

**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Review Petition No. 516/2008

In the matter of : Review of tariff order dated 26.3.2007.

AND

In the matter of :

1. Uttar Pradesh Rajaya Vidyut
Utpadan Nigam Ltd.(UPRVUNL)
ShaktiBhawan
14Ashok Marg
LucknowPetitioner

Vs.

1. Managing Director,U.P. Power Corporation Ltd.,
Shakti Bhawan,14, Ashok Marg, Lucknow
- 2.Managing Director, Madhayanchal Vidyut Vitran
Nigam Ltd.,PryagNarain Road Lucknow.
3. Managing Director, Poorvanchal Vidyut Vitran
Nigam Ltd.,132KV S/S Bhikharipur Vidyut Nagar
Varanasi
4. Managing Director, Paschimanchal Vidyut Vitran
Nigam Ltd.,Victoria Park, Meerut (U.P.)
5. Managing Director, Dakshinanchal Vidyut Vitran
Nigam Ltd. Galana Road, Agra.
6. Kanpur Electricity Supply Company Ltd.,
KESA House, Kanpur.
7. Noida Power Company Ltd. Commercial
Complex- H-Block, Alpha-II, Sector, Grater Noida
City.

. . . . Respondents

ORDER

(Date of hearing 14.2.08)

The following were present:

1. Shri S.N. Dubey, CE (PPA) UPPCL.
2. Shri S.P.Panday, EE (PPA) UPPCL.
3. Shri Mahesh Kumar, CE, Commercial, UPRVUNL.
4. Shri A.K.Agrawal, G.M. (F), UPRVUNL.
5. Shri U.S. Gupta, EE (Com.), UPRVUNL
6. Shri P.Chodhary, SE (R&M), UPRVUNL.
7. Executive Engineer (R&M) UPRVUNL.
8. Shri H.Asalam, Senior AE (Com), UPRVUNL.
9. Shri Naveen Kumar, Consultant,UPRVUNL

The Petitioner is seeking review of Commission's order dated 26.03.2007 in respect of normative parameters viz Availability, Auxiliary Consumption and Gross Station Heat Rate of Obra A & B , Parichha, Panki and Harduaganj thermal power stations and Auxiliary Consumption of Anpar-A & B.

The reasons stated for the review are as under:

1. The bench mark parameters of Availability, Auxiliary Consumption and Gross Station Heat Rate in respect of Obra A & B , Parichha, Panki and Harduaganj thermal power stations are quite high as compared to the achievable performance of 2006-07 and 2007-08 (upto November-2007). Similarly in case of Anpara-A & B, also the bench mark of Auxiliary Consumption is quite high with respect to the achievable performance for the above mentioned period.
2. There is a loss to the tune of Rs. 486.56 Cr. for sale of electricity @ Rs. 1.68/unit as per the order dated 26.03.2007 in 2006-07 in comparison to Rs. 1.95/kWh in 2006-07, the cost of generation which comes to the petitioner.

The petitioner prays that the bench mark target in respect of these parameters may be relaxed under Regulation-12 'Power to Remove Difficulties' and Regulation-13 'Power to Relax' of UPERC (Terms and Conditions of Generation Tariff) Regulation 2004.

UPPCL, vide letter no 203/RAU. Pet. (Pet. 516/2008) dated 13.02.2008, has objected to the prayer of the Petitioner stating as follows:

1. **Availability of Machines:** All the units for which UPRVUNL has asked for relaxation in this norm, have achieved higher availability in FY, 06 and before. There is no ground for relaxing these norms for next year. They should, in fact try to improve the availability of units.
2. **Gross Station Heat rate (GSHR):** For Harduaganj, Parichha and Panki the Commission has already approved GSHR as

3350, 3100 & 2950 kcal/kWh respectively which are higher than the designed GSHR (2726,2657, 2678 kcl/kWh respectively). Any further increase in GSHR is not justified.

3. **Auxilliary Consumption (%):** The Commission has fixed its own benchmark for the various parameters after careful study. UPRVUNL has requested to relax this norm to the extent what they have achieved in FY, 07 and FY, 08 (Up to Nov.). Since they have not mentioned any reason/logic behind this, their request is not justified.

Through this petition, the Petitioner is again seeking review of the operational parameters, which have already been reviewed earlier by the Commission.

On query by Commission whether it is empowered to review its earlier reviewed order Shri Amarjeet Singh Rakhra learned counsel of UPPCL, submitted that the scope of review, in itself, is very specific and narrow as such an order made on a review petition can not be subject to review again. The petitioner has not forwarded any argument opposed to the submissions made by Sri. Rakhra.

Under section 94(f) of the Electricity Act,03, the Commission has power to review its decision, direction and orders. We do not find any provision under the Act that any decision which has once been reviewed could further be subject to review again. In light of the observations made, submissions of the parties and provisions of the Act, we find that the present petition is not maintainable under law. Therefore, the petition is dismissed.

(R.D.Gupta)
Member

Lucknow, Dated 22.2.2008

(P.N. Pathak)
Member

(Vijoy Kumar)
Chairman