

**BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY
COMMISSION**

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IN THE MATTER OF: Application seeking review of the UERC's Tariff Order on True-up for FY 2022-23, Annual Performance Review for FY 2023-24, and Annual Fixed Charges for FY 2024-25

AND

IN THE MATTER OF: UJVN Ltd., a company incorporated under the provisions of the erstwhile Companies Act, 1956 and having its registered office at UJJWAL, Maharani Bagh, GMS Road, Dehradun.

..... Petitioner

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Ajay Kumar Singh
Director (Operations)
UJVN Ltd.
Ujjwal, Maharani Bagh,
Dehradun

File No. _____

Case No. _____

**BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY
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..... Petitioner

The humble petitioner most respectfully showeth:

1. Specific legal provision under which the Petition is being filed


1.1. Section 94(1)(f) of the Electricity Act, 2003 ("Act") states:

The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

(f) reviewing its decisions, directions and orders;

1.2. Section 114 of the Code of Civil Procedure, 1908 states:

Subject as aforesaid, any person considering himself aggrieved-


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(a) *by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred.*

(b) *by a decree or order from which no appeal is allowed by this Code, or*

(c) *by a decision on a reference from a Court of Small Causes,*

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may take such order thereon as it thinks fit.

1.3. Order XLVII (1) of the Code of Civil Procedure, 1908 states:

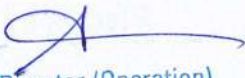
Any person considering himself aggrieved-

(a) *by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*

(b) *by a decree or order from which no appeal is allowed, or*

(c) *by a decision on a reference from a Court of Small Causes,*

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 decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.


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- 1.4. Regulation 54(1) of the UERC (Conduct of Business) Regulations, 2014 ("**Conduct of Business Regulations**") states:

The Commission may on its own or on the application of any of the persons or parties concerned, within 60 days of the making of any decision, direction or Order, review such decisions, directions or Orders and pass such appropriate orders as the Commission thinks fit.

- 1.5. The accompanying petition is being filed under the above provisions of law.


2. **Limitation**

- 2.1. The Hon'ble Uttarakhand Electricity Regulatory Commission ("**Commission**") issued the tariff order on 28.03.2024 ("**Impugned Order**"). As per Regulation 54 (1) of the Conduct of Business Regulations, a review petition may be filed within 60 days from the date of the order. The Impugned Order was received by the petitioner on 26.04.2024. Therefore, the period of 60 days will expire on 25.06.2024. Hence, the present review petition is within the time limit as prescribed in the Regulations.

3. **Facts of the Case**

The facts of the case are as follows: -

- 3.1. The petitioner had filed a petition under Section 64(1) r/w Section 61 and Section 62 of the Electricity Act, 2003 ("**Act**") for determination of tariff in accordance and the Uttarakhand Electricity Regulatory Commission (Terms and Conditions for


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Determination of Multi Year Tariff) Regulations, 2021 (“**MYT Regulations 2021**”) for true up for FY2022-23, APR for FY2023-24 and revised AFC for FY 2024-25. The said petition was adjudicated, and the Hon’ble Commission issued the Impugned Order based on the petition as well as the subsequent submission made by the petitioner during proceedings.

3.2. From a bare perusal of the order, certain errors apparent on the face of the record are evident which if not rectified by this Hon’ble Commission, would lead to immense prejudice to the applicant and would be contrary to the interest of justice.

3.3. In brief, the Hon’ble Commission while passing the impugned order has made arithmetical mistakes which have led to incorrect calculation and consequently an incorrect determination of tariff. Furthermore, the Hon’ble Commission has ignored the investments made by the petitioner without any justification or rationale. The ignorance of the said investments has further led to the incorrect calculation of the net cash availability and consequently the incorrect determination of the non-tariff income. Further, the Hon’ble Commission has miscalculated the RoE on additional capitalization. Such errors are apparent on the face of the record and require rectification. Hence, this review petition.

A. Error in Calculation of Net Cash Availability

3.4. The attention of the Hon’ble Commission is drawn to table 3.53 at page 77 of the Impugned Order. In the said table, the Hon’ble Commission has computed the net cash availability from the consolidated cash flow sheet submitted by the


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