

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of petition filed by M/s. M.B. Power for determination of provisional tariff for its 2x600 MW coal based thermal power project in District Anuppur (M.P) under Section 62 and 86(1)(a) of the Electricity Act, 2003 read with MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2012.

Petition No. 19/2014

ORDER

(Date of Order: 06th May' 2015)

M/s. M.B. Power (Madhya Pradesh) Ltd.

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. Power Management Company Ltd., Jabalpur**

Respondents

The petitioner has filed the subject petition for determination of provisional tariff for its 2x600 MW coal based thermal power project in District Anuppur (M.P) under Section 62 and 86(1)(a) of the Electricity Act, 2003 read with MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2012.

2. On review of present status of the petition, the Commission has observed the following:
 - (i) The scheduled CoD of Unit 1 was 30th November' 2014 in terms of the Power Purchase Agreement executed between the parties.
 - (ii) During the proceedings in the matter, the petitioner kept on informing the expected date of commercial operation time and again. However, the generating unit has not been declared under commercial operation till date.
 - (iii) Besides several details and information filed by the petitioner so far in this matter, certain informations and documents which are essentially required, after CoD of the generating unit for determination of provisional tariff, are still awaited since the unit has not yet achieved CoD.
 - (iv) As per Clause 1.9 of MPERC (Details to be furnished and fees payable by licensee or generating company for determination of tariff and manner of making an application) Regulations, 2004, every new generating company is required to file an application for determination of tariff at least two months ahead of commencement of

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commercial operation. Accordingly, the petition was filed on 22nd October' 2014. However, none of the generating units is declared under commercial operation even after a period of about more than six months from the date of filing.

3. In view of the above, the Commission is not inclined to keep this petition pending indefinitely and therefore, has decided to dispose of this petition at this stage. However, the petitioner shall be at liberty to approach the Commission with all requisite details and documents as and when the generating unit is declared under commercial operation. The Commission may also consider to adjust the processing fees already deposited by the petitioner on early filing of the requisite details and documents in the matter.

With the above directions, the petition is disposed of.

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman

