



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 576 (B)/2016

Petition No.: 26/2016, 27/2016,
28/2016, 29/2016, 30/2016 & 31/2016

ORDER SHEET

16.09.2016

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

M/s Eastern India Powertech Ltd. (EIPL) ----- Petitioner
Assam Power Distribution Company Ltd. (APDCL) ----- Respondent

Counsel for Petitioner:

Mr. D. Senapati, Advocate, EIPL
Ms. Ankita Agarwal, EIPL

Representative for Respondent:

Mr. K. Talukdar, GM (TRC), APDCL
Mr. HM Sharma, GM, APDCL
Mr. Avijit Roy, Advocate

In the matter of

Hearing dated 16.09.2016 on the Petition No.
26, 27, 28, 29, 30 and 31 of 2016

CORAM

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

ORDER

1. A Hearing was held on 16.09.2016, on the following Tariff Petitions for Banskandi plant filed by EIPL:
 - i) Petition No.26 of 2016 for FY 2009-10
 - ii) Petition No.27 of 2016 for FY 2010-11
 - iii) Petition No.28 of 2016 for FY 2011-12
 - iv) Petition No.29 of 2016 for FY 2012-13
 - v) Petition No.30 of 2016 for FY 2013-14
 - vi) Petition No.31 of 2016 for FY 2014-15
2. In compliance to the Hon'ble APTEL's Order dated 12.08.2014 the Commission had directed the Petitioner to submit Petitions for determination of Tariff for the period of FY 2009-10 to FY 2014-15. The Commission vide its letter dated 16.09.2015 & 07.11.2015 directed the Petitioner to submit the Tariff Petitions. Thereafter, the Petitioner filed a combined Tariff Petition for FY 2009-10 to FY 2014-15 for the Adamtila and Banskandi plants of EIPL on 01.12.2015. The Tariff Petition is registered as Petition No 19/2016.
3. The Commission in its Order dated 05.08.2016 directed the Petitioner to submit year wise Tariff Petitions for the plants of EIPL from FY 2009-10 till closure of the plants on or before 24.08.2016. Accordingly the Petitioner submitted the Petitions for the determination of Tariff for FY 2009-10 to FY 2014-15 separately for each year on 24.08.2016.

4. Based on the preliminary analysis of the Petitions, the Commission vide its letter dated 08.09.2016 raised the deficiencies / additional information required for further processing of the Tariff Petitions and directed the Petitioner to submit the replies to the deficiencies on or before 15.09.2016. Further, the Commission fixed the hearings in the matters on 16.09.2016 vide Notice dated 08.09.2016.
5. EIPL vide its letter dated 09.09.2016 expressed its inability to submit the required information within the specified time due to insufficient time and volume of the work involved and sought a time extension up to 24.10.2016 for filing additional information for FY 2009-10. The Petitioner also requested that Tariff Petition for each Financial Year be dealt separately and prayed that the hearing on Petition No. 26 of 2016 i.e. for FY 2009-10 be held on a suitable date after the Commission assimilates the data submitted for FY 2009-10.
6. During the hearing held on 16.09.2016, the Petitioner again reiterated that the information sought by the Commission in its first deficiency note involves a lot of data compilation, processing and analysis work which is time consuming and sufficient time may be granted for the same. EIPL also submitted that its plant is closed and it is currently running short of manpower.
7. The Respondent raised the issue of maintainability of different Tariff Petitions filed for the same plant for the same period and requested the Commission to dispose the earlier Tariff Petition (combined Petition i.e. Petition No 19/2016) as it has become infructuous. The Petitioner submitted that both the Petitions have same content and prayed before the Commission to consider any one of them.
8. The Commission observed that there are some defects in the Petitions such as non-submission of Affidavit as per applicable AERC Regulations etc. and therefore directed the Petitioner for rectification of defects in the Petitions.
9. The Respondent prayed that Truing Up for the previous years is also required to be done as per the Tariff Regulations for the applicable years.
10. The Commission after hearing both the parties has ordered the following:
 - 10.1. The earlier combined Tariff Petition filed by the Petitioner for determination of tariff for Adamtila and Banskandi plant (Petition No. 19/2016) is hereby closed and disposed of, as the Petitioner has filed separate Tariff Petitions for each year.
 - 10.2. The Petitioner is directed to submit the required Affidavits etc as per applicable AERC Regulations for rectification of defects.
 - 10.3. The Petitioner is directed to submit all the required information sought by the Commission vide its letter dated 08.09.2016 on or before 17.10.2016.
 - 10.4. The Petitioner will make submissions as per the provisions of the Regulations of the Commission and will provide copies of their submissions to the Respondent.

The matter is posted for further hearing on 24.10.2016.

Sd/-
(Subhash Ch.Das)
Member
AERC

Sd/-
(Naba Kumar Das)
Chairperson
AERC

