BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION AT AHMEDABAD

PETITION NO. 1032 OF 2010

In the matter of:

Review Petition of the Commission's Order dated 31st March, 2010 in the matter of Annual Performance Review of FY 2009-10 and Tariff Determination of the FY 2010-11 (Petition No. 989 of 2009) under Section-94(f) of the Electricity Act, 2003 and Clause 72(1) of 'Conduct of Business' Regulations.

Petitioner : Gujarat State Electricity Corporation Limted.
Vidyut Bhavan
Race Course
VADODARA

Coram :

Dr P.K. Mishra, Chairman
Shri Pravinbhai Patel, Member (Tech)
Dr.M.K.Iyer, Member(Fin)

ORAL ORDER

1. The matter was kept for hearing on 05.10.2010. When the matter was called out, Shri P. H. Rana along with Shri A. J. Mehta were present on behalf of the petitioner.

2. Shri P. H. Rana, on behalf of the petitioner, submitted that the present petition is filed under Section 94(f) of the Electricity Act,2003 read with Regulations 72 of the Conduct of Business Regulations,2004 notified by the Commission. He submitted that the petitioner prayed for review on the following issues of the order dated 31st March,2010 passed by the Commission in petition No.989/2010.

(i) To set aside the Report by Central Electricity Authority as it becomes irrelevant in light of the Judgement of the Hon'ble Appellate Tribunal.

(ii) To approve SHR and other performance parameters as submitted, considering vintage and present plant condition and approval by CERC in respect of Tanda, Talchar and Badarpur of NTPC and DVC stations.

(iii) To approve Auxiliary Consumption of KLTPS-IV @18%

2.1 He submitted that the Recommendation of the CEA team for technical parameters in their report also refers to 'Regular Maintanace Practice'. But, due to various technical and financial constraints in the past, adequate maintance of generating stations were not carried out and hence the deterioration in performance happened. The problems were chronic in those generating stations which were transferred to the Petitioner during un-bundling of erstwhile GEB.

2.2 He further submitted that while determining the performance parameters of various generating stations, the CEA team has also not considered certain site specific conditions.

2.3 On a query on the SHR on 'as fired' basis as recommended by CEA, the petitioner submitted that they have the practice of measuring GCV of fuel on 'as received' basis and converting GCV of fuel from 'as received' basis to 'as fired' basis by reducing it by 100.

2.4 He submitted that as per section 94(1) (f) of the Electricity Act, 2003, the Commission is empowered to review the order passed by the Commission.

3 We have carefully considered the submissions made by the petitioner. The petitioner has filed the present petition under Section 94 of the Electricity Act, 2003 and during the hearing, he relied on section 94(1)(f) which reads as under:

> ***94. Powers of Appropriate Commission*** *– (1) The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure,1908 (5 of 1908) in respect of the following matters, namely:-*
> *(f) reviewing its decisions, directions and orders;*

3.1 The petitioner has, during the hearing, submitted that there is some error on the face of record in accepting CEA report and recommendations in toto. Hence, they want review of the order passed by the Commission dated 31st March, 2010 to get justice.

3.2 The matter was kept for admission hearing in which the petitioner brought out some of the errors as stated above for review of the Order. Hence, we decide to admit the Review Petition.

3.3 Regarding adoption of SHR value on "as fired basis", the petitioner is directed to submit details regarding practice being followed in different generating stations with sample calculations.

4 We also observed that while hearing of the petition No.989/2009, the public notice was issued by the petitioner and some of the objectors had raised objections to the tariff petition filed by the petitioner. The petitioner has also provided copy of this Review Peition to all objectors. Some of the objector have filed their objections also, which will be dealt with at the time of final hearing of the petition.

5 We order accordingly.

6 The next date of hearing will be intimated in due course of time.

Sd/-	Sd/-	Sd/-
[**Dr. P.K. MISHRA**]	**[PRAVINBHAI PATEL]**	**[Dr.M.K.IYER]**
Chairman	**Member (Tech)**	**Member (Fin)**

Place: Ahmedabad
Dated: 21 /10/2010