



## ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC.576(A)/2016/Pt-I &  
AERC.576(B)/2016/Pt-I

Petition No.: 20 to 31 of 2016

### ORDER SHEET

30.12.2016

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

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

----- Petitioner  
----Respondent

#### In the matter of

Payment of Fee for

Petition No. 20, 21, 22, 23, 24 and 25 of  
2016 regarding Tariff Petition for FY 2009-  
10 to FY 2014-15 for Adamtila Plant filed  
by EIPL

And

Petition No. 26, 27, 28, 29, 30 and 31 of  
2016 regarding Tariff Petition for FY 2009-  
10 to FY 2014-15 for Banskandi Plant filed  
by EIPL

#### **CORAM**

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

#### **ORDER**

1. The Petitioner had initially 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 was registered as Petition No 19/2016 on payment of Fee of Rs 20 Lac.
2. Thereafter, as per direction of the Commission, the Petitioner filed plant wise and year wise separate Tariff Petition on 24.08.2016. However, no separate or additional fee was paid.
3. Considering filing of separate Tariff Petitions, vide Order dated 16.09.2016, the earlier combined Tariff Petition filed by the Petitioner for determination of tariff for Adamtila and Banskandi plant (Petition No. 19/2016) was closed and disposed of.
4. Thereafter, vide Order dated 24.10.2016, the Petitioner was directed for payment of the remaining Fee on or before 15.11.2016. However, the Petitioner was not able to comply with the direction of the Commission and on 18.11.2016 filed a Misc Petition giving two options to the Commission - (1) exemption from deposit of the requisite fees (Rs. 2.4 Crore as per the AERC Fees Regulations, 2015) (2) adjustment of the fees with the pending payment to be received from APDCL for both Adamtilla and Banskandi Gas based power plants for FY 2009-10 to FY 2014-15.
5. On 30.11.2016, the Commission passed another order directing EIPL for payment of the remaining fee on or before 12.12.2016. However, till now EIPL have not deposited the remaining fee or has not filed any petition for exemption from payment of fee.
6. In the Order dated 30.11.2016, the Commission decided to go ahead with the

determination of Tariff for the plants of EIPL from FY 2009-10 to FY 2014-15, in order to comply with direction of the Hon'ble APTEL, despite non payment of requisite fee.

7. After considering all the matter, the Commission decided the following:

7.1. Even though the Fee of Rs 20 Lac was paid along with the disposed of Petition No 19 of 2016, using the power to relax and considering the continuity of the matter, the paid amount of Rs 20 Lac is considered to be as Fee towards the proceedings of Petition No 20 of 2016 to 31 of 2016.

7.2. Furthermore, as because there are 12 separate plant wise year wise tariff petition, the Fee of Rs. 20 Lac is allotted equally to each Tariff Petition, i.e. Rs 1.67 Lac per petition and hence the pending fee per petition is Rs 18.33 Lac. Thereby, the total balance Fee payable by EIPL is Rs 220 Lac.

7.3. With regard to determination of Tariff even after non-payment of Fee, only to comply with direction of the Hon'ble APTEL regarding determination of Tariff for the plants of EIPL from FY 2009-10 to FY 2014-15, the Commission will go ahead with the Tariff determination process even after non-payment of requisite fee.

However, determination of tariff by the Commission shall not be considered as a waiver/relaxation to the Petitioner towards payment of the processing fees of the Tariff Petitions. The Petitioner is once again directed to pay the Balance amount of Fee for the Tariff Petitions on or before 16.01.2017.

7.4. In case, EIPL does not pay the Balance Fee by 16.01.2017, the Commission will take necessary steps for recovery of the outstanding fee amount as per Law.

Sd/-  
(Subhash Ch.Das)  
Member  
AERC

Sd/-  
(Dipak Chakravarty)  
Member  
AERC

Sd/-  
(Naba Kumar Das)  
Chairperson  
AERC