



## ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 194/2005

PETITION NO. \_\_\_\_\_

### ORDER SHEET

29.11.2005

Perused the six petitions dated 28 November 2005 filed by ASEB and the successor companies praying for extension of the date fixed filing of ARR and Tariff Proposals for 2006-07, up to 31<sup>st</sup> December 2005.

The grounds cited for the extension prayed for is stated to be that the Annual Accounts for 2004-05 of ASEB is under finalization as this is the last year for which the consolidated accounts of ASEB as a single entity is being prepared, and that it will be meaningful if the accounts are furnished with the Tariff Petition for 2006-07.

As per clause 6.1 of the AERC (Terms and Conditions for Tariff) Regulations 2004, the date of filing of ARR and Tariff Petition is fixed as 1st December, for tariff determination of the following financial year. After submission of the petition, a period of 21 days is available for clarifications/corrections if need be, and the petition is deemed as accepted at the end of this period if the period is necessary for clarifications. Thereafter AERC can take up to 120 days for examining the petition and issue orders. This period involved in this process therefore extends beyond April, by which time the new financial year would start.

As such any delay beyond 1st December in submission of petition is not at all desirable, as it is likely to have a cascading effect of delays. In the previous years, the ASEB, and last year the ASEB and the successor companies had filed the petitions very late. An attempt was made this year to bring the process on track by giving more than adequate advance notice to the would-be petitioners, but sadly they have not been able to gear up their activities to comply with the requirements of the Regulations. They have thus lost the opportunity to be partners in a process of putting their functioning on a regular basis, and are likely to harm their own cause if the Commission does not find adequate time to examine their petitions appropriately, and has to take recourse to passing orders in a hurry.

The common ground cited by all the petitioners is devoid of any validity. The companies are required to finalise their accounts within 6 months of the closing of the financial year, i.e, within end of September of the calendar month according to the provisions of law. Contravention of one law cannot become ground for seeking another contravention.

Besides, there is no clear and firm indication that the accounts, due to non finalization of which the Tariff Petitions are allegedly not being filed, will in fact be finalized before 31st December 2005.

Secondly, in the past also, ASEB, and last year ASEB and the successor companies had filed Tariff Petitions without finalization of the accounts. There is provision for subsequent adjustments in case the accounts, as finalized later, give rise to adequate grounds for any reconsideration.

After careful consideration of the entire circumstances, the Commission finds no reason for accepting the grounds cited for the extension prayed for. However, to the extent that these petitions, coming literally at the eleventh hour, on 28th November, leave no option but to allow some reasonable time for filing of the Petitions for ARR and Tariff for 2006-07 the Commission is constrained to allow time until 19 December 2005 for filing of Petitions for ARR and Tariff for 2006-07 with the stipulation that it will not pass on the revenue gap for the period of resultant delay if any to the consumer through tariff. No further extension will be considered and will be allowed.

Sd/- (Bhaskar Barua)  
Chairperson,  
Assam Electricity Regulatory Commission