



National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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Registrar

No. NEPRA/TRF-124 /OPCL-2009/3875-3879
April 23, 2012

Subject: **Corrigendum - Decision of the Authority with respect to Motion for Leave for Review in the matter of Tariff Adjustment of Orient Power Company Ltd. (OPCL) Generation Tariff Dated January 12, 2012 [Case No. NEPRA/TRF-124/OPCL-2009(2)]**

Dear Sir,

Enclosed please find herewith a Corrigendum (**Annex-I**) along with Note of Mr. Shaukat Ali Kundi, Member (Licensing) (03 pages) with regard to decision of the Authority in the matter of Motion for Leave for Review filed by Orient Power Company Ltd. regarding adjustment in generation tariff at Commercial Operation Date as communicated earlier vide this office letter No. NEPRA/TRF-124/OPCL-2009/274-276 dated 12-01-2012 (copy at **Annex-II**). This is for information and further necessary action.

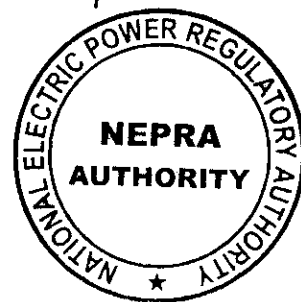
Encl: As above

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

CC:

1. Secretary, Cabinet Division, Cabinet Secretariat, Islamabad.
2. Secretary, Ministry of Finance, Islamabad.
3. Chief Executive, Orient Power Company (Pvt.) Ltd
10-Ali Block, New Garden Town, Lahore.
4. Chief Operating Officer, Central Power Purchasing Agency (CPPA),
107-WAPDA House, Shahrah-e-Quaid-e-Azam, Lahore


(Hammad Sharmimi)



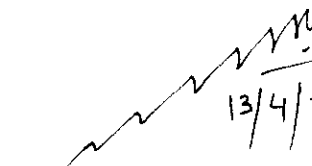



**CORRIGENDUM- DECISION OF THE AUTHORITY WITH RESPECT TO MOTION
FOR LEAVE FOR REVIEW IN THE MATTER OF TARIFF ADJUSTMENT OF ORIENT
POWER COMPANY LIMITED (OPCL) GENERATION TARIFF DATED JANUARY 12,
2012 CASE NO.NEPRA/TRF-124/OPCL-2009(2)**

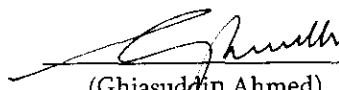
This is with reference to the decision of the Authority with respect to motion for leave for review filed by Orient Power Company Limited (OPCL) communicated vide letter No. NEPRA/Tariff-124/OPCL-2009/280 dated January 12, 2012. The Authority observed that at line-2, para 7.1 at page-3 the word appeared as "higher" instead of "lower". Similarly the figure of correction factor at line-4, para 7.3 at page-4 appeared as "209/212.7" instead of "212.7/209". The Authority considers that these typo errors needs to be rectified through corrigendum, therefore, following corrections have been made in the above-mentioned decision:

- The word "higher" be replaced with "lower: appearing at line-2, para 7.1 at page-3 and
- The figure of correction factor "209/212.7" be replaced with "212.7/209" appearing at line-4, para 7.3 at page-4;

AUTHORITY


13/4/2012
(Habibullah Khilji)
Member

Key note is attached -

(Shaukat Ali Kundi) 19.04.2012
Member


(Ghiasuddin Ahmed) 13/4
Vice Chairman



NOTE OF MR. SHAUKAT ALI KUNDI IN THE MATTER OF RECONSIDERATION OF TYPOGRAPHICAL ERRORS IN THE DECISION OF THE MATTER OF MOTION FOR LEAVE FOR REVIEW FILED BY ORIENT POWER COMPANY LIMITED (OPCL)

The instant decision is a consequence of decision dated January 12, 2012 on Motion for Leave for Review filed by Orient Power Company Limited (OPCL) on April 25, 2011 which has been admitted by a quorum of 03 Members including the Chairman.

2. In my considered opinion, the admission of Motion for Leave for Review of OPCL and decision thereon is violative of Rule 16(6) of NEPRA (Tariff, Standards & Procedure Rules), 1998 ("the rules"), as Rule 16(6) of the Rules clearly provides that within 10 days of a service of final order, determined or decision of the Authority, a party may file a 'motion for leave for review' by full strength of Authority of such final order, determination or decision, as the case may be. At the time, when Motion for Leave for Review of OPCL was being considered and decided, the posted strength of the Authority (NEPRA) was 04 Members, including the Chairman, but the review was considered and decided by three Members including the Chairman in violation of relevant rules. Thus in my opinion the decision on "Motion for Leave for Review" filed by OPCL suffers from legal infirmity.

3. It may not be out of place to mention here that I had earlier objected to this admission of "Motion for Leave for Review" filed by OPCL vide my note No.NEPRA/ML/OPCL/2011-2669 of 16/12/2011, addressed to the Chairman and asked for its rectification (copy) enclosed. But, I am still unaware of the outcome.

4. Based on the foregoing, I still hold my earlier stand expressed in my aforesaid note at 3 above.



Shaukat Ali Kundi
(Shaukat Ali Kundi) 19.04.2012
Member (Licensing)

National Electric Power Regulatory Authority

No.NEPRA/ML/OPCL/2011-2669

December 16, 2011

Subject: Motion for Leave for Review of Orient Power Company Limited (OPCL)

Reference is made to letter No. NEPRA/TRF-124/OPCL-2009 (2) of 7/12/2011 of DG (Tariff) as per which, draft decision has been circulated for perusal of the Authority.

2. While going through the case file I have observed that the Motion for Leave for Review of the subject power plant has been admitted in violation of Rule 16(6) of the NEPRA Tariff Standards and Procedure Rules, 1998, which reads as under:

“Rule 16(6): Within ten days of service of a final order, determination or decision of the Authority, a party may file a motion for leave for review by the full strength of the Authority of such final order, determination or decision, as the case may be.

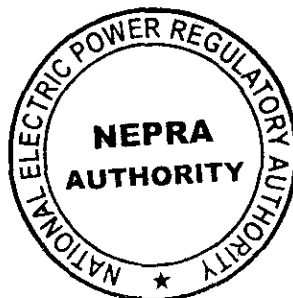
3. The Motion for Leave for Review of OPCL has been admitted by a quorum of 03 Members only whereas it was required to be heard and decided by the full strength of Authority under the relevant Rules. In my opinion, there is an anomaly in the admission of the subject matter therefore this need to be rectified before the decision on Motion for Leave for Review of OPCL is signed and would not stand the test of scrutiny if impugned at a higher forum/competent court of law.

4. Copy of the relevant Minutes of the Meeting of RM 11-201 dated 27/04/2011 showing admission of Motion for Leave for Review of OPCL by a quorum of 03 Members is enclosed as ready reference.

Chairman

Attachment: MOM

Shaukat Ali Kundi
(Shaukat Ali Kundi) 16/12/2011
Member (Licensing)





National Electric Power Regulatory Authority

Islamic Republic of Pakistan

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Registrar

No. NEPRA/TRF-124/OPCL-2009/274-276

January 12, 2012

Subject: Decision of the Authority in the matter of Motion for Leave for Review filed by Orient Power Company (Pvt.) Ltd. Pursuant to Rule 16(6) of NEPRA (Tariff Standards and Procedure) Rules, 1998 against the Decision of the Authority regarding Adjustments in Generation Tariff at Commercial Operation Date in Case No. NEPRA/TRF-124/OPCL-2009(2) - Intimation of Decision of Tariff pursuant to Section 31(4) of the Regulation of Generation, Transmission and Distribution of Electric Power Act (XL of 1997)

Dear Sir,

Reference is made to this office letter No. NEPRA/R/TRF-124/OPCL-2009/2663-2665 dated April 13, 2011 whereby decision of the Authority in the matter of Adjustments in Generation Tariff of Orient Power Company (Pvt.) Ltd. at Commercial Operation Date was sent. Please find enclosed herewith the decision of the Authority along with Annexes-I & II (12 pages) in the matter of Motion for Leave for Review filed by Orient Power Company (Pvt.) Ltd. against above referred decision of the Authority in Case No. NEPRA/TRF-124/OPCL-2009.

2. The decision is being intimated to the Federal Government for the purpose of notification of adjustment in the approved tariff through the official Gazette pursuant to Section 31 (4) of the Regulation of Generation, Transmission and Distribution of Electric Power Act (XL of 1997) and Rule 16(11) of the National Electric Power Regulatory Authority (Tariff Standards and Procedure) Rules, 1998.

3. Please be informed that the Reference Tariff earlier intimated vide para 13 of the Authority's decision dated April 13, 2011, stands revised to the extent as detailed in para 10 of the decision of the Authority on the subject motion along with Annexes-I, & II enclosed herewith. Please note that Order of the Authority at para 10 along with Annex-I & II is required to be notified in the official Gazette.

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.

