

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 133 of 2005

Dated: 2nd May, 2006

Present:

Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member

M.P. Electricity Consumers Society

-Appellant

V/s.

M.P. Electricity Regulatory Commission & Ors.

-Respondents

Counsel for appellant(s) : Mr. Ajay Porwal (Electrical Consultant)

Counsel for Respondent(s): Mr. Vibhu Bakhru for Resp.1
Mr. Rohit Singh for Sakesh Kumar for
MPSEB

ORDER

It appears that the Madhya Pradesh Electricity Regulatory Commission did not undertake trying up exercise close to the end of the period covered by the impugned tariff order, which is subject matter of the present appeal. It is well known that tariff determination is undertaken by a Regulatory Commission for future and is based on estimates and projections. By the time the tariff is worked out for the next tariff period, the actual revenue generated on the basis of the tariff fixed by the Commission for earlier period would be known. On the basis of the actual

data or near actual data, the truing up exercise must be undertaken by the Commission.

2. We are told that the tariff for the year 2006-07 has already been determined by the Madhya Pradesh Electricity Regulatory Commission. The parties agree that the truing up exercise can be undertaken, with reference to the year 2005-06, by the Commission, and the effect of the same can be given by the Commission in the tariff determination for the year 2007-08. We order accordingly. The commission shall afford an opportunity of hearing to the Appellant before arriving at any determination in the truing up exercise. The truing up exercise shall be undertaken by the Commission expeditiously and shall be concluded within three months from the date the data is supplied by the Distribution Companies to the Commission. The distribution companies shall be duty bound to supply the data to the Commission within three weeks from the date of the receipt of a copy of this order.

3. The Appeal is disposed of in the light of the above directions.

(Mr.A.A.Khan)
Technical Member

(Mr.Justice Anil Dev Singh)
Chairperson

Dated: 2nd May, 2006