

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub.: In the matter of review petition for true-up order from FY 2010-11 to FY-2016-17 issued for MPIDC under tariff principles laid down in the Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of tariff for supply and wheeling of Electricity and Methods and Principles for Fixation of Charges) Regulations, 2009 (RG-35(II) of 2009) and amendments made in the MYT Regulations 2009 and MYT regulations, 2015 along with the other guidelines and directions issued by the MPERC from time to time AND under part VII (Section 61 to Section 64) of the Electricity Act, 2003 read with the relevant Guidelines (**P.No. 18 /2021**)

ORDER

(Hearing through Video Conferencing)

Date of order: 06. 12.2021

M.P. Industrial Development Corporation Ltd. (MPIDC), Indore : Petitioner

Shri Ashish Bernard , Advocate, Ashutosh Kanungo, SE , Shri S. K. Roy, Consultants, PTC India Ltd. appeared on behalf of the petitioner.

1. The subject petition is filed for Review of True up orders for FY2010-11 to FY2016-17 issued for MPIDC by the Commission on 13.01.2020. The petitioner stated that due to Covid induced lockdown, there has been delay in filing the subject review petition and therefore, requested to condone the delay. The petitioner has made following prayer in the petition :-
 - i. *To admit this petition seeking review of True up order dated 13th January,2020 for MPIDC for FY2010-11 to FY2016-17;*
 - ii. *To reconsider and allow the lease rent charges for the use of land for the substation and line and premium for substation land from FY2010-11 to FY2016-17 ;*
 - iii. *To approve difference in claimed & approved income tax for FY2010-11 to FY2016-17 as per provisions of MYT Regulation 2009, and MYT Regulation 2012 and MYT Regulations 2015 read along with the subsequent amendments.*
 - iv. *To approve the difference in claimed & approved power procurement cost for FY2010-11 to FY2016-17 as per provisions of MYT Regulation 2009 and MYT Regulation 2015 read along with the subsequent amendments;*
 - v. *To approve the difference in claimed & approved O&M expenses for FY2010-11 to FY2016-17 as per provisions of MYT Regulation 2009 and MYT Regulations 2015 read along with the subsequent amendments;*
 - vi. *To allow the recovery of Revenue gap for True up for from FY2010-11 to FY2016-17*

2. At the motion hearing held on 21.09.2021, the Commission heard the petitioner. Petitioner was not able to present any cogent reason for delay in filing the petition. The Commission vide daily order dated 22.09.2021 had granted an opportunity to the petitioner to explain the delay on an affidavit within 10 days so that the issue of maintainability of petition can be decided. It was also stated in the order that the Commission shall first, decide the application for condonation of delay and then decide whether or not the matter can be heard on merits .
3. Pursuant to the Commission's daily order dated 22.09.2021, the petitioner has filed his submission through IA on 22.10.2021 wherein it is stated that due to COVID-19 outbreak, Licensee was not able to file the review petition within the specified time period of 2 months i.e., till 12th March 2020 and the Review Petition was submitted online (through e mail) on 31st March 2021. It is further submitted by petitioner that its office was not operational most of time during the COVID-19 pandemic period due to which data availability was an issue which led to delay in preparation of Review Petition and further submission of the same.

The Commission's observations and findings:

4. The Regulation 40 of MPERC (Conduct of Business) (Revision-I) Regulations, 2016, provides that the Commission may on its own motion or on the application of any of the person or parties concerned, within 60 days from the date of making any decision, direction or order, review such decision, direction or order and pass such appropriate order as the Commission thinks fit.
5. Having perused the application for condonation of delay filed by the petitioner, the Commission observed that petitioner has not filed any sufficient cause for such delay in filing review petition. Besides, the Commission found that the delay in filing the petition of more than a year, was inordinate, and not explained by the petitioner to the satisfaction of the Commission. The Commission further observed that IA filed by the petitioner does not constitute any sufficient cause for condonation of delay. In light of above, the Commission has decided to dismiss and disposed of the IA and subject petition.

(Shashi Bhushan Pathak)
Member (Law)

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman