

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**

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Case No. 68 of 2011

In the matter of

**Maharashtra State Power Generation Company Ltd's (MSPGCL) Petition in regard to
Annual Performance Review for the year 2010-11 & determination of tariff and
approval of Aggregate Revenue Requirement (ARR) for the year 2011-12**

Shri V. P. Raja, Chairman

Shri Vijay L. Sonavane, Member

ORDER

Dated: September 21, 2011

The Maharashtra State Power Generation Company Ltd., submitted a Petition under affidavit before the Commission on 01.04.2011, under Sections 61 and 62 of the Electricity Act, 2003 and Part C of MERC (Terms and Conditions of Tariff) Regulations, 2005 in regard to True-up of expenses in 2009-10; Annual Performance Review for the year 2010-11 and determination of tariff and approval of Aggregate Revenue Requirement (ARR) for the year 2011-12. The following are the prayers of the Petitioner:

“

- a) *Admit this Petition.*
- b) *Grant an expeditious hearing of this Petition.*
- c) *Allow true-up of expenses in 2009-10 based on the audited accounts and normative parameters as applicable for various heads of expenditures without prejudice to the appeals preferred by this Appellant in the previous APR Order including passing any interim order in these regards.*
- d) *Approve the APR for 2010-11 and ARR for 2011-12 to the extent claimed by MSPGCL in accordance with submissions and rationale given in this Petition.*

- e) *Approve the Tariff of its existing and the upcoming generating stations for the year 2011-12 as detailed in this Petition.*
- f) *Allow the Petitioner to apply the tariff provided by the Hon'ble Commission w.e.f. April 1, 2011.*
- g) *Condone any shortcoming/deficiencies and allow MSPGCL to submit additional information/data at a later stage as may be required*
- h) *Provide the workable excel model used by the Hon'ble Commission for approval of tariff of the Petitioner.”*

2. The matter was heard on May 18, 2011, May 20, 2011, June 28, 2011, July 21, 2011 for which the Notices were sent in advance to the Petitioner as well as the Consumer Representatives authorised under Section 94(3) of Electricity Act 2003. The Petitioner was represented by Shri G J Girase, Director (F), MSPGCL and Shri Raman Deep Singh, Consultant.

3. Having heard the Petitioner, the Commission is of the view that as regards the prayer made for approval of ARR for FY 2011-2012, the dispensation in the Commission's Order dated August 23, 2011 in Case No. 44 of 2011 will apply. The said dispensation reads as follows:-

“There is no other choice but to enable the Petitioner to file its ARR and Tariff filings under the "Maharashtra Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2005".

“In light of the above, the Commission is of the view that it has become necessary to invoke the proviso to Regulation 4.1 of MYT Regulations, 2011 in order to exempt the determination of tariff of the Petitioner under the Multi-Year Tariff framework till March 31, 2013 (i.e., for a period of 2 years). The said exemption is hereby granted. The Commission is also empowered under Regulation 100 of the MYT Regulations, 2011 to remove any difficulty arising in giving effect to the provisions of MYT Regulations 2011.”

In light of the aforesaid Order dated August 23, 2011 in Case No. 44 of 2011, the Petitioner is directed to file its petition for approval of ARR and determination of

tariff for FY 2011-2012 in accordance with the Maharashtra Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2005.

4. As regards the prayer for Truing up for FY 2009-10 and Annual Performance Review for FY 2010-11, a separate petition has been submitted by the Petitioner which has been registered as Case 107 of 2011. Public hearings have already been scheduled at various locations in the State in regard thereto. Case No. 107 of 2011 is pending. Therefore, the prayer for Truing up for FY 2009-10 and Annual Performance Review for FY 2010-11 cannot be proceeded with in the present Case No. 68 of 2011.

With the above, Case No. 68 of 2011 stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V.P. Raja)
Chairman