

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION SHIMLA-2**

**Review Petition No.: 191/2002
in
Petition No: 1/2001 & 2/2001**

In the matter of:

Tariff Order dated 29th Oct., 2001 for the determination of Annual Revenue Requirement Transmission & Bulk Supply Tariff and Distribution & Retail Supply Tariff for the FY 2001-2002.

AND

In the matter of:

Inox Air Products Ltd, Barotiwala

....Petitioner

Versus

Himachal Pradesh State Electricity Board (HPSEB)
Vidyut Bhawan, Shimla

....Respondent

ORDER

S.S. GUPTA, CHAIRMAN

1. Inox Air Products Ltd, Barotiwala has filed a petition on 2nd August, 2002 under Section 24(c) of the H.P. Electricity Regulatory Commission seeking review of “**Tariff Order**” issued by the Commission on October 29, 2001 on the petitions No. 1/2001 & 2/2001 filed by the HPSEB for the determination of Annual Revenue Requirement, Transmission & Bulk Supply Tariff and Distribution & Retail Supply Tariff for the FY 2001-2002. There is no such Act/ Regulation as the H.P. Electricity Regulatory Commission. Further, the petition has not been filed as per the procedure laid down in HPERC’s Conduct of Business Regulations, 2001. However, keeping in view the fact that the Commission has come into existence recently and the petitioner may not be aware of the

procedure for filing the petition with the Commission, the petition has been admitted.

2. The petitioner is a Industrial Gas Manufacturing Unit located in Barotiwala Industrial Area, Barotiwala, Distt. SOLAN, and is engaged in the manufacturing of Industrial Gases, which are being supplied to the Industries located in the Northern Region. The petitioner has stated that, that the plant for manufacture of industrial Gases are both Capital and Power Intensive and 80% of the value addition is towards cost of power. The revised tariff notified by Commission had put a very heavy burden on their Industry.

The petitioner has further stated that for availing the peak hour power, they are being charged much higher tariff in comparison to the tariff which was in vogue earlier. It, therefore, has prayed for review of Tariff Order.

3. The powers of review are vested in the Commission under sub-section (f) of Section 12 read with Section 23 of the Electricity Regulatory Commission Act, 1998. This petition, therefore, is being treated under Section 12(f) of the Electricity Regulatory Commission Act, 1998 and not under section as indicated by the petitioner.
4. The petition is hit by limitation prescribed under Sr. No. 116(b) of the Schedule PERIODS OF LIMITATION OF THE LIMITATION ACT, 1963 (36 OF 1963) for appeal to any other court from any decree or order which is 30 days from the date of the decree or order. The petitioner has not given any valid reasons for condoning the delay beyond the prescribed period, which expired on 28th November, 2001. As the petition has been filed beyond the period of limitation, the same is dismissed in accordance with the provisions of Section 3 of the Limitation Act, 1963.

It is so ordered.

(S.S. Gupta)
Chairman

Dated Shimla, the 27th August 2002