



ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 395/2012

Petition No.: 13/2015

ORDER SHEET

18.11.2016

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
Assam Gas Company Ltd. (AGCL) -----Pro Forma Respondent-3

Date of Hearing: 18.11.2016
Counsel for Petitioner:

Mr. G.N.Sahewalla, Sr. Advocate, EIPL
Mr. D. Senapati, Advocate, EIPL
Ms. Ankita Agarwal, Advocate, EIPL

Counsel for Respondent-1:

Absent

Counsel for Respondent-2:

Mr. HM Sharma, GM, APDCL
Mr. B Hazarika, APDCL
Mr. Avijit Roy, Advocate, APDCL

Counsel for Pro Forma Respondent-3:

Mr. S. Choudhury, Advocate, AGCL

In the matter of

Petition No. 13 of 2015 filed by M/s Eastern India Powertech Limited requesting for invocation of Section 11(2) of the Electricity Act'2003 in view of imposition of Section 11 of the Electricity Act'2003 by the Govt. of Assam for running of EIPL plants

CORAM

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

ORDER

1. A Hearing was held on 18.11.2016, on the Petition No. 13 of 2015 filed by M/s Eastern India Powertech Limited requesting for invocation of Section 11(2) of the Electricity Act'2003 in view of imposition of Section 11 of the Electricity Act'2003 by the Govt. of Assam for running of EIPL plants.
2. During the Hearing, the representative of the Petitioner sought some time for submission of their reply to the submissions made by the Respondent-1.
3. The representative of the Respondent-2 submitted that the Petition No 13 of 2015 is infructuous at this point of time and is liable to be dismissed, as the matter can be decided only after the determination of Tariff and true-up for the respective years are completed.
4. The representative of the Respondent-2 highlighted that the Petitioner has not complied with the directive of the Order dated 24.10.2016 with regard to

payment of fees for the Tariff Proceedings for FY 2009-10 to FY 2014-15 on or before 15.11.2016 and has now filed Misc Petition for exemption from deposit of the requisite fees on 18.11.2016. The representative prayed that as the matter of non-payment is related to the Tariff Petitions, for which Public comments have been sought for, the petition should be treated as incomplete.

5. The representative of the Respondent-2 further submitted that as per Tariff Regulations, at the time of filing of Tariff Petition for a year, true-up petition is required to be filed for the year prior to previous year and accordingly the Petitioner should have filed true-up petitions for previous years along with the Audited Statement of Accounts while filing the Tariff Petitions for Adamtila & Banskandi plant of EIPL.
6. The Commission after hearing the parties has ordered the following:
 - 6.1. The Commission directed the parties to submit their comments on the submission made by Respondent-1 on or before 03.12.2016.
 - 6.2. The issues related to Tariff are being treated separately during proceedings of Tariff Petitions.
 - 6.3. The Petitioner and Respondents 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 13.12.2016 at 11:00 A.M.

Sd/-
(Subhash Ch.Das)
Member
AERC

Sd/-
(Dipak Chakravarty)
Member
AERC

Sd/-
(Naba Kumar Das)
Chairperson
AERC