

Sub: In the matter of filing of True up petition for FY 2013-14 (P.No. 40 of 2016)

ORDER

Date of order: 28/09/2017

The Managing Director,

M. P. Power Management Co. Ltd. ,Jabalpur (MPPMCL)

The Managing Director,

M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,Indore (West Discom)

The Managing Director,

M. P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Jabalpur ,(East Discom)

The Managing Director,

M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd.,Bhopal (Central Discom)

Petitioners

2. The petitioners have jointly filed the True up petition for the period FY 2013-14 indicating a net gap of Rs. 9,288.53 Crore that comprises Rs 2472.49 Crore of East Discom, Rs 3596.32 Crore of Central Discom & Rs 3219.71 Crore of West Discom respectively to be recovered against the Retail supply tariff order for FY 2013-14 issued on 23rd March 2013.

3. The motion hearing in the case was held on 23/08/2016 wherein the Commission admitted the petition and subsequently vide Commission's letter dated 01/09/2016 the information gaps & additional data requirement were conveyed to the petitioners for submission by 15/09/2016. The petitioners sought the time extension for submission of the requisite information up to 27/09/2016. The petitioners filed their response on 27/09/2016. Simultaneously, the Commission had approved the public notice for obtaining the comments from the stakeholders for publication in the news papers. The public notice was published on 06/11/2016 and the public hearing was held on 08/12/2016 in the Court Room of the Commission.

4. During the public hearing the stakeholders raised certain vital issues which were forwarded to the petitioners for their response. On perusal of the reply furnished by the petitioners the Commission observed that the petitioners had not appropriately addressed the issues raised by the stakeholders. Besides, some of the queries raised by the Commission vide letter dated 01/09/2016 had also not been responded properly. Hence, vide letter dated 12/01/2017 the Commission conveyed additional data gaps to the petitioners comprising the issues on banking of power, burden of fixed cost, merit order dispatch, reduction in sale and corresponding revenue, asset register, interest expenses, bad debt and power purchase related matters for reconciliation of the true up for FY 2013-14. In response, the petitioners had filed their reply vide letter dated 15/05/2017. Meanwhile, the petitioners have also submitted a separate reply vide letter dated 04/01/2017 in response to the Commission's communication dated 20/12/2016 in regard to procurement of power from Torrent Power Station.

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

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5. The scrutiny of the response filed by the petitioners revealed that the vital issues in respect of banking of power, merit order dispatch, procurement of power from Torrent Power Station, billing and collection efficiency of the Discoms, etc. had not been corroborated appropriately with all facts and figures and to the satisfaction of the Commission. Further, the Commission observed that the impact of UDAY scheme on the instant true up, if any, had also not been accounted for in the petition. Therefore, vide letter dated 08/08/2017 the Commission once again directed the petitioners to file the certain information by 23/08/2017. The petitioners vide letter dated 21/08/2017 sought the time extension without specifying any time line. The Commission allowing as the last opportunity to the petitioners, vide letter dated 31/08/2017 granted the time up to 05/09/2017. However, vide letter dated 06/09/2017 the petitioners again requested for time extension up to 20/09/2017 which was accepted by the Commission. In view of abnormal delay in disposal of the petition, the Commission while allowing time extension till 20.09.2017 has categorically stated that no further time extension shall be considered thereafter. In response, vide letter dated 23rd September 2017 the petitioners again sought the time extension for further two weeks stating that queries raised by the Commission are very old and are to be provided by the different sections and related Discoms which need some more time for furnishing their response.

6. The Commission has observed that instead of filing the requisite information the petitioners are seeking extension time and again by citing the laid-back and inconceivable reasons. The petitioners need to substantiate their claims to the satisfaction of the Commission and also respond to the issues raised by the stakeholders in a justifiable manner within the reasonable time period. It appears that the petitioners are unable to collect and collate the requisite information and hence defying the directions of the Commission. The petition cannot be kept pending for indefinite time for want of submission of the essential information by the petitioners which is very vital for verification and validation of the petitioners' claims. Therefore, the Commission has decided to dispose of the petition with the direction that the petitioners would file a revised petition duly incorporating the requisite information as and when the same is available with the petitioners.

Ordered accordingly.

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman