



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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Registrar

No. NEPRA/TRF-186/YEL-2011/4645-4647
May 23, 2012

Subject: **Decision of the Authority on Motion for Leave for Review filed by Yunus Energy Ltd. against Tariff Determination dated 15.02.2012 (Case No. NEPRA/TRF-186/YEL-2011)**

Dear Sir,

Please find enclosed herewith the subject Decision of the Authority (02 pages) in the matter of Motion for Leave for Review filed by Yunus Energy Ltd. against Authority's Tariff Determination dated 15.02.2012 in Case No. NEPRA/TRF-186/YEL-2011 for information.

Enclosure: As above

(Syed Safeer Hussain)

Secretary
Ministry of Water & Power
'A' Block, Pak Secretariat
Islamabad

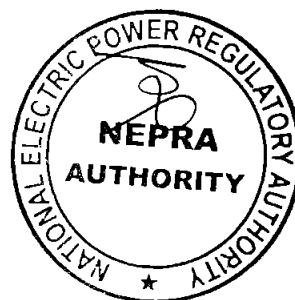
CC:

1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad.
2. Secretary, Ministry of Finance, Islamabad.



**Decision of Authority on Motion for Review filed by Yunus Energy Limited
against Tariff Determination Dated 15.02.2012**

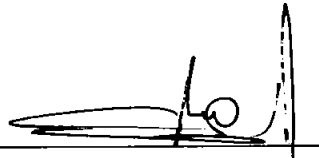
1. Yunus Energy Limited (hereinafter referred to as, "Petitioner") submitted Motion for Review under Rule 16(6) of the NEPRA (Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as, "Rules") read with other applicable provisions of NEPRA Laws against tariff determination dated 15.02.2012 (hereinafter referred to as, "the Determination").
2. Brief facts of the case are that the Petitioner filed a tariff petition under Rule 3 of the Rules for determination of its generation tariff before National Electric Power Regulatory Authority (hereinafter referred to as, "the Authority"). After admission of petition, a public hearing was conducted wherein the petitioner explained the costs to be incurred by it under different heads and requested for grant of requested tariff. The Authority after consideration of arguments of the petitioner, documentary evidence produced by the Petitioner, the comments of stakeholders and evidence and information otherwise available with the Authority, determined the tariff of the petitioner through the Determination.
3. The petitioner filed Motion for Review (hereinafter referred to as, "Review") stating, inter alia, that the construction period, operation & maintenance costs and its indexation, non EPC cost, project development, land cost, duties and taxes, financial charges, Pre-COD insurance, interest during construction, return on equity, etc. may be reconsidered and reviewed. The petitioner further stated that material and substantial reductions in costs under different heads has made the project unviable and requested the Authority to reconsider the same. To consider contentions of the Petitioner and to provide it an opportunity to explain its point of view, a pre-admission hearing in the matter was held on 11.04.2012 which was attended by the representatives of the petitioner. During hearing, the Petitioner reiterated its written submissions and requested to review the Determination.
4. Arguments heard. Record perused.

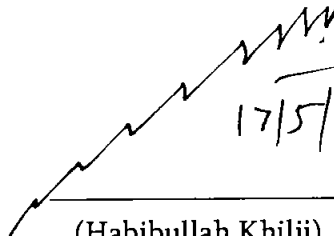


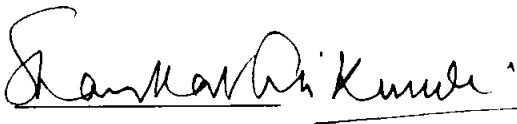
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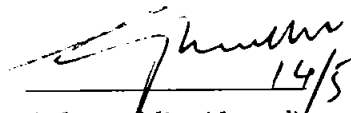
5. The Regulation 3 (2) of the Review Regulations provides that any party aggrieved from any order of the Authority and who, from the discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record or from any other sufficient reasons, may file a motion seeking review of such order. Further Regulation 3 (7) of the Review Regulations read with Rule 16(9) of the Rules provides that the motion for leave for review may be refused by the Authority if it considers that the review would not result in the withdrawal or modification of the order. The Petitioner has failed to bring any new and important matter of evidence which was not considered by the Authority at the time of passing of the Determination and also failed to point out any mistake or error apparent on the face of the record. The fact of matter which is also evident from the perusal of the Determination is that all material facts and documents were in the knowledge of the Authority and the record clearly shows that the Authority issued the Determination after consideration of all material facts and documents. Therefore, the Authority is of view that the Review is not maintainable in terms of Regulation 3 (2) of the Review Regulations read with Rule 16(9) of the Rules and the same is hereby dismissed.

AUTHORITY


(Khawaja Muhammad Naeem).
Member


(Habibullah Khilji)
Member


(Shaukat Ali Kundi)
Member


(Ghiasuddin Ahmed)
Acting Chairman

