



**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.nepa.org.pk, E-mail: registrar@nepa.org.pk

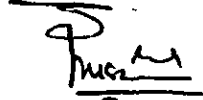
No. NEPRA/TRF-259/PPDCL-2014/1930-1932  
February 8, 2016

**Subject: Decision of the Authority in the Matter of Motion for Leave for Review filed by Punjab Power Development Company Ltd. for its Pakpattan Hydropower Project against Determination Dated February 4, 2015 [Case # NEPRA/TRF-259/PPDCL-2014]**

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 Punjab Power Development Company Ltd. for its Pakpattan Hydropower Project against Determination of the Authority dated February 4, 2015 in Case No. NEPRA/TRF-259/PPDCL-2014 for information.

Enclosure: As above

  
08.02.16  
( Syed Safer Hussain )

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

CC:

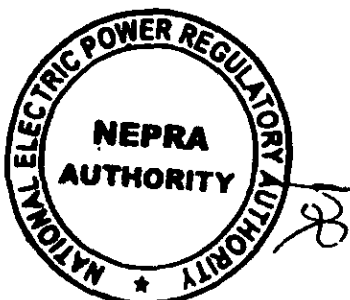
1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad.
2. Secretary, Ministry of Finance, 'Q' Block, Pak Secretariat, Islamabad.



**DECISION OF THE AUTHORITY IN THE MATTER OF MOTION FOR LEAVE FOR  
REVIEW FILED BY PUNJAB POWER DEVELOPMENT COMPANY LIMITED  
FOR ITS PAKPATTAN HYDROPOWER PROJECT AGAINST TARIFF  
DETERMINATION DATED FEBRUARY 04, 2015**

**CASE NO. NEPRA/TRF-259/PPDCL-2014**

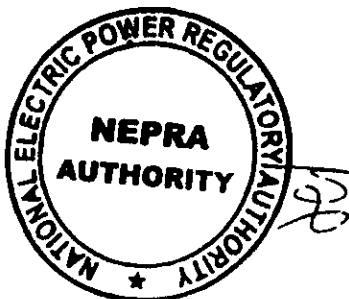
1. Punjab Power Development Company Limited (hereinafter referred to as "PPDCL" or the Petitioner) filed a motion for leave for review (hereinafter referred to as the "Review Motion") on July 9, 2015 under Rule 16 (6) of the National Electric Power Regulatory Authority (Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as the "Rules") read with other applicable laws, against tariff determination dated February 04, 2015 (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 hearing was conducted 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 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 Determination.
3. The Petitioner filed the review motion stating, *inter alia*, that Variation Order to EPC contract amounting to Rs. 19.753 million, cost of Inter-connection amounting to Rs. 8.971 million, Project Development cost of US\$ 0.294 Million, Carbon Credit Consultancy cost amounting to Rs. 4.812 million, Management Consultancy cost amounting to US\$ 0.222 million, Financial Charges on actual basis, O&M Cost amounting to Rs. 42.568 Million, Equity Redemption, Pre-COD sale of electricity and two-part tariff as claimed in the tariff petition may be allowed.
4. To consider contentions of the Petitioner and to provide it an opportunity to explain its point of view, a hearing in the matter was held on September 08, 2015 in Islamabad





which was attended by the representatives of the Petitioner. During the hearing, the Petitioner reiterated its written submissions and requested to review the Determination.

5. Arguments heard. Record perused.
6. The Petitioner, stated that the cost of interconnection may be allowed at this stage as part of EPC cost. The Authority considers it appropriate to clarify here that the cost of inter-connection has not been disallowed by the Authority but rather deferred till COD adjustments of tariff. Therefore, the Authority has decided to maintain its earlier decision in the Determination. However, the Authority has noted that the construction of inter-connection and related works is the responsibility of the power purchaser, i.e. CPPA-G/ DISCO, and the power dispersal facility should be ready before COD of the project; otherwise, penalty, if any, may be imposed on the power purchaser as per the standard terms of PPA/EPA. Further, the Authority hereby directs that the initial expenditure incurred by the power producer, if any, in this regard may be reimbursed by the power purchaser as per the terms agreeable to the power producer. Moreover, Pre-COD sale of electricity is hereby allowed at the applicable tariff minus the repayment of debt and interest component, as allowed in the Upfront Tariff determinations of the Authority.
7. With regard to other submissions made in the Review Motion, the Authority is of the view that the 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 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 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 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 determination after consideration of all material facts and documents. Therefore, the Authority is of view that the review motion is not maintainable on the grounds reiterated by the Petitioner in terms of Regulation 3 (2) of the Review Regulations read with Rule 16 (9) of the Rules. Accordingly, the subject petition does not merit further consideration and is hereby disposed of.

**AUTHORITY**

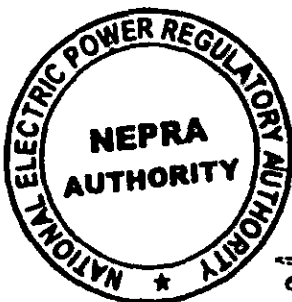
(Khawaja Muhammad Naeem)  
Member

(Syed Masood ul Hassan Nadeem)  
Member

(Himayat Ullah Khan)  
Member

(Major (Rtd.) Haroon Rasheed)  
Member

(Tariq Saddozai) 6/2/16  
Chairman



08.02.16