



Registrar

National Electric Power Regulatory Authority
Islamic Republic of Pakistan

NEPRA Tower, Attaturk Avenue (East), G-5/1, Islamabad.
Ph: +92-51-9206500, Fax: +92-51-2600026
Web: www.nepra.org.pk, E-mail: registrar@nepra.org.pk

No. NEPRA/TRF-416/SRSP-2017/18511-18513
November 23, 2018

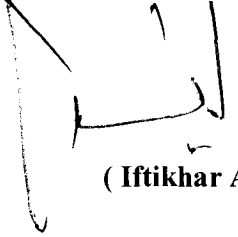
Subject: **Decision of the Authority in the matter of Motion for Leave for Review filed by Sarhad Rural Support Programme against Decision dated 21.05.2018 in the matter of Cost Plus Tariff of 2 MW Birmogh Golen Hydro Power Project [Case # NEPRA/TRF-416/SRSP-2017]**

Dear Sir,

Please find enclosed herewith the subject Decision of the Authority (03 pages) in the matter of Motion for Leave for Review filed by Sarhad Rural Support Programme against Decision dated 21.05.2018 in the matter of Cost Plus Tariff of 2 MW Birmogh Golen Hydro Power Project in Case # NEPRA/TRF-416/SRSP-2017, for information.

Enclosure: As above

Secretary
Ministry of Energy (Power Division)
'A' Block, Pak Secretariat
Islamabad

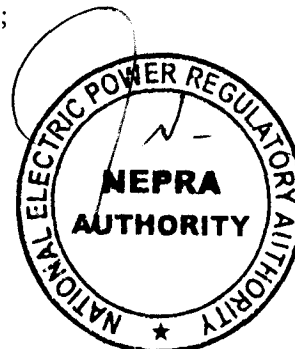

23/11/18
(Iftikhar Ali Khan)

CC:

1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad.
2. Secretary, Ministry of Finance, 'Q' Block, Pak Secretariat, Islamabad.

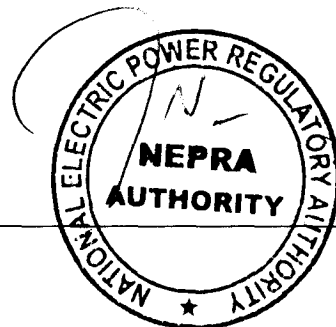
**DECISION OF THE AUTHORITY IN THE MATTER OF MOTION FOR LEAVE
FOR REVIEW FILED BY SARHAD RURAL SUPPORT PROGRAMME AGAINST
DECISION DATED 21.05.2018 IN THE MATTER OF COST PLUS TARIFF OF
2MW BIRMOGH GOLEN HYDRO POWER PROJECT**

1. Sarhad Rural Support Programme (hereinafter referred to as "SRSP" or the "Petitioner") filed a Motion for Leave for Review (hereinafter referred to as the "Review Motion") on June 01, 2018 under Rule 16 (6) of the National Electric Power Regulatory Authority (Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as the "Rules") read with other applicable laws, against the Tariff Determination dated May 21, 2018 (hereinafter referred to as the "Impugned Determination").
2. Brief facts of the case are that the Petitioner submitted a Cost-Plus Tariff Application before National Electric Power Regulatory Authority (hereinafter referred to as the "Authority") on October 31, 2017 for the determination of tariff for 2MW Birmogh Golen hydro power project. The Authority admitted the Cost-plus Tariff Petition on December 05, 2017 and subsequently, a hearing on the matter was held on February 08, 2018 wherein the Petitioner explained technical details of the project, costs claimed by it under different heads and requested for grant of tariff applied for in the tariff petition. The Authority after consideration of the arguments of the Petitioner, documentary evidence produced by the Petitioner, comments of the stakeholders and evidence and information otherwise available with the Authority, determined the tariff of the Petitioner through the Impugned Determination. SRSP, being aggrieved with the Impugned Determination, submitted the Review Motion and requested the Authority to review the Impugned Decision based on the grounds highlighted in the Review Motion.
3. The Petitioner filed the Review Motion stating, *inter alia*, that:
 - i. A higher return based on cost of equity of 17% and assumed cost of debt of KIBOR+3% may be allowed to the project;
 - ii. Dollar Indexation on Equity may be allowed;
 - iii. Cost of Interconnection may be included in the generation tariff;
 - iv. Withholding Tax on Dividend may be allowed;
 - v. A higher O&M cost may be allowed.





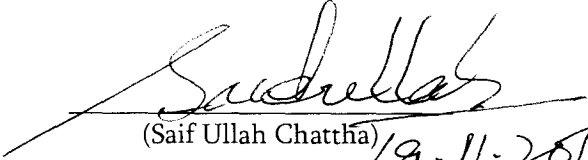
4. To consider contentions of the Petitioner and to provide it an opportunity to explain its point of view, hearing in the matter was held on July 19, 2018 in Islamabad, which was attended by the representatives of the Petitioner, representatives of Private Power & Infrastructure Board (PPIB), representative of Sinohydro-Sachal Consortium and other stakeholders. During the Hearing, the Petitioner reiterated its written submissions and requested to review the Impugned Determination.
5. Arguments heard. Record perused.
6. Regulation 3(2) of the National Electric Power Regulatory Authority (Review Procedure) Regulations, 2009 (hereinafter referred to as 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 Authority has noted that 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 Impugned Determination and has also failed to point out any mistake or error apparent on the face of the record. The fact of the matter which is also evident from the perusal of the Impugned Determination is that the Review Motion is just a reiteration of the submissions made in the tariff petition and all material facts and documents were in the knowledge of the Authority and the record clearly shows that the Authority issued the Impugned Determination after consideration of all material facts and documents. Therefore, the instant Review Motion does not necessitate any modification of the Impugned Determination of the Authority.
7. In view of the above, the Authority is of view that the instant Review Motion is not maintainable in terms of Regulation 3(2) of the Review Regulations read with Rule 16(9) of the Rules. Accordingly, the instant Review Motion does not merit further consideration and is hereby dismissed.




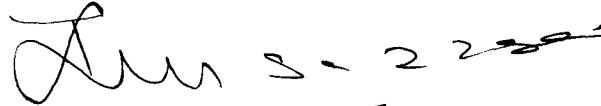
Handwritten signature or initials.

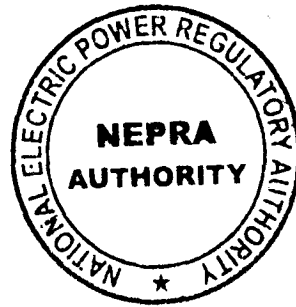


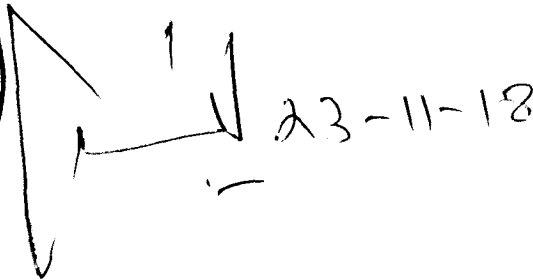
AUTHORITY


(Saif Ullah Chattha)
Member 19.11.2018


(Rehmatullah Baloch)
Member 19/11/2018


(Brig (R) Tariq Saddozai)
Chairman




23-11-18