff schedule HV 3.1 (Industrial) to tariff schedules HV 3.2 (Non-industrial) , HV 3.3 (Shopping Malls) and HV 3.4 (Power intensive industries) and also for extending the aforementioned rebates for a period of five years.

## MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

2. The Commission held the motion hearing on 23/08/2016 and observed that the petitioners, contrary to their earlier submission which was made through ARR and retail supply tariff petition for FY 2016-17 wherein extension of rebate to all HT consumers was sought and now requesting extension of rebate benefit to tariff category HV3.2, HV3.3. and HV3.4 consumer categories. Besides, the petitioners could not establish as to why they have filed subject review petition five months after issue of Retail supply tariff order while the applicability of tariff order is for that financial year only. The Commission vide its daily order dated 07.09.2016 directed the petitioner to submit their response on aforesaid issues with appropriate justification on rationale of filing of this review petition.
3. Subsequently, the petitioner in its reply dated 21.10.2016 stated that it has already been prayed in the review petition to condone the delay in filing of the review petition. The proposal to allow the rebate to all HT consumers in retail supply tariff petition in FY 2016-17 was intended to utilize the balance surplus power available after meeting the energy requirement of Discoms while the Commission had preferred to allow the extension only to HV3.1 tariff category in retail supply tariff order for FY 2016-17. Petitioners further stated that review petition was filed subsequent to study of retail supply tariff order for FY 2016-17 and analyzing the fact that since the majority of HT consumers belong to HV 3 category only, these benefits should be extended to whole HV 3 category comprising HV3.1, HV3.2, HV3.3 and HV3.4 so that financial burden of Discoms can be partly compensated and overall loss of Discoms can be reduced to that extent.
4. 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. This 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**

4. 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.*

The contentions raised in the subject petition for review of the tariff order have been perused for establishing the maintainability of the subject petition in light of the aforementioned provisions. The petitioner has claimed errors in the tariff order of the Commission without any substantiation and also without referring to the regulations specified by the Commission under various provisions of the Electricity Act 2003. The Commission observed that the petitioner has failed to establish the ground for a review of the Retail supply tariff order FY2016-17 and hence petition stands disposed of.

**(Alok Gupta)**  
**Member**

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

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