

**Sub: In the matter of Tariff petition for ARR & Tariff determination for FY2019-20 filed by SEZ.
(P.No. 03/2020)**

ORDER

Date of Motion hearing: **25.01.2020**

Date of order: **07.02.2020**

M/s Pithampur Audhyogik Sangathan, Indore : Petitioner

V/s

1. Madhya Pradesh Audyogik Kendra Vikas Nigam : Respondents

2. The Principle Secretary, Energy, GoMP

Dr. Gautam Kothari, appeared on behalf of petitioner.

2. The petitioner has filed instant petition stating that tariff for FY2019-20 cannot be determined by the Commission, unless all pending issues are resolved. The petitioner has stated that for FY2019-20, the Discoms have shown profit (without past liabilities) and in SEZ case there ought to be prosperity all around and therefore the Commission may consider to reduce the tariff. It is also submitted that an old petition of the petitioner is under consideration before the Commission and Hon'ble APTEL and therefore tariff of SEZ for FY2019-20 cannot be determined unless pending issues are resolved. Besides, the petitioner also stated that the present order of the Commission being not backed by any authority , the same may be withdrawn by the Commission.

3. During the course of hearing held on 25.01.2020, the Commission observed that the petitioner has neither made any reference to the enabling provisions of the Electricity Act 2003 under which the instant petition is filed by him nor has referred to any order of the superior Court which refrained the Commission in exercising its statutory functions provided in the Electricity Act, 2003 for determination of tariff for Distribution Licensees of the State. The Commission has also observed that petitioner had not raised any objection in subject matter during the process of determination of tariff for FY2019-20 for which sufficient opportunity was provided to him.

4. During the hearing, the Commission also observed that True up orders for FY2010-11, FY11-12, FY12-13, FY13-14, FY14-15, FY15-16, FY16-17 and FY17-18 have been issued by the Commission on 13.12.2019 and therefore, no pendency is left as such to reckon with in the matter. The Commission has already determined the Retail supply tariff for SEZ for FY 2019-20 and passed an order in this regard on dated 17.10.2019 and therefore, petitioner's pleading that the Commission

cannot determine the tariff does not hold any merit at this stage. It however, appears on perusal of petitioner's submission that he intends to review the tariff order for FY2019-20 albeit, it has neither filed the petition by depositing the requisite fee for review specified in relevant regulations, nor has established any of the facts as per criteria for review such as any error apparent in the face of order, any new facts emerged out, and any other reasons sufficient for the seeking review. With the above observations, the petition stands disposed of.

SD/-

(Shashi Bhushan Pathak)
Member

SD/-

(Mukul Dhariwal)
Member