



## ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 419/2013

Petition No.: 03/2016, 04/2016 & 05/2016

### ORDER SHEET

05.08.2016

Before the Assam Electricity Regulatory Commission  
ASEB Campus, Dwarandhar,  
G. S. Road, Sixth Mile, Guwahati – 781 022

M/s Eastern India Powertech Limited (EIPL) --- Petitioner  
Government of Assam represented by Chief Secretary ----Respondent-1  
Assam Power Distribution Company Ltd. (APDCL) ----Respondent-2

Counsel for Petitioner:

Mr. R Kumar, CFO, EIPL  
Mr. G. Sivasankaran, VP (Operation), EIPL  
Mr. D Senapati, Advocate

Counsel for Respondent-1:

Mr. M. Barua, Jt. Secretary, Dept. of Power

Counsel for Respondent-2:

Mr. M. C. Gogoi, CGM (Com), APDCL  
Mr. K Talukdar, GM (TRC), APDCL  
Mr. H M Sharma, GM, APDCL  
Mr. R. Mahmud, APDCL  
Mr. M Bhattacharya, APDCL  
Mr. B Hazarika, APDCL

#### **In the matter of**

Hearing dated 05.08.2016 on the Petition  
No. 3, 4 & 5 of 2016

#### **CORAM**

Shri Naba Kr. Das Chairperson  
Shri Dipak Chakravarty, Member  
Shri Subhash Ch. Das, Member

#### **ORDER**

1. A Hearing was held on 05<sup>th</sup> August, 2016, on the Petition No 03 of 2016, 04 of 2016 and 05 of 2016.
2. Commission started the proceedings, directing the Petitioner to submit their views on the Petition No. 4/2016, regarding Misc. Petition filed by EIPL praying for keeping in abeyance the exercise of seeking particulars as per the APTEL order dated 18/05/2016 till the review petition filed by EIPL before APTEL is disposed of, considering the recent APTEL order dated 20/07/2016.  
The Petitioner submitted their Petition is not valid at this point of time and they will submit a withdrawal Petition for the Petition No. 4/2016.
3. The counsel of the Respondent-2 (APDCL) submitted a brief presentation highlighting the background of their Petition (Petition No 3/2016). The counsel of the Respondent-2 also submitted their views on the interpretation of the APTEL order.  
The counsel of the Respondent-2 stressed that for determination of Actual amount due for the period from the date of commissioning of the plants till closure of the plants involves Tariff determination for the period. The Respondent-2 prayed that Tariff for the EIPL plants need to be determined since commissioning till closure of the plants.

4. Thereafter, the counsel of the Petitioner submitted a brief presentation highlighting the background of their Petition (Petition No 5/2016). The counsel of the Petitioner also submitted their views on the interpretation of the APTEL order.

The counsel of the Petitioner stressed that the APTEL directive in the Order dated 18/05/2016 involves two parts: (1) furnish the details of power injected from the date of commissioning to shutting down of the generating units into the grid of Assam Distribution Company (2) compute the actual amount due to EIPL after adjusting the payments made by APDCL and intimate the same for execution of the Petition No. 2 of 2015. The counsel further stated that the 2<sup>nd</sup> part is related to only para 26 & 102 of the APTEL order dated 12/08/2014.

5. On query regarding non submission of data as per the Notice dated 04/06/2016 of the Commission, the counsel of the Petitioner stated that similar set of data were already submitted before the Commission and the APTEL. To this, the Commission directed that all data need to be submitted to the Commission as per the Notice dated 04/06/2016.

6. The counsel of the Respondent-2 further pointed out that the Respondent-2 has also certain claims on the Petitioner which are yet to be settled by the Petitioner and the Petitioner had agreed for adjustments in future.

The Commission heard both the Petitioner & Respondent and ordered the following:

- The Petitioner & Respondent-2 to submit their oral submissions made during Hearing in written form on or before 17<sup>th</sup> August, 2016.
- The Petitioner to submit data as per the Commission's Notice dated 4<sup>th</sup> June, 2016 on or before 17<sup>th</sup> August, 2016.
- The Petitioner to submit year wise Tariff Petition for the plants of EIPL from FY 2009-10 till closure of the plants on or before 24<sup>th</sup> August, 2016.
- Both the Petitioner and Respondent will make submissions in the Format prescribed vide Regulations of the Commission and will provide copies of their submissions to the opposite party.

The matter is posted for further Hearing on 1<sup>st</sup> September, 2016 at 03:00 PM.

Sd/-  
(Subhash Ch.Das)  
Member  
AERC

Sd/-  
(Dipak Chakravarty)  
Member  
AERC

Sd/-  
(Naba Kumar Das)  
Chairperson  
AERC