



National Electric Power Regulatory Authority Islamic Republic of Pakistan

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No. NEPRA/TRF-209/OPCL-2012/11826-11828
September 30, 2013

Subject: **Decision of the Authority on Review Petition filed by Orient Power Company Ltd. (OPCL) against Determination dated 29.03.2013 [Case No. NEPRA/TRF-209/OPCL-2012]**

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 Orient Power Company Ltd. against Authority's Tariff Determination dated 29.03.2013 in Case No. NEPRA/TRF-209/OPCL-2012 for information.

Enclosure: As above

(Syed Safeer Hussain)

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

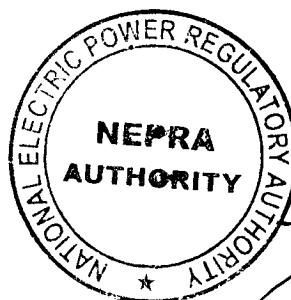
CC:

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



**DECISION OF THE AUTHORITY ON REVIEW PETITION FILED BY ORIENT POWER
COMPANY LIMITED (OPCL) AGAINST DECISION DATED 29.03.2013**

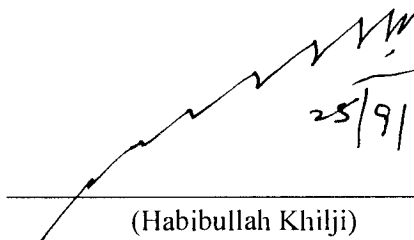
1. Orient Power Company Limited (hereinafter referred to as, "**Petitioner**") submitted Motion for Review under Rule 16(6) of the NEPRA (Tariff Standards and Procedure) Rules, 1998 (hereinafter referred to as, "**Rules**") read with other applicable provisions of NEPRA Laws against decision of the Authority dated 29.03.2013 (hereinafter referred to as, "**the Decision**").
2. Brief facts of the case are that the Petitioner filed a tariff petition under Rule 3 of the Rules for modification 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 the additional costs to be incurred by it on account of operation of plant on High Speed Diesel instead of gas and requested to modify the 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, dismissed the tariff petition of the petitioner through the Decision.
3. The petitioner filed Motion for Review (hereinafter referred to as, "**Review**") stating, inter alia, that the adjustment in O & M variable HSD component to make it 2.39 times the cost of O&M gas components as against existing cost factor of 1.64 times, conducting of HSD Heat Rate test after each major maintenance and adjustment for specific gravity of HSD fuel 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 22.05.2013 which was attended by the representatives of the petitioner. During hearing, the Petitioner reiterated its written submissions and requested to review the Decision.
4. Arguments heard. Record perused.
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

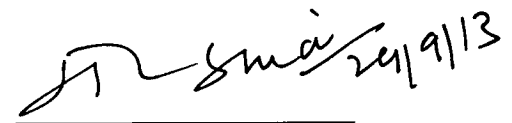


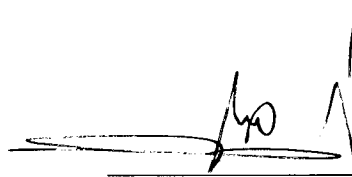


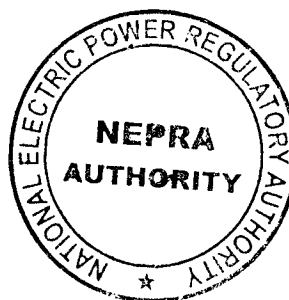
modification of the order. The Petitioner has failed to bring any new and important matter of evidence which was not considered by the Authority at the time of passing of the Decision and also failed to point out any mistake or error apparent on the fact of the record. The fact of matter which is also evident from the perusal of the Decision is that all material facts and documents were in the knowledge of the Authority and the record clearly shows that the Authority issued the Decision 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.

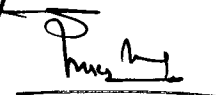
AUTHORITY:


25/9/2013
(Habibullah Khilji)
Member


24/9/13
(Maj. Retd Haroon Rashid)
Member


25.8.11
Khawaja Muhammad Naem
Member/Vice Chairman




30.03.13