



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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Registrar

No. NEPRA/TRF-191/FMSP-2011/3848-3850
April 20, 2012

Subject: Decision of the Authority on Review Petition filed by Frontier Mega Structure & Power (Pvt.) Ltd. against Tariff Determination dated 10.02.2012 (Case No. NEPRA/TRF-191/FMSP-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 Frontier Mega Structure & Power (Pvt.) Ltd. against Authority's Tariff Determination dated 10.02.2012 in Case No. NEPRA/TRF-191/FMSP-2011 for information.

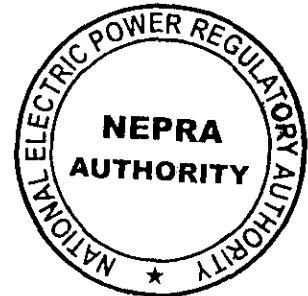
Enclosure: As above

(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 the Authority on Review Petition filed by
Frontier Mega Structure and Power (Private) Limited
against Tariff Determination Dated 10-02-2012
Case No. NEPRA/TRF-191/FMSP-2011

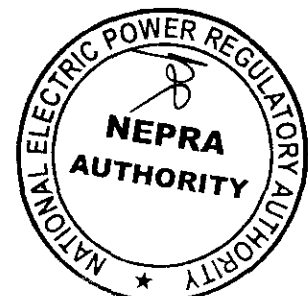
Frontier Mega Structure and Power (Private Limited (hereinafter referred to as, "**Petitioner**") submitted Motion for Review under Rule 16(6) of the NEPRA Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as, "**Rules**") read with Regulation 3(2) of the NEPRA (Review Procedure) Regulations, 2009 (hereinafter referred to as, "**Review Regulations**") against tariff determination dated 10-02-2012 (hereinafter referred to as, "the **Determination**").

2. Brief facts of the case are that the Petitioner filed as 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 fixed O&M costs per annum as requested by the petitioner may be allowed, the facts stated in paragraph 9.3 of the determination may be revisited, paragraph 9.4 of the Determination may be reconsidered and pre-operating expenses as requested by the petitioner may be allowed. 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 15-03-2012 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.

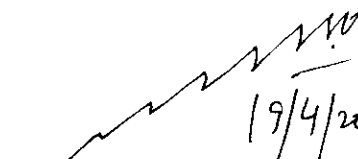
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5. The Regulation 3(2) of the Review Regulations provides that any party aggrieved from any order of the Authority and who, from the discovery of new and important matter of evidence or on account of some mistake or error apparent on the face of record 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


Shaukat Ali Kundi 20.04.2012
Member


Habibullah Khilji 19/4/2012
Member


Ghiasuddin Ahmed 19/4
Acting Chairman

