

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:** Dr. Pramod Deo, Chairman  
Shri V.S.Verma, Member

**Date of hearing:** 12.4.2012

**Review Petition No.4/2012**

**Subject:** Review of order dated 26.8.2011 in Petition No.175/2011 in connection with liquidation of arrear payments in installments in respect of provisional orders/final orders for granting/determining the Annual Fixed Charges for the period 2009-14 for central generating stations, namely National Hydro Power Corporation Limited, NEEPCO Limited, NTPC Limited and Transmission licensee, namely the Power Grid Corporation of India Limited.

**Petitioner:** Assam Power Distribution Company Limited (APDCL).

**Respondents:** North Eastern Electric Power Corporation Limited (NEEPCO) and others

**Parties present:** Shri Sakie Jakharia, Advocate for APDCL  
Shri Sanjay Sen, APDCL  
Shri Anurag Sharma, APDCL

**Record of Proceedings**

During hearing, the learned counsel appearing for the petitioner, APDCL submitted as under:

- (i) The review has been prayed for by the petitioner as against the *suo motu* order of the Commission dated 26.8.2011, wherein the Commission had directed that the arrears out of the differences between the tariff provisionally billed and the provisional/final tariff be liquidated by the beneficiaries in six monthly installments, within a period of six months, subject to the payment of interest as per Regulations.
- (ii) The impact of the said *suo motu* order is that it would result in per unit increase in tariff within the State to more than ₹1.78 paise.
- (iii) The petitioner is finding it difficult to implement the said *suo motu* order dated 26.8.2011, in view of the time frame fixed by the Commission i.e. six monthly installments within a period of six

months for payment of the said arrears and also due to the impact of more than ₹1.78 paisa increase per unit in tariff.

- (iv) The Assam Electricity Regulatory Commission (AERC) has fixed a cap of 25% of energy charge on the Fuel and Power Purchase Price Adjustment (FPPPA) formula, in pursuance of which the petitioner has already imposed FPPPA charges @ ₹0.69/kwh on the consumers, as prescribed in the AERC (Fuel and Power Purchase Price Adjustment Formula) Regulations, 2010.
- (v) The delay caused by the central sector generating stations and Central Transmission Utility (CTU) in not filing their respective tariff petitions in time has resulted in the carrying cost, which is attributable to the generating stations/CTU and the beneficiaries should not be burdened with the same.
- (vi) The petitioner was not given an opportunity of being heard in the said *suo motu* proceedings of the Commission prior to passing of the order dated 26.8.2011.
- (vii) The petitioner has approached the Assam State Government for assistance, which is of no avail.
- (viii) In view of the above difficulties, the petitioner would not be in a position to implement the said *suo motu* order, more particularly within the period of six months and hence prays for grant of further moratorium.
- (ix) The petitioner has also filed an interlocutory application praying for stay of the said *suo motu* order dated 26.8.2011.

2. After hearing the above, the Commission directed to the petitioner to issue notice and then to list the Review Petition along with Interlocutory Applications. The petitioner is directed to serve copy of the Review Petition and Interlocutory Applications on the respondents, latest by 20.4.2012. The respondents may file their respective reply by 30.4.2012, with advance copy to the petitioner, who may file its rejoinder, if any, by 4.5.2012.

3. The Review Petition along with Interlocutory Applications are listed for hearing on 10.5.2012.

**By order of the Commission**

Sd/-  
**(T. Rout)**  
**Joint Chief (Legal)**