

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
BHOPAL**

**Sub: In the matter of petition filed by MB Power (MP) Ltd. under Section 62 and Section 86(1)(a) of the Electricity Act, 2003 read with MPERC (Terms and Conditions for determination of Generation Tariff) Regulation, 2012 for determination of provisional tariff of Unit No. 2 of its 2x600 MW Coal based Thermal Power Plant (Phase-1) in District Anuppur, MP for period commencing from 20<sup>th</sup> March, 2016.**

**Petition No. 14/2016**

**ORDER**

**(Date of Order: 01<sup>st</sup> October, 2016)**

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

**Petitioner**

**V/s**

**Madhya Pradesh Power Management Co. Ltd. & Others**

**Respondents**

M/s. M.B. Power (Madhya Pradesh) Limited filed the subject petition under Section 62 and Section 86(1)(a) of the Electricity Act, 2003 for determination of provisional tariff of unit No. 2 of its 2x600 MW coal based thermal power project (Phase-I) in District Annuppur (M.P.) from anticipated CoD i.e. 20<sup>th</sup> March, 2016 of Unit No. 2 till 31<sup>st</sup> March' 2016.

2. The subject petition was based on MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2012. Motion hearing in the matter was held on 26<sup>th</sup> April' 2016 wherein the petitioner informed that Unit No. 2 achieved its CoD on 7<sup>th</sup> April' 2016. The subject petition was not admitted as the petition was required to be amended in light of provisions under MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2015 which was applicable in the subject matter.

3. Meanwhile, the petitioner filed two Interlocutory Applications (IA No. 1 & IA No. 2 of 2016) in the subject matter. Vide Commission's order dated 24<sup>th</sup> August' 2016, the aforesaid Interlocutory Applications were disposed of and the petitioner was directed to file an amended petition in light of the provisions under MPERC (Terms and Conditions for determination of Generation Tariff) Regulations, 2015 at the earliest but not later than 16<sup>th</sup> September' 2016. It was also mentioned in the aforesaid order that the subject petition shall be listed for hearing on receipt of aforesaid amended petition.

4. By affidavit dated 12<sup>th</sup> September' 2016, the petitioner filed an application for time extension to file amended petition in the subject matter. In its aforesaid application, the petitioner broadly submitted the following:

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- i. In compliance with the directions of this Commission in the Order dated 24.08.2016, the Petitioner is ready and willing to file the amended Petition under MPERC Tariff Regulations 2015. The Petitioner is only praying before this Commission to permit time extension for filing the amended Petition No. 14 of 2016 since Unit 2 of the Petitioner's Project is presently under outage condition.*
- ii. Unit-2 was commissioned on 30.03.2016 and achieved COD on 07.04.2016. The Petitioner also supplied power from Unit 2 to MPPMCL from its COD to 16.05.2016. However, Unit 2 is presently under outage due to major breakdown in Boiler since 16.05.2016:-*
  - a. The Boiler of Unit 2 tripped on the evening of 16.05.2016 due to high furnace pressure.*
  - b. Due to the major break down, there has been major damage to Unit 2 and the associated equipment which would need to be replaced / repaired. It would involve substantial cost towards revival of the Project. It would certainly have significant impact in the claims of the Petitioner.*
  - c. The petitioner has already taken up the matter with its equipment suppliers and vendors to restore the Unit-2 at the earliest subject to certain requisite permissions and clearances as may be required.*
  - d. The Petitioner has been pursuing all activities for the revival of the petitioner's Project at the earliest. It is expected that it may take four to five months to restore Unit-2 to the normal working condition.*
- iii. It is submitted that without prejudice to the rights and contentions of the Petitioner, the Petitioner seeks liberty of this Hon'ble Commission to file the amended Petition for determination of tariff for the Petitioner's Project under MPERC Tariff Regulations 2015 as soon as Unit 2 of the Petitioner revives and is restored to normal working conditions for generation of power. As such, since Unit 2 is under outage, the determination of tariff for the Unit 2 at a later date would not prejudice any of the parties concerned.*
- iv. It is submitted that this Commission has been vested with the inherent powers to pass orders in peculiar set of facts such as the present case and to extend the timeframe prescribed in the Commission's orders in terms of the provisions of MPERC (Conduct of Business) Regulations, 2004.*

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- v. *It is submitted that in terms of the aforesaid provisions, this Commission has the power to extend the time for filing of the amended Petition from 16.09.2016 (as per the Order dated 24.08.2016) till the time Unit 2 of the Petitioner's Project is revived and ready for operation. It is reiterated that the filing of the amended Petition will not prejudice the tariff determination process for the Petitioner's Project."*

5. The Commission has observed from the above submission made by the petitioner that the Unit No. 2 of petitioner's power project in the subject matter is under outage and this generating unit may take four to five months for restoration to the normal working conditions. In view of the aforesaid observations and the prayer made by the petitioner in its application, the Commission is not inclined to keep this petition pending indefinitely and therefore, has decided to dispose of the subject petition at this stage. However, the petitioner shall be at liberty to approach the Commission with a fresh petition in light of the provisions under MPERC (Terms and Conditions for determination of Generation Tariff) Regulation, 2015 alongwith all requisite details and documents as and when the generating Unit No. 2 of petitioner's power project is revived for generation. 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 No. 14 of 2016 is disposed of.

**(Alok Gupta)**  
**Member**

**(A. B. Bajpai)**  
**Member**

**(Dr. Dev Raj Birdi)**  
**Chairman**