TELANAGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004

R. P. (SR) No.32 of 2017
in
O. P. No. 22 of 2016
&
R. P. (SR) No. 34 of 2017
in
O. P. No. 23 of 2016

Dated:17.02.2018

Present
Sri. Ismail Ali Khan, Chairman
Sri. H. Srinivasulu, Member

R. P. (SR) No. 32 of 2017 in O. P. No. 22 of 2016

Between:

M/s. Southern Power Distribution Company of
Telangana Limited, 6-1-50, Mint Compound,
Hyderabad – 500 063. … Review Petitioner / Petitioner.

And

- Nil - … Respondent.

R. P. (SR) No. 34 of 2017 in O. P. No. 23 of 2016

Between:

M/s. Northern Power Distribution Company of
Telangana Limited, H. No. 2-5-31/2,
Corporate Office, Vidyut Bhavan, Nakkalgutta,
Warangal – 506 001. … Review Petitioner / Petitioner.

And

- Nil - … Respondent.

These petitions came up for hearing on 27.11.2017. Sri. Y. Rama Rao, standing counsel for the review petitioner along with Ms. Pravalika, Advocate and Sri. G. Raghuma Reddy, Chairman & Managing Director of the petitioner in R. P. (SR) No. 32

of 2017 along with Sri A. Gopal Rao, Chairman & Managing Director of the petitioner in R. P. (SR) No. 34 of 2017 are present. The review petitions having stood for consideration to this day, the Commission passed the following further:

COMMON ORDER

R. P. (SR) No. 32 of 2017

The Southern Power Distribution Company of Telangana Limited (TSSPDCL) (licensee) (review petitioner) has filed a petition under sec 94 (1) (f) of the Act, 2003, seeking review of the order dated 26.08.2017.

2. The ARR filing made by the TSSPDCL had been taken on record and numbered as O. P. No. 22 of 2016. Subsequently the retail supply proposals have been also filed on 13.04.2017. The Commission undertook public hearing and passed an order ultimately on 26.08.2017 ordering the retail supply tariffs for the year 2017-18.

3. The review petitioner has stated that the licensee having studied and analyzed the retail supply business tariff order and cross subsidy surcharge order for FY 2017 – 18 dated 26.08.2017 passed in O. P. No. 22 of 2016, identified the following areas where the above order of the Commission need to be reviewed under the circumstances mentioned in detail under each head. The issues identified by the licensee relate to:

- Approving lower sales for agriculture for FY 2017 – 18
- Energy availability & dispatch approved from Hydro Generating Stations
- Methodology for determination of cross subsidy surcharge
- Consideration of savings due to UDAY scheme in retail supply business

The review petitioner stated about the issue of approving lower sales for agriculture for FY 2017 – 18.

a) The licensee had filed a sales projection of 7643.74 MU for LT – V agricultural category for FY 2017 – 18 on account of higher growth rate recorded in H1 of FY 2016 – 17 due to the extension of 9 hours of power supply to agriculture consumers from 01.04.2016 as per the policy of Government of Telangana and higher release of agricultural connections for FY 2016 – 17. But, the sales approved for FY 2017 – 18 are 6824 MU which are lower than the sales approved for FY 2016 – 17 that is 6946 MU.

b) The approved sales for FY 2017 – 18 are substantially lower in view of higher sales recorded for FY 2016 – 17 i.e. 8767.64 MU (recorded YoY growth of 34.5%), implying a significant financial impact on the DISCOM. The agriculture consumption estimates are done based on the ISI methodology which has been recognized by the Commission and every month licensee has been submitting the agriculture consumption estimates to Commission. The financial impact on the licensee on account of lower sales approved for FY 2017 – 18 is presented below:

Particulars	Value
Approved sales for FY 2017 – 18	6824 MU
Filed Sales for FY 2017 – 18	7643.74 MU
Difference in Sales	819.74 MU
Difference in sales grossed up with approved losses for FY 2017 – 18	972.74 MU
Marginal PP cost approved for FY 2017 – 18	2.60 / unit
Financial Impact	252.91Crores.

c) Further, it is stated that the licensee is restricted to limit the agricultural sales to the approved value in truing up of power purchase cost for retail supply business leading to the financial burden on the licensee. Hence, the agricultural sales for a financial year shall be projected based on the actual sales recorded for the preceding year and anticipated release of new services in the ensuing year.

d) In view of the above, the licensee requests the Commission to revise the sales approved for agricultural category.

e) The licensee also stated that it is giving 24 hours supply to agriculture on a pilot basis in the districts of Medak and Nalgonda and further, a peak demand of 9500 MW is recorded at state level on 13.09.2017. In this regard it is stated that the licensee is studying the impact of supplying 24 hrs power to agriculture as per the policy of GoTS and shall present the same before the Commission eventually.

f) Further, the licensee is directed to submit an action plan to meet the specification of UDAY with regard to metering of agricultural connections. The relevant part of tariff order is placed below:

> "Accordingly, the Commission directs the DISCOMs submit an action plan to meet the specification of UDAY with regard to metering of agricultural connections. In case an action plan is not put in place and non – achievement of targets by end of 2017 – 18 as stipulated in UDAY, the basis for approval of agricultural sales for FY 2018 – 19 will be taken at the levels of FY 2015 – 16."

g) In this regard, the licensee stated that the UDAY MoU specifies an action plan regarding DTR metering in urban area and there is no specification regarding the metering of agricultural connections. Hence, the licensee requests the Commission to consider the same for projection of agricultural sales.

4. The review petitioner stated about the issue of energy availability and dispatch approved from hydro generating stations.

a) The licensees have projected the energy availability of 1400 MU for FY 2017 – 18 on the basis of actual energy generated for FY 2016 – 17. The variation in actual, approved energy dispatched for FY 2016 – 17 and approved energy for FY 2017 – 18 is as shown below:

	Approved Energy Dispatch for FY 2016 – 17 (MU)	Actual Energy Dispatch for FY 2016 – 17 (MU)	Approved Energy for FY 2017 – 18 (MU)
TSSPDCL	2709.52	874.34	1519
TSNPDCL	1131.04	364.98	634
Telangana State	3840.56	1239.32	2153

b) In this regard, it is stated that the hydro generating stations being multipurpose projects serves the needs of irrigation that is of primary importance and generation of power is subject to the meeting of irrigation needs and in addition the energy availability in these stations is highly dependent on monsoon. Hence, the projection of energy available based on the average of actual generation for 5 years is highly objectionable.

c) Further, any deviations from the approved energy availability of the hydel generating stations being must – run stations have an impact on the costs incurred by the licensee.

d) Hence, the licensee requests the Commission to review the energy availability approved from hydro generating stations.

5. The review petitioner stated about the issue of methodology for determination of cross subsidy surcharge:

a) The computation of cross subsidy surcharge (CSS) levied on open access consumers shall be based on the CSS formula as per clause 8.5 of National Tariff Policy, 2016 (NTP) notified by Ministry of Power dated 28.01.2016 and the same is presented below:

Surcharge formula:

S=T-(C/(I-L/100)+D+R)

Where

S is the Surcharge

T is the tariff payable by the relevant category of consumers, including reflecting the Renewable Purchase Obligation

C is the per unit weighted average cost of power purchase by the licensee, including meeting the Renewable Purchase Obligation.

D is the aggregate of transmission, distribution and wheeling charge applicable to the relevant voltage level

L is the aggregate of transmission, distribution and commercial losses, expressed as a percentage applicable to the relevant voltage level

R is the per until cost of carrying regulatory assets

Provided that the surcharge shall not exceed 20% of the tariff applicable to the category of the consumers seeking open access.

In this regard, it is stated that the determination of CSS to be the minimum of CSS approved for FY 2016 – 17 and that computed for FY 2017 – 18 on account of no revision in retail supply tariffs is highly objectionable.

b) Further, it is stated that the CSS to be levied for a particular year depends on the average revenue realization of the concerned category and power purchase cost for the relevant year. Hence, the approval of CSS based on the revenue realized and power purchase cost incurred for previous year is highly unacceptable.

c) The licensee stated that the NTP 2016 mandates for reduction of cross subsidy and bring tariff at +/- 20% average cost of supply, however it restricts cross subsidy surcharge at 20% of the tariff payable by the consumer. In case the tariff payable by the consumer is more than 120% of average cost of supply, the licensee will not be able to recover losses through cross subsidy surcharge in case consumer opts for open access. Hence, it is essential to implement both para 8.3 – 2 (i.e. bringing tariff at +/- 20% average cost of supply) and first proviso to para 8.5.1 (that is restricting cross subsidy surcharge at 20% of tariff payable by the consumer) of the tariff policy 2016 simultaneously. If one of the provisions could not be implemented due to some reason, the second provision should also not be implanted to that extent. The application of 20% cap in determination of cross subsidy surcharge alone is principally incorrect which is against to the NTP guidelines and the DISCOM will be at revenue loss.

d) Hence, the licensee requests the Commission to revise the CSS to be levied on open access consumers for FY 2017 – 18.

6. The review petitioner stated about the issue of consideration of savings due to UDAY scheme in retail supply business.

a) The licensee has submitted a savings of Rs. 610 crores for distribution business on account of implementation of UDAY scheme. The details submitted in this regard are as shown:

Particulars	Licensee submission
Savings in depreciation	471
Reduction in interest cost (Rs. In Crs) Capex loans – 54.73% PP Loan – 45.27%	 139 115

Total savings in interest cost	254
Total (Rs. In Crs) Savings to be considered under distribution business Rs. 610 crs (471 + 139) and retail business Rs. 115 crs	725

b) However, an amount of Rs. 743.88 cr. has been considered in the determination of ARR for retail supply business of the licensee as savings on implementation of UDAY scheme.

c) In this regard, the licensee stated the following remarks:

i) Savings in depreciation: Saving in depreciation expense has to be considered while truing up of distribution MYT considering the approved vs actuals.

ii) Reduction in Interest cost: Reduction of interest cost on capex loans that is Rs. 139 crores also to be considered while truing up of distribution MYT based on the approved vs actual at the end of the control period and reduction of interest cost on power purchase (PP) loan cannot be considered as saving in ARR as the loans are taken to meet the excess PP cost over and above approved values mainly due to increase in agricultural sales. Further the increase in PP cost, due to increase in agriculture sales over and above the tariff order approved quantity, is not being approved by Hon'ble Commission in the PP cost true ups.

iii) Hence, total savings considered to be under distribution business – Rs. 610 crs.

d) In view of the above, a saving of Rs. 743.88 crores considered on account of UDAY scheme is unjustifiable as these costs pertains to distribution business and further there is no detail about the variation of Rs. 133 crores in computation of UDAY savings in the tariff order.

e) Further, clause 10.7 of Regulation 4 of 2005 states the following with regard to sharing of gains and losses for the control period:

"10.7 For the purpose of sharing gains and losses with the consumers, only aggregate gains or losses for the control period as a whole will be considered. The Commission will review the gains and losses for each item of the ARR and make appropriate adjustments wherever required ….”

f) Therefore, both the gains and losses for a control period as a whole are to be considered for the purpose of sharing with the consumers at the end of the control period.

g) Hence, the licensee requests the Commission to consider the savings in UDAY at the time of review of MYT True – up considering all gains / losses accrued during the control period and further requests to provide the computation of UDAY savings reflected in the tariff order.

7. The petitioner, therefore, prays the Commission to review the retail supply tariff order and cross subsidy surcharge order for FY 2017 – 18 dated 26.08.2017 as distinctly prayed under each head.

R. P. (SR) No. 34 of 2017 in O. P. No. 23 of 2016

8. The Northern Power Distribution Company of Telangana Limited (TSNPDCL) (licensee) (review petitioner) has filed a petition under sec 94 (1) (f) of the Act, 2003, seeking review of the order dated 26.08.2017.

9. The ARR filing has been taken on record and numbered as O. P. No. 23 of 2016. Subsequently the retail supply proposals have been also filed. The Commission under took public hearing and passed an order ultimately on 26.08.2017.

10. The review petitioner has reiterated the contentions as submitted by the TSSPDCL. The review petitioner has stated that the licensee having studied and analyzed the retail supply business tariff order and cross subsidy surcharge order for FY 2017 – 18 dated 26.08.2017 passed in O. P. No. 22 of 2016, identified the following areas where the above order of the Commission need to be reviewed under the circumstances mentioned in detail under each head. The issues identified by the licensee relate to:

- Approving lower sales for agriculture for FY 2017 – 18
- Energy availability & dispatch approved from Hydro Generating Stations
- Methodology for determination of cross subsidy surcharge
- Consideration of savings due to UDAY scheme in retail supply business

11. The review petitioner stated about the issue of approving lower sales for agriculture for FY 2017 – 18.

a) The licensee had filed a sales projection of 5263.65 MU for LT – V agricultural category for FY 2017 – 18 on account of higher growth rate recorded in H1 of FY 2016 – 17 due to the extension of 9 hours of power supply to agriculture consumers from 01.04.2016 as per the policy of Government of Telangana and higher release of agricultural connections for FY 2016 – 17. But, the sales approved for FY 2017 – 18 are 4941 MU which are lower than the sales approved for FY 2016 – 17 that is 5606 MU.

b) The approved sales for FY 2017 – 18 are substantially lower in view of higher sales recorded for FY 2016 – 17 i.e. 5606 MU (recorded YoY growth of 20%), implying a significant financial impact on the DISCOM. The agriculture consumption estimates are done based on the ISI methodology which has been recognized by the Commission and every month licensee has been submitting the agriculture consumption estimates to Commission. The financial impact on the licensee on account of lower sales approved for FY 2017 – 18 is presented below:

Particulars	Value
Approved sales for FY 2017 – 18	4941 MU
Filed Sales for FY 2017 – 18	5263.65 MU
Difference in Sales	322.64 MU
Difference in sales grossed up with approved losses for FY 2017 – 18	376.21 MU
Marginal PP cost approved for FY 2017 – 18	3.13 / unit
Financial Impact	117.75 crores.

c) Further, it is stated that the licensee is restricted to limit the agricultural sales to the approved value in truing up of power purchase cost for retail supply business leading to the financial burden on the licensee. Hence, the agricultural sales for a financial year shall be projected based on the actual sales recorded for the preceding year and anticipated release of new services in the ensuing year.

d) In view of the above, the licensee requests the Commission to revise the sales approved for agricultural category.

e) The licensee also stated that it is giving 24 hours supply to agriculture on a pilot basis in the district of Karimnagar and further, a peak demand of 9500 MW is recorded at state level on 13.09.2017. In this regard it is stated that the licensee is studying the impact of supplying 24 hrs power to agriculture as per the policy of GoTS and shall present the same before the Commission eventually.

f) Further, the licensee is directed to submit an action plan to meet the specification of UDAY with regard to metering of agricultural connections. The relevant part of tariff order is placed below:

> "Accordingly, the Commission directs the DISCOMs submit an action plan to meet the specification of UDAY with regard to metering of agricultural connections. In case an action plan is not put in place and non – achievement of targets by end of 2017 – 18 as stipulated in UDAY, the basis for approval of agricultural sales for FY 2018 – 19 will be taken at the levels of FY 2015 – 16."

g) In this regard, the licensee stated that the UDAY MoU specifies an action plan regarding DTR metering in urban area and there is no specification regarding the metering of agricultural connections. Hence, the licensee requests the Commission to consider the same for projection of agricultural sales.

12. The review petitioner stated about the issue of energy availability and dispatch approved from hydro generating stations.

a) The licensees have projected the energy availability of 1400 MU for FY 2017 – 18 on the basis of actual energy generated for FY 2016 – 17. The variation in actual, approved energy dispatched for FY 2016 – 17 and approved energy for FY 2017 – 18 is as shown below:

	Approved Energy Dispatch for FY 2016 – 17 (MU)	Actual Energy Dispatch for FY 2016 – 17 (MU)	Approved Energy for FY 2017 – 18 (MU)
TSSPDCL	2709.52	874.34	1519
TSNPDCL	1131.04	364.98	634
Telangana State	3840.56	1239.32	2153

b) In this regard, it is stated that the hydro generating stations being multipurpose projects serves the needs of irrigation that is of primary importance and generation of power is subject to the meeting of irrigation needs and in addition the energy availability in these stations is highly dependent on monsoon. Hence, the projection of energy available based on the average of actual generation for 5 years is highly objectionable.

c) Further, any deviations from the approved energy availability of the hydel generating stations being must – run stations have an impact on the costs incurred by the licensee.

d) Hence, the licensee requests the Commission to review the energy availability approved from hydro generating stations.

13. The review petitioner stated about the issue of methodology for determination of cross subsidy surcharge and further reiterated the contentions submitted by the TSSPDCL on this issue.

14. The review petitioner stated about the issue of consideration of savings due to UDAY scheme in retail supply business.

a) The licensee has submitted a savings of Rs.258 crores for distribution business on account of implementation of UDAY scheme. The details submitted in this regard are as shown:

Particulars	Licensee submission
Savings in depreciation	207
Reduction in interest cost (Rs. In Crs) Capex loans – 33.85%	51

PP Loan – 66.15% Total savings in interest cost	98 149
Total (Rs. In Crs) Savings to be considered under distribution business Rs. 258 crs (207 + 51) and retail business Rs. 98 crs	356

b) However, an amount of Rs.373 cr. has been considered in the determination of ARR for retail supply business of the licensee as savings on implementation of UDAY scheme.

c) In this regard, the licensee stated the following remarks:

i) Savings in depreciation: Saving in depreciation expense has to be considered while truing up of distribution MYT considering the approved vs actuals.

ii) Reduction in Interest cost: Reduction of interest cost on capex loans that is Rs.51 crores also to be considered while truing up of distribution MYT based on the approved vs actual at the end of the control period and reduction of interest cost on power purchase (PP) loan cannot be considered as saving in ARR as the loans are taken to meet the excess PP cost over and above approved values mainly due to increase in agricultural sales. Further the increase in PP cost, due to increase in agriculture sales over and above the tariff order approved quantity, is not being approved by Hon’ble Commission in the PP cost true ups.

iii) Hence, total savings considered to be under distribution business – Rs. 258 crs.

d) In view of the above, a saving of Rs.373 crores considered on account of UDAY scheme is unjustifiable as these costs pertains to distribution business and further there is no detail about the variation of Rs.115 crores in computation of UDAY savings in the tariff order.

e) Further, clause 10.7 of Regulation 4 of 2005 states the following with regard to sharing of gains and losses for the control period:

“10.7 For the purpose of sharing gains and losses with the consumers, only aggregate gains or losses for the control period as a whole will be considered. The Commission will review the gains and losses for each item of the ARR and make appropriate adjustments wherever required ….”

f) Therefore, both the gains and losses for a control period as a whole are to be considered for the purpose of sharing with the consumers at the end of the control period.

g) Hence, the licensee requests the Commission to consider the savings in UDAY at the time of review of MYT True – up considering all gains / losses accrued during the control period and further requests to provide the computation of UDAY savings reflected in the tariff order.

15. The petitioner, therefore, prays the Commission to review the retail supply tariff order and cross subsidy surcharge order for FY 2017 – 18 dated 26.08.2017 as distinctly prayed under each head.

16. Both the review petitioners have sought identical but various prayers while seeking review of the order of the Commission determining retail supply tariff for the year 2017 – 2018.

a) Take the accompanying petitions of TSDISCOMs on record

b) Consider and accept the review petition

c) Issue 1 Prayer:

The licensees request the Commission -

i) To consider the actual agricultural sales recorded during FY 2016 – 17.

ii) To revise the sales approved for agricultural category for FY 2017 – 18 based on the higher sales recorded for FY 2016 – 17 and release of new services in the ensuing year.

d) Issue No. 2 Prayer:

The licensees request the Commission to revise the approved energy availability from hydro generating stations based on average actual generation for preceding 3 years as followed for thermal generating stations and central generating stations considering the previous year actuals.

e) Issue No. 3 Prayer:

The licensees request the Commission -

i) To revise the CSS based on the computation for FY 2017 – 18 that is based on the anticipated revenue realized for the relevant year without limiting to last year CSS.

ii) Not to restrict the cross subsidy surcharge at 20% of tariff payable by the consumer unless the tariffs are not brought to +/- 20% average cost of supply.

f) Issue No. 4 Prayer:

The licensees request the Commission

i) To consider the distribution business savings due to UDAY scheme in the distribution business MYT True – up at the end of the control period as per clause 10.7 of the Regulation No. 4 of 2005.

ii) To provide the computation of UDAY savings considered in the determination of ARR of the licensee.

iii) Not to consider the reduction in interest cost on power purchase loan as these loans taken to meet the power purchase costs which are not allowed by the Commission in the tariff orders and subsequent power purchase true – ups.

17. We have heard the standing counsel along with the Chairman and Managing Directors of the review petitioners. We have perused the material papers on the record.

18. We also noticed the submissions made at the time of hearing on 27.11.2017 and the daily proceedings are extracted below.

"The standing counsel explained in detail the contents of the review petition relying on sections 62, 64 and 94 of the Electricity Act, 2003. It is his contention that the review petition is maintainable in terms of Clause 32 of the Conduct of Business Regulation, 2015. He explained the reasons for filing review petition and the topics that are sought for review of the tariff order passed by the Commission 26.08.2017. The thrust of his argument was with reference to approving the agricultural consumption for FY 2017-18 in comparison to FY 2016-17. He stated that there is increasing agricultural consumption due to policy of the government to extend supply from 7 hours to 9 hours in a day for agricultural purpose. This fact alone made the difference in the tariff determination and therefore, the tariff order needs to be amended. This fact came to light after filing of the tariff proposals which were implemented as per the policy of the government.

The other important issue is with relation to cross subsidy surcharge, which has been calculated contrary to formula adopted in FY 2016-17. It is resulting in loss to the licensee, in fact, all the issues raised therein are in one way or the other affecting the licensee and resulting in losses.

The Commission sought to know why the licensee depending on estimates in agricultural consumption and not taking steps to fix the meters to DTRs. This exercise is going for several years despite directions from the erstwhile APERC and this Commission also. In reply, the CMD stated that the DISCOMs have proposed to the government for capital expenditure of Rs.2,700 crores for installing meters by segregating the agricultural feeders from other supply services. They are yet to receive approval from the government and sanction for the amount as desired by them.

The Commission expressed its point that if the review petition has been admitted and order on merits of the issues is to be passed, which have bearing on the tariff already determined then it has to go through the process of public hearing and then only decide the matter. It also sought to know whether a decision in this matter can be delayed till the filing of proposals for FY 2018-19.

The counsel for the review petitioner stated that the Commission may take a view dehorse the observations as in any case the petitioner will be filing the proposals for FY 2018-19 taking into account the proposed policy of the government to provide 24 / 7 power supply to agriculture from January, 2018 onwards. Having regard to the submissions, the matter is reserved for orders.”

19. While we notice from the review petitions that most of the issues raised for review are prima facie within the knowledge of the petitioners, absence of due diligence by them cannot be the ground for review. Assumptions made while filing proposals can also be based on actuals to the extent possible. The tariff determination ordinarily should have been completed by at least March of the financial year, which is normal the month of closing financial year. However, for the year 2017-18, the filing itself for retail supply were done in April, 2017 resulting in delaying in passing the retail supply order. When the filings are itself delayed for a long period, the petitioners seeking review ought to have placed information based on actuals for the substantial

period of the previous year if not for whole year. Adverting to such assumptions and claiming that the Commission has reduced or allowed lesser revenue or quantum of power is neither appropriate nor correct for consideration in a review petition.

20. Nextly when the formula provided in the policy has been adhered to by the Commission in respect of the determination of cross subsidy surcharge, the review petitions seeking to demonstrate that the Commission relied on the figures of the previous year is neither called for nor warranted in the absence of specific data supporting the said allegation. At any rate, the review petitioners have neither pleaded nor assisted the Commission in arriving at just and proper solution. Further to the submissions, the efforts made by the petitioners with regard to sustaining the proposals and requiring the Commission to fix the CSS at the rate as proposed by them, may not be justifiable as determination is for the year 2017-18 and not for the previous years wherein, the assumption of open access sales only is a projection and not actual.

21. The implementation of one provision and non-implementation of other provision cannot be the basis for review of the order passed by the Commission. While the policy envisages that the CSS should be brought to + / - 20% of average cost, if the actual tariffs are more than the cost of supply then obviously the CSS would be 20% of the actual tariff. Knowing pretty well that CSS is dependent on the tariff of the relevant category as per the formula, the review petitioners cannot urge that CSS should be at cost of supply and tariff should be more than the cost of supply as both of them cannot be linked due to the phenomena of the subsidized and subsidizing category of consumers subsisting with them.

22. Apart from them the review petitioners have erred in raising this issue as the Commission had passed a separate orders in respect of retail supply tariffs and cross subsidy surcharge for FY 2017-18, though the number relied on the case is one and the same. That being the case, the review petitioners ought to have filed separate review petitions insofar as CSS is concerned. Accordingly, the present review petitions are liable to be rejected inlimine on this ground alone.

23. One argument that has been vehemently contended, which according to the review petitioners ought to have been taken into consideration while deciding the

agricultural consumption is the decision of the government intending to extend 24 hours power supply to the said consumers. In one way, we are flummoxed that the policy of the government was well within the knowledge of the licensees, yet they have not visualized the requirement of power supply to the agricultural consumers. It is a fact that the government appears to have clearly and emphatically decided to extend power supply on 24 hour basis to the agricultural consumers even before the review petitioners choose to file the proposed tariffs. In that event of the matter, the review petitioners ought to have brought the said fact to the notice of the Commission while it was deciding the retail supply tariffs for the FY 2017-18. Alas, they choose to place the matter before the Commission resulting in not exercising due diligence. Now at the stage of review petition, the review petitioners seeking to espouse the case of 24 hours power supply is nothing short of unsettling the order of the Commission in the guise of this review petition. For that reason also, the review petitions cannot be sustained and have to be rejected.

24. For the reasons and discussion above, the following is to be considered as to whether the review petitioners satisfy the conditions of review. The review petitions for review of the order of the Commission which is appealable, can be entertained only for the following reasons.

a. Where there is a typographical mistake that has crept in the order.
b. When there is an arithmetical mistake that has crept in while effecting calculation or otherwise.
c. When there is a mistake committed by Commission, which is apparent from the material facts available on record and / or in respect of application of Law.
d. When the Commission omitted to take into consideration certain material facts on record and ‘law on the subject’ and that if on taking into consideration those aspects, there is a possibility of Commission coming to a different conclusion contrary to the findings given.
e. If the aggrieved party produced new material which he could not produce during the enquiry in spite of his best efforts and had that material or evidence been available, the Commission could have come to a different conclusion.

25. Ordinarily there will not be a review of the order at the instance of the parties or effected parties of the order, on the existing facts and contentions that have already been adverted to by the parties, either by way of written objection / suggestion and / or arguments at the time of hearing and when all those aspects have already been considered by the Commission at the time of passing of final order.

26. It is submitted that the review petitioners in their review petitions have not shown any of the above grounds as existing / warranting a review by the Commission of the order dated 26.08.2017.

27. That seeking review of the order of this Commission without satisfying the conditions for review as well as on factual matrix of filing the review petitions as the same cannot be sustained.

28. Pursuant to our discussions above, we are of the firm view that the licensees have not shown due diligence in their filings at the initial stage of the determination of the tariff or during the course of hearing undertaken by this Commission. Therefore, they neither satisfy nor appear to be closed to showing any error apparent on the face of the record. Accordingly, the review petitions filed by the review petitioners lack merit worth consideration.

29. Thus, the review petitions are dismissed as being without any merit, but in the circumstances without any costs.

This order is corrected and signed on this the 17th day of February, 2018.

Sd/-	**Sd/-**
(H. SRINIVASULU)	**(ISMAIL ALI KHAN)**
MEMBER	**CHAIRMAN**

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