

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Review Petition No. 07 of 2019 in
Petition No.39 of 2018
Date of Hearing: 06.11.2019
Date of Order: 08.11.2019

Review petition to be filed against PSERC order dated 05.03.2019 passed in the petition no. 39 of 2018 filed by M/s Green Plant Energy Pvt. Ltd. for redetermination of tariff in respect of 4 MW biogas (Otto Cycle) power plant at Vill. Binjon, Dist. Hoshiarpur.

AND

In the matter of: Punjab State Power Corporation Limited, The Mall,
Patiala.

... Petitioner

Versus

1. M/s Green Plant Energy (P) Ltd. 2A, Welspun House,
Ground Floor, Kamala City Senapati Bapat Marg, Lower
Parel
Mumbai- 400013
2. Punjab Energy Development Agency (PEDA Through its
Chariman-cum-Managing Director,
Solar Passive Complex, Plot No. 1 &2, Sector 33
Chandigarh.
3. Government of Punjab, through the Secretary, Department
Of Science, Technology, Environment and Non-
Conventional Energy Civil Secretariat Chandigarh.

....Respondents

Present: Ms. Kusumjit Sidhu, Chairperson
Sh. S.S. Sarna, Member
Ms. Anjali Chandra, Member

PSPCL: Sh. Anand K. Ganeshan, Advocate
Sh. Bhupinder Sharma, CE/ARR &TR
Sh. VPS Kailay, SE/TR-2
Sh. Mukesh Kumar, ASE/TR-5
Sh. Daljit Singh, ASE/IPC

ORDER

Punjab State Power Corporation Limited (PSPCL) has
filed the present Review Petition seeking review of the order dated

05.03.2019 regarding the variable cost passed by the Commission in petition no. 39 of 2018 for re-determination of tariff for the 4 MW biogas based (Otto Cycle Technology) power project of M/s Green Planet Energy (P) Ltd (Green Planet). The Commission vide order dated 05.03.2019 in petition no. 39 of 2018 determined the variable cost (FY 2018-19) of the project as Rs. 4.40/kWh.

PSPCL has submitted that as per the Power Purchase Agreement (PPA), the Commercial Operational Date of the plant was 13.11.2010 but the plant was commissioned only on 17.08.2018. The delay in the commissioning of the generating station was due to the defaults on the part of M/s Green Planet and it was not permissible for M/s Green Planet to benefit on account of the delay. Further, while revoking the termination of the PPA, it was specifically agreed by M/s Green Planet while getting extension dated 21.06.2017 from PEDDA that the delay would not result in any increase in tariff. The Commission determined the variable cost (FY 2012-13) of the project as Rs. 3.38/kWh vide order dated 17.10.2012 in petition no. 44 of 2012 and variable charges to be paid to M/s Green Planet ought to be as originally determined in the order dated 17.10.2012 modified vide order dated 30.10.2012.

The Commission has examined the petition and has heard the Counsel for PSPCL. Regulation 64 (1) of the Punjab State Electricity Regulatory Commission (Conduct of Business) Regulation, 2005, pertaining to the review of the decisions stipulates as under:-

“Any person aggrieved by a decision or order of the Commission, from which no appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decision/order was passed by the Commission or on account of some mistake or error apparent on the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of decision/order of the Commission.”

PSPCL has neither filed any application for condonation of delay nor, it has anywhere mentioned in its petition with regard to the delay

and condonation thereof for filing the review petition. The impugned order was passed on 05.03.2019 whereas the review petition has been filed on 25.09.2019, after more than 6 months of the date of Order without explaining the delay and the same is thus not maintainable under Regulation 64(1) of the PSERC (Conduct of Business) Regulations, 2005. Moreover, even on merits the review petition does not stand the test laid down under Regulation 64 of the above regulations. There is no mention of any new and important matter or evidence which was not within the knowledge of the review petitioner or could not be produced at the time when the impugned order was passed by the Commission. The impugned order dated 05.03.2019 was passed by the Commission after due deliberations and taking into account the relevant factors and decided as under:-

“The Commission is of the considered opinion that in all fairness, the Petitioner is entitled to the variable component based upon the fuel cost of the year of commissioning i.e. FY 2018-19 to recover its fuel cost. As such, the Commission allows the variable cost/tariff of Rs. 4.40/kWh, same as in generic tariff for FY 2018-19 for such projects determined by the Commission in its Order dated 09.08.2018 in petition no. 23 of 2018 (Suo-Motu)....”

Keeping in view the above, the review petition does not merit to be admitted and is thus dismissed.

Sd/-
(Anjali Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 08.11.2019