

The Brihan Mumbai Electric Supply & Transport Undertaking

(OF THE BRIHAN MUMBAI MAHANAGAR PALIKA)

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BEST BHAVAN,
BEST MARG,
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MUMBAI-400 001.

ADDRESS ALL COMMUNICATION BY
TITLE NOT BY NAME

DATE : _____

Our Ref. No.: ESO/DGM(ES)/RC/ 753 /2009

The Secretary,
Maharashtra Electricity Regulatory Commission,
13th Floor, Centre No.1, World Trade Centre,
Cuffe Parade, Colaba,
Mumbai-400 005

Sub.-: Submission of revised APR Petition for FY 2009-10 alongwith truing up
Accounts for FY 2008-09

Ref.-: 1) ESO/DGM(ES)/653/2009 dated 31.12.2009
2) ESO/DGM(ES)/RC/719/2010, dated 05.02.2010

Dear Sir,

Vide our letter dated 31/12/2009 we had submitted our Annual Performance Review Petition for FY 2009-10. Subsequently, vide our letter referred at 2 above, we had submitted the additional clarification as informed to us by the Commission, vide email dated 01.02.2010

The Hon'ble Commission held a Technical Validation Session (TVS) on 8th February, 2010. The Hon'ble Commission vide its letter dated 22nd February, 2010 forwarded the minutes of Technical Validation Session and directed to submit revised APR Petition incorporating the discussion and directions mentioned in this letter alongwith the additional information / documents.

We hereby submit the revised APR Petition for FY 2009-10 along with ARR and Tariff proposal for FY 2010-11 in hard as well as soft form.

Copy of the petition is being forwarded to authorized consumer representatives.

Thanking you,

*Encl.: As above

Yours faithfully


12/03/2010

(A.A. Mule)

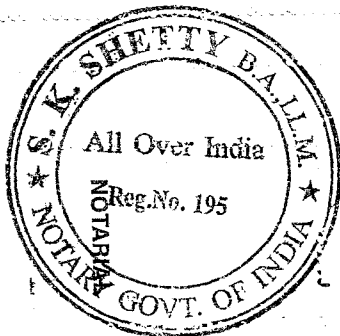
Asstt. General Manager
Electric Supply

"BEST Travel Saves Fuel"

FILING NO. _____

CASE NO. _____

1. IN THE MATTER OF:



Application for approval of Truing Up of accounts for FY 2008-09, Annual Performance Review for FY 2009-10 & projected ARR for FY 2010-11 under Regulation No. 17, 18, 19, 20 of MERC's (Terms & Condition of Tariff) Regulation 2005 along with other guidelines and directions issued by the Maharashtra Electricity Regulatory Commission ["Hon. Commission"] from time to time AND under Part VII (Section 61, 62, & 64) of the Electricity Act, 2003 read with the relevant Guidelines

And

2. IN THE MATTER OF

Brihanmumbai Electric Supply and Transport Undertaking (of the Brihanmumbai Mahanagarपालिका), BEST Bhavan, Mumbai - 400001.

Affidavit verifying the petition

I, Arvind A. Mule, son of Shri Achyut Mule, aged 58 years, having my office at BEST Bhavan, Colaba, Mumbai-400001 do solemnly affirm and state as follows:

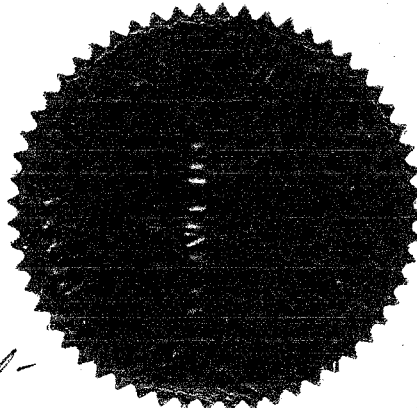
1. I am the Assistant General Manager of Brihanmumbai Electric Supply and Transport Undertaking, the applicant in the above matter and I am duly authorized to make this affidavit.
2. The statement made in the enclosed annexure of the applicant herein, now shown to me, are based on the information received from the concerned officials of the Undertaking which I believe to be true.
3. I say that there are no proceedings pending in any court of law / tribunal or arbitrator or any other authority, wherein the Petitioner are a party and where issues arising and / or reliefs sought are identical or similar to the issues arising in the matter pending before the Commissions.

Solemnly affirm at Mumbai on the 12th day of March 2010 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there from.

Identified before me



Arvind A. Mule
12.03.10
Advocate High Court
M. V. KINI & CO.
Advocates & Solicitors
Savla Chambers, 5th & 6th Floor,
40, Cawasji Patel Street,
Fort, Mumbai - 400 001.



Arvind A. Mule
Deponent

BEFORE ME
Arvind A. Mule
2010
S. K. SHETTY B.A.L.L.M.
ADVOCATE
NOTARY GOVT. OF INDIA
8, "Prakash", Bestant Street,
Santacruz (W), Mumbai - 400 054.

BEFORE THE HONOURABLE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

FILING NO. _____

CASE NO. _____

1. IN THE MATTER OF: **Application for approval of Truing Up of accounts for FY 2008-09, Annual Performance Review for FY 2009-10 & projected ARR for FY 2010-11 under Regulation No. 17, 18, 19, 20 of MERC's (Terms & Condition of Tariff) Regulation 2005 along with other guidelines and directions issued by the Maharashtra Electricity Regulatory Commission ["Hon. Commission"] from time to time AND under Part VII (Section 61, 62, & 64) of the Electricity Act, 2003 read with the relevant Guidelines**

And

2. IN THE MATTER OF **Brihanmumbai Electric Supply and Transport Undertaking (of the Brihanmumbai Mahanagarpalika), BEST Bhavan, Mumbai – 400001.**

The petitioner named above respectfully showeth under:

1. Brihanmumbai Electric Supply and Transport Undertaking hereafter referred to as 'BEST' is an Undertaking of the Brihanmumbai Mahanagarpalika and is in the business of distribution of electricity and providing public road transport.
2. Pursuant to the enactment of the Electricity Act, 2003, BEST is required to submit its ARR & Tariff Petitions as per procedures outlined in section 61, 62 & 64 of EA 2003, and the governing regulations thereof.
3. BEST Undertaking had submitted its petition for Annual Performance Review for FY 2008-09; Truing up of the revenue and expenses for FY 2007-08 & determining the tariff for FY 2009-10 for the retail sales of Electricity under MYT frame work on 16.02.2009 for the approval of Hon'ble Commission. Thereafter the Hon'ble Commission issued its Tariff Order on 15th June, 2009, stating that this Order shall come into force w.e.f. 1st June 2009.
4. In the same Order, the Hon'ble Commission had specified that it would undertake the Annual Review of BEST's performance during the last quarter of FY 2009-10. Further Commission directed to submit its Petition for Annual Review of its performance during the

first half of FY 2009-10, as well as truing up of revenue & expenses for FY 2008-09 with detailed reasons for deviation in performance, latest by 30th November, 2009.

5. FY 2009-10 was last financial year of first MYT period. The Commission had issued an approach paper on new MYT regulation proposed from FY 2010-11. BEST had forwarded comments on an approach paper on MYT Regulations for Second Control Period from FY 2010-11 to FY 2014-15 vide letter DO/GM/DGMES/56361/2009 dtd. 28/10/2009. An interactive session was arranged by the Commission on 09.10.2009. During the interactive session and in our comments regarding approach paper, we had requested the Commission to defer the proposed Multi Year Tariff Regulation period at least by 1 year, besides submitting our comments regarding other issues dealt in the approach paper. As it would be essential to have clarify about the aspects followed so far and those covered in the approach paper, as they have long range implications, we had requested the Commission for an extension of one month to submit APR Petition. Commission vide his email dated 3rd December, 2009 has granted one month extension to all the utilities and has directed to submit APR Petition before 31.12.2009.
6. BEST submitted its Annual Performance Review (APR) and Tariff Petition dated 1st January, 2010 consisting of ,
- i) Truing up of FY 2008-09, based on Audited accounts of FY 2008-09.
 - ii) Provisional Truing up of FY 2009-10, based on the actual up to September, 2009 and estimates for the remaining period of FY 2009-10.
 - iii) ARR and tariff petition for FY 2010-11.

As per the provisions of the governing regulations.

7. Technical Validation was held on 8/2/2010. Hon'ble Commission vide its letter MERC/Case No. 95 of 2009/130 dtd. 22/2/2010 directed BEST to submit revised petition alongwith identified data gaps by the Hon'ble Commission during the Technical Validation. Meanwhile, BEST has noticed some discrepancies in the accounting of power factor incentives from FY 2007-08 onwards. As already audited accounts are submitted for FY 2007-08 and FY 2008-09, a separate petition will be submitted for rectification of errors for FY 2007-08 and FY 2008-09 outcome of which may be covered while truing up of FY 2009-10. In the revised petition, we have incorporated the estimated amounts of power factor incentives to be paid for FY 2009-10 and FY 2010-11.
8. BEST hereby submits its revised Annual Performance Review (APR) and Tariff petition alongwith reply to datagaps for,
- i) Truing up of FY 2008-09, based on Audited accounts of FY 2008-09.
 - ii) Provisional Truing up of FY 2009-10, based on the actual up to September, 2009 and estimates for the remaining period of FY 2009-10.
 - iii) ARR and tariff petition for FY 2010-11.

As per the provisions of the governing regulations.

9. It is prayed that Hon'ble Commission may please consider BEST's request for approval of:

- Truing up of FY 2008-09
- Provisional truing up and Revised ARR of FY 2009-10
- Revenue gap as detailed in the petition.
- ARR of FY 2010-11 incorporating the revenue gaps as mentioned in the petition
- Proposed tariff schedule for FY 2010-11 in order to bridge the cumulative estimated revenue gap.
- Condone any inadvertent omissions / errors and permit BEST to add / modify this filing.
- Pass such further and other Orders, as the Hon'ble Commission may deem fit and proper, keeping in view the facts and circumstance of the case.

Place: Mumbai

Date: 12/03/2010

Shull

Asstt. General Manager
Electric Supply
For Brihandmumbai Electric
Supply and Transport Undertaking

Identified by me
Pragya Desai
12/03/2010



M. V. KINI & CO.
Advocates & Solicitors
Savia Chambers, 5th & 6th Floor,
40, Cawasji Patel Street,
Fort, Mumbai - 400 001.