



ORDER

OF THE

**WEST BENGAL ELECTRICITY REGULATORY
COMMISSION**

IN THE MATTER OF

CASE NO: TP(R)-32/21-22

IN REGARD TO PETITION SUBMITTED BY INDIA POWER CORPORATION LIMITED FOR REVIEW OF MYT ORDER DATED 28.01.2021 FOR THE YEAR 2017 – 2018 ISSUED BY THE COMMISSION IN CASE NO. TP-74/16-17.

PRESENT:

DR MALLELA VENKATESWARA RAO, CHAIRPERSON

DATE: 01.10.2024



FACTS IN BRIEF

1. This is in regard to the petition submitted by India Power Corporation Limited on 1st April, 2021 in terms of section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 for review of Multi Year Tariff (MYT) for the year 2017 – 2018 issued by the Commission vide dated 28.01.2021 in case no. TP-74/16-17.
2. In their review petition, IPCL has sought review on the following points:
 - a) Typographical error in paragraphs 3.8, 4.13.1, 4.12.a and the table under paragraph 4.12.a;
 - b) Non-determination of Norms for 2017-18 onwards;
 - c) Exclusion of expense towards employees under contract in regular establishment (Rs. 268.71 lakhs) from the claim of total employee cost;
 - d) Disallowance of VRS Expense;
 - e) Determination of inflation rate of 3.02% for 2017-18;
 - f) Disallowances in O&M expenses for distribution segment;
 - g) Computation of O&M expenses for Generation;
 - h) Coal and Ash Handling charges;
 - i) Inclusion of an Ind AS adjustment and notional income under other miscellaneous income;
 - j) Consideration of rent received from Corporate Office building at Salt Lake (Rs. 9.28 lakh) in the other miscellaneous income;
 - k) Non-consideration of ROE on J.K. Nagar Transmission Asset;
 - l) Non-consideration of Depreciation on J.K. Nagar Transmission Asset;
 - m) Erroneous consideration in computation of interest on Normative Debt;
 - n) Other Finance Charges;



Review order against petition submitted by India Power Corporation Limited for review of TP order for the year 2017 – 2018 issued by the Commission vide dated 28.01.2021 in case no. TP-74/16-17.



- o) Disallowance of Coal and Ash Handling charges and Water charges twice along with other uncontrollable fixed cost items of 12 MW DPS (New) by virtue of Capacity Charge disallowance;
- p) Computation of Depreciation;
- q) Capacity Charge disallowance of 12 MW DPS (new);
- r) Interest on working capital, T&D Gains, interest credit, capacity charge etc. due to changes as mentioned above;

OBSERVATIONS OF THE COMMISSION

3. The Commission observed that, after filing the review petition before the Commission, IPCL has preferred an appeal before the Hon'ble Appellate Tribunal for Electricity (APTEL) in Appeal No. 255 of 2022. Under Section 114 and Rule 1(2) of Order 47 of the Code of Civil Procedure, review of the issues is not allowed on which an appeal has been filed before the higher Court.
4. Issues raised in appeal before the Hon'ble APTEL are same as are raised in the review petition pending before this Commission both in terms of letters and spirit. Therefore, the Commission is not in a position to take up the review as appeal is pending before a higher court.

ORDER OF THE COMMISSION

5. In view of the above, the Commission dispose of the review petition in the negative.
6. IPCL is to take note of this order.
7. IPCL shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-

**(MALLELA VENKATESWARA RAO)
CHAIRPERSON**

Dated: 01.10.2024

Sd/-
(SECRETARY)