

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in

Case No. 79 of 2011

In the matter of
Petition for applicability extension and request for continuation of Billing to MSEDCL in the Financial Year 2011-12 for energy sale from Parali Unit 6 & Paras Unit 3 of MAHAGENCO in respect of the Order dated 13th April, 2011, MERC Case No. 107 of 2009, under the Regulation 100 of MERC (Multi Year Tariff), Regulations, 2011.

Shri V.P. Raja, Chairman

ORDER

Dated: June 30, 2011

The Maharashtra State Power Generation Company Ltd (MSPGCL) submitted a Petition under affidavit on 02.06.2011, under Regulation 100 of the MERC (MYT) Regulations, 2011, seeking permission to apply the tariff and permission to raise bill on MSEDCL as per the Order dated 13th April, 2011 in Case No. 107 of 2009, for sale of electricity from Parali Unit #6 and Paras Unit #3, for the period starting from 1st April, 2011, till new Order/directives are issued by the Commission, and to request extension of applicability of the said Order accordingly. The following are the main prayers of the Petitioner:

“

- i) *To accept the Submission of MSPGCL's Petition.*
- ii) *Permit MSPGCL to apply the tariff as per Order dated 13th April 2011 in Case No. 107 of 2009 and allow MSPGCL to charge MSEDCL for the sale of electricity from these units for the period starting from 1st April 2011 till new order /directives are issued by Hon'ble Commission in this regard.*
- iii) *To issue appropriate directives to the concerned.*

- iv) *To allow MSPGCL to adjust the difference if any created due to new order/directives issued by Hon'ble Commission in the subsequent month/bills raised on MSEDCL*
- v) *Condone any shortcomings in the petition and allow the Petitioner to submit additional information as may be required by the Commission at a later stage."*

2. Notice was issued by the Commission on 8th June 2011 intimating the Petitioner that hearing in the matter would be held on June 23rd, 2011 in the presence of the Consumer representatives authorised under Section 94(3) of the Act.

3. Accordingly, hearing in the above matter was held on 23rd June, 2011 at 12.00 hrs. at the Commission's office. Shri G.J. Girase, Director (Finance), MSPGCL and Shri Ramandeep Singh, Consultant, appeared on behalf of the Petitioner.

4. The Petitioner stated that the Commission had issued the previous Tariff Order for the said Parli Unit 6 and Paras Unit 3 of MSPGCL, on 13th April 2011 in the matter of Case No. 107 of 2009. At the end of the said Order, the Commission has stated that *"The tariff determined in this Order applies to sale of electricity to distribution licensee (MSEDCL) during the FY 2009 – 10 and FY 2010 – 11"*

5. While the Tariff Order for the period commencing 1st April 2011 is awaited, the Petitioner, prayed to the Commission for granting permission to apply tariff for energy sale from Parali Unit 6 & Paras Unit 3 as per the Commission's Order dated 13th April 2011 and allow MSPGCL to charge MSEDCL for sale of electricity from Parli Unit 6 and Paras Unit 3 for the period starting from 1st April 2011 till new order / directive is issued by Commission in this regard.

6. After hearing the Petitioner, the Commission is of the view as under:

- (i) The truing up for certain past financial years are awaited. Also, MSPGCL has filed a Petition seeking deferment of the MYT Regulations, 2011. The proceedings thereunder are pending. In this situation, MSPGCL will need to be given the permission to charge the existing tariffs determined under the earlier order dated 13th April, 2011, in

the matter of Case No. 107 of 2009, so that it is not financially affected till the time truing up is done and new Tariff Order is issued.

(ii) Therefore, till such time the revised tariffs are determined for FY 2011-12 for Parli Unit 6 and Paras Unit 3, the existing tariffs are required to be continued.

7. Accordingly, the Commission hereby extends the applicability of the aforesaid Tariff Order dated 13th April, 2011, in the matter of Case No. 107 of 2009 for the Petitioner (MSPGCL) till the revised tariffs are determined for FY 2011-12. The Commission will take a view in the order on tariffs for FY 2011-12 as regards the under-recovery or over-recovery, vis-à-vis the approved revenue requirement for FY 2011-12, if any, or financial implications and adjustments, caused on account of the continuance of the existing tariffs for the period till the revised tariffs are determined for the period under FY 2011-12 after review of performance.

With the above observations and rulings, MSPGCL's Petition in Case No. 79 of 2011 is disposed of.

Sd/-
(V.P. Raja)
Chairman