

A2: PROCEDURAL HISTORY

Background

- 2.1 TPCL has filed the following petitions for Unit II and Unit III at Jojobera Power Plant:
- (a) ARR and tariff petition for FY 2007-08 on May 16, 2007;
 - (b) ARR and tariff petition for FY 2008-09 on September 8, 2008
 - (c) ARR and tariff petition for FY 2009-10 on 24th February, 2009.
- 2.2 In accordance with Section 64(3) of the Electricity Act 2003, the State Electricity Regulatory Commission, within one hundred and twenty days of the application being filed, is required to either accept it and issue a tariff order or reject the application for reasons to be recorded in writing if the application is not in accordance with the provisions of the Electricity Act, 2003.
- 2.3 The petitions for FY 2007-08 and FY 2008-09 were not disposed off in time since the matter was pending before the Appellate Tribunal for Electricity (ATE).
- 2.4 Since the matter has now been decided by the ATE vide its order dated May 7, 2008 against the appeal no.160 of 2007, the Commission has decided to review the petitions for FY 2007-08 and FY 2008-09 along-with the petition for FY 2009-10.
- 2.5 The petitioner submitted that it had signed a Power Purchase Agreement with TSL Limited (TSL) on 12th September, 1997 under which the petitioner and TSL agreed to set up, in a phased manner, a power plant with a total capacity up to 500 MW at Jojobera. The petitioner states that Units II and III of the petitioner's Jojobera Power Plant that are the subject of analysis in this Tariff Order come under that PPA. The PPA has laid down certain provisions governing the determination of tariff for power generated by TPCL's Jojobera Power Plant and purchased by TSL. The petitioner has further submitted that the PPA is legally binding for both parties involved and has requested the Commission to determine the tariff for sale of power from Jojobera Units II and III as per the provisions of the aforementioned PPA.
- 2.6 Keeping in mind that the petitioner's PPA with TSL is a legally valid and enforceable contract, the Commission has decided to accept the provisions of the PPA for the tariff determination exercise for FY 2007-08, FY 2008-09 & FY 2009-10 for power generated by Jojobera Units II and III.

Information Gaps in the petition

- 2.7 As part of the exercise of tariff determination for the year FY 2007-08, FY 2008-09 and FY 2009-10 several deficiencies were observed in the tariff petition received from the

petitioner. These information gaps were communicated to the petitioner in a note sent to the generation company vide JSERC/08/2008/17 dated April 9, 2009.

- 2.8 On analysis of the subsequent response sent by the petitioner vide document no. REG/JSERC/09/126 dated May 6, 2009; it was observed that some additional information essential for the purpose of tariff determination remained to be furnished. The same was communicated to the generation company via another note JSERC/08/2008/74 dated May 21, 2009.
- 2.9 The petitioner subsequently submitted its response and provided the requisite data vide document no. JPP/JSERC/111/09 dated 16 June, 2009.

Inviting Public Response

- 2.10 After acceptance of the petitions, the Commission directed the petitioner to make available the copies of the ARR and tariff petition to the general public, and issue a public notice inviting comments/ suggestions. The public notice was subsequently advertised in various newspapers.

Table 1 List of newspapers and dates on which the public notice appeared

Newspaper	Date
Telegraph (English)	17.8.09 & 18.08.09
Hindustan Times (English)	17.8.09 & 18.08.09
Prabhat Khabar (Hindi)	17.8.09 & 18.08.09
Dainik Jagaran (Hindi)	17.8.09 & 18.08.09

- 2.11 A period of thirty days was provided for submitting the comments/suggestions. The Commission subsequently issued advertisement on the website www.jserc.org and various newspapers for conducting the public hearing on the ARR and Tariff filing of TPCL for FY 2007-08, FY 2008-09 and FY 2009-10. The details of the newspapers where the advertisement was issued by the Commission is detailed hereunder:

Table 2 List of newspapers and dates on which the public notice appeared

Newspaper	Date
Prabhat Khabar (Jamshedpur edition)	30.10.09
Hindustan (Jamshedpur edition)	30.10.09
Uditvani (Jamshedpur edition)	30.10.09
Dainik Jagran (Jamshedpur edition)	30.10.09
Ranchi Express	30.10.09
Hindustan Times	30.10.09
The Pioneer	30.10.09
Farooqui Tanzeem (Urdu Daily)	30.10.09

Submission of comments/suggestions and conduct of public hearing

2.12 The public hearing was held on 8th November, 2009 at Adityapur and many respondents gave their comments and suggestions on the ARR filings filed by the Generation Company. The comments/suggestions received as well as petitioner's response to them are detailed in the section dealing with the public consultation process.