

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Review Petition no. 7 of 2013
in Appeal no. 15 of 2012

Dated : 15th April, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of

Kumaon Garhwal Chamber of Commerce
Chamber House, Industrial Estate
Bazpur Road, Kashipur
Distt. Udham Singh Nagar
Uttarakhand – 244 113

...Review
Petitioner/
Appellant(s)

Versus

- 1. Uttarakhand Electricity Regulatory Commission**Respondent(s)
1st Floor, Institution of Engineers (I) Bldg.
Near ISBT Majra
Dehradun – 248 006

- 2. Uttarakhand Power Corporation Ltd.**
Urja Bhawan, Khari Wali Road
Deharadun – 248 006

Counsel for the Appellant(s):

Mr. M.L. Lahoty
Mr. Paban K. Sharma
Mr. Gargi B. Bharali

Counsel for the Respondent(s):

ORDER

This Review Petition has been filed by Kumaon Garhwal Chamber of Commerce, the Appellant for review of the judgment dated 18.02.2013 passed by the Tribunal in Appeal no. 15 of 2012. The Petitioner/Appellant has sought review of the judgment on account of the following:-

- (a) The Tribunal did not render a finding on the issue of load factor based tariff formulation for industrial consumer.

- (b) The Tribunal has overlooked the significant factual aspect that the load factor based tariff has been decided for industrial consumer whereas the cost of supply has been determined on the basis of average cost of supply as against the actual cost of supply.

- (c) The Tribunal has not appreciated that the average cost of supply includes 18% distribution loss whereas the distribution loss of LT and HT categories is not more than 1 % to 2 %.

- (d) The Tribunal while accepting the stand of UPCL that the tariff is determined on accrual basis, has ignored the fact that the shortfall due to non-recovery of dues of previous year is recovered through the next tariff resulting increase in tariff.

- (e) The Tribunal has ignored the fact that in the absence of any benefit and concession, in the year 2007-08 and growth pattern was considered at 7% and it was observed that the pattern may not continue in future and therefore moderate growth rate was taken into consideration.

2. We have heard the Learned Counsel for the Review Petitioner/Appellant.

3. We find that the issue relating to load factor based tariff has been deliberated in the judgment dated 18.02.2013 in paragraphs 22 to 25. The Tribunal has also considered the issue of average cost of supply and voltage-wise cost of supply in paragraph 7 to 12 and 19 and 20 of the judgment. The issue of sales forecast has been discussed in paragraph no. 15. The issue of ARR on accrual basis also has been considered in paragraphs 17 and 18.

4. The Review Petitioner/Appellant has not pointed out any error apparent on the face of the record or any new and important material or given other sufficient reasons so as to review our judgment. He has made various

- submissions which were already made in the main Appeal and which were duly considered by the Tribunal while rendering the judgment. The grounds of Appeal could not be entertained as the ground of Review.
5. Therefore, we find no reason to allow review of the judgment dated 18.02.2013.
 6. Hence, the Review Petition is dismissed without any cost.
 7. **Pronounced in the open court of 15th day of April, 2013.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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REPORTABLE / NON-REPORTABLE

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