

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: In the matter of filing review petition against order issued by the MPERC on ARR and retail power supply tariff for Electricity Distribution Business of Special Economic Zone (SEZ) are Pithampur of MPAKVN(D)L on 7th April 2017 in Petition No. 72 of 2017.

Order

Date of motion hearing: 22.08.2017

Date of order: 30.08.2017

**M/s Pithampur Audyogik Sangathan ,
231, Saket Nagar
Indore -452018 MP, : Petitioner**

V/s

**M.P.A.K.V.N (Indore) Ltd.
3/54, Press Complex, Free Press House : Respondent
A.B. Road, Indore**

Shri P.L. Nene appeared on behalf of petitioner. Shri Aashish Bernard, Advocate, Shri S.K. Roy, Shri A. Kanongo and Shri M.S. Yadev appeared on behalf of respondent.

2. The petitioner has filed the subject petition for seeking review of the Commission's retail supply tariff order for FY 2017-18 for SEZ Pithampur issued on 07th April 2017. The petitioner has stated that as per the order of the Commission, the increase in the revenue of Rs. 14.14 Crore i.e. 8.82% has been worked out from the revenues from the existing tariff (Rs. 160.30 Crore) and from the revised tariff (Rs. 174.44 Crore). However, the increase in the tariff compared to existing tariff works out to 17.25% to 18%. The petitioner has further contested that additional revenue due to changes in TOD tariff and PF incentives has not been considered by the Commission in revenue from revised tariff which is error apparent in the order. The petitioner has also submitted the duly certified bills of M/s IPCA and M/s SRF for existing as well as revised tariffs. The petitioner has requested the Commission to withdraw the tariff increase or restore power factor incentives and TOD incentives existed earlier.

3. During the motion hearing held on 20.06.2017, the Commission heard the petitioner and vide order dated 26.07.2017 directed to seek response of the respondent. During the hearing held on 22.08.2017, the respondent has made his submission and furnished written reply. Respondent has contested that the petitioner has handpicked only two consumers for showing the computation for increase in tariff on the basis of assumptions other than calculations on actual basis. There are various factors which could affect the actual energy consumption charges in a month including consumption of electricity units, maintaining demand and power factor etc. are not considered by the petitioner. Respondent has stated that the computations made by it on actual bill data for some of LT & HT consumers are found at variance from petitioner's submission and are aligned with tariff hike determined by the Commission. Further, the matter pertaining to PF incentive and TOD have already been judiciously dealt by the Commission, hence there is no substance in the petitioner's submission.

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: In the matter of filing review petition against order issued by the MPERC on ARR and retail power supply tariff for Electricity Distribution Business of Special Economic Zone (SEZ) are Pithampur of MPAKVN(I)L on 7th April 2017 in Petition No. 72 of 2017.

4. The respondent has further stated that as it would provide its audited annual accounts for FY 2017-18, based on the actual numbers at the time of filing of true up petition, any variation in the revenue recovered by the respondent from the estimated revenue in the tariff order for FY 2017-18 would be suitably adjusted by the Commission as per the relevant provisions in the MPERC (Terms and conditions for determination of tariff for supply and wheeling of electricity and methods and principles for fixation of charges) Regulation, 2015.

5. The Commission has perused the submissions made by petitioner and respondent. While determining the revenue from the tariff the effect of the rebates / incentives and surcharge / penalty has never been considered by the Commission in past. The increase or decrease in the tariff has been derived only from the revenue determined on the basis of the load / demand, number of the consumers, projected sale during the period and rates i.e. tariffs as made applicable through the orders of the Commission for different categories of the consumers. The effect of the rebates / incentives and surcharge / penalty are to be considered at the time of true up of the ARR as per the provisions of the appropriate regulations notified by the Commission in this regard. Hence, there has not been any error apparent in working out of the revenue from the revised tariff. Further, the rationalization of power factor incentives and removal of the TOD surcharge / rebate in the retail supply tariff order for FY 2017-18 for SEZ are well considered decisions of the Commission. The order of the Commission is aptly clear in this regard.

6. 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. Accordingly in the instant case, the Commission has not found any mistake or error apparent on the face of the record as contested by the petitioner. Further, mere disagreement with the order of the Commission cannot be the ground for invoking a review. As such, this review petition is not maintainable and therefore, dismissed.

The petition thus stands disposed of.

(Alok Gupta)
Member

(A. B. Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman