



Petition No 974 of 2014

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order : 17.11.2014

PRESENT:

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Sri Indu Bhushan Pandey, Member

IN THE MATTER OF: Establishment of a fresh prudence check committee and to provide the copy of report submitted by the committee

AND

IN THE MATTER OF

Shri Bharat Jhunjunwala,
B-2106, Angel Mercury,
Ahinsa Khand II, Indirapuram,
Ghaziabad – 201014

-----Petitioner

1. Alaknanda Hydro Power Co. Ltd.
156-159 paigah House,
S. P. Road, Secunderabad 500003
2. UP Power Corporation Limited,
(through its Managing Director)
7th floor, Shakti Bhawan,
14, Ashok Marg
Lucknow – 226001
3. Govt. of Uttar Pradesh
Department of Energy
Bapu Bhawan,, Vidhan Sabha Marg,
Lucknow.

-----Respondents

The following were present:

Sri Dilip Tripathi, Liaison Officer, AHPCL
Sri Bharat Jhunjunwala

Order

(Date of Hearing 11.11. 2014)

1. Sri Bharat Jhunjunwala has filed this petition in the matter of Alaknanda Hydro Power Co. Ltd with the following prayer
 - a) To provide copy of report on capital cost submitted by the expert committee and to provide opportunity to him to make submissions before the Commission regarding the Capital Cost.
 - b) To establish a fresh expert committee
 - c) To direct the new committee to give hearing to him.
 - d) To set the standard for prudence check
2. In this regard an application dated 26.4.2014 was filed by Sri Jhunjunwala. Earlier, impleadment in the matters of Alaknanda Hydro Power Co. Ltd was also sought by Sri Jhunjunwala. Subsequently, during the presentation on the report by the Expert Committee, on 21.4.2014, Sri Jhunjunwala was called and he ensured his presence. He has also been provided the pages of report through RTI.
3. In this petition , Sri Jhunjunwala has referred his PIL no. 2535 of 2014 on which Hon'ble High Court, in its order dated 31.3.2014, has taken following view:

"Thus, in view of the aforesaid discussions, we are not inclined to entertain the instant writ petition. However, we may make it clear that in case respondent No. 4 makes any application before the U.P. Electricity Regulatory Commission for determination of tariff for supply of electricity to the U.P. Power Corporation Limited, petitioner shall be provided an appropriate and adequate opportunity of making his suggestions and raising objections in terms of the provision contained in Section 64(3) of the Electricity Act, 2003 and any other enabling law."
4. At the outset, the Commission enquired that when Sri Jhunjunwala has been given adequate opportunity to be present during the presentation of report and also been provided the copies of report then what is the necessity of this petition?
5. Sri Jhunjunwala replied that to pursue appropriate and adequate opportunity for making his suggestions at an early date, the petition has been filed.



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6. The Commission opined that in view of above, present petition may be considered as disposed of as Sri Jhunjhunwala has already been given opportunity for being present during the presentation of the report and provided the copies of the report. Sri Jhunjhunwala did not object but requested to consider his plea at the time of hearing of petition nos. 881 of 2013 & 952 of 2014 filed by Alaknanda Hydro Power Co. Ltd. in the matters of additional loan and provisional tariff. This opportunity in any case is available to him at the time of Public Hearing.
 7. The petition is disposed of accordingly.

(Indu Bhushan Pandey)
Member

(Desh Deepak Verma)
Chairman

Place : Lucknow
Dated: 17.11.2014