

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Subject: In the matter of MPPTCL's petition for re-computation of intra State Transmission Charges applicable to non-conventional energy sources based generating plants and open access customers connected to distribution system (at voltage 33 KV level) at EHV sub stations of MPPTCL.

Petition No. 22 / 2023

DAILY ORDER

**(Hearing through Video Conferencing)
(Date of Hearing: 16th August, 2023)
(Date of Daily Order: 17th August, 2023)**

M. P. Power Transmission Co. Ltd.

Shakti Bhawan, Jabalpur

- **Petitioner**

V/s

1) M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Jabalpur

2) M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd., Bhopal

3) M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., Indore

4) M.P. Industrial Development Corporation Ltd., Indore

5) West Central Railways, Jabalpur

- **Respondents**

Shri Manoj Dubey, Advocate, Shri Rajeev Adlakha, EE and Shri Abhinav Anand, AE appeared on behalf of the petitioner.

Shri Nirmal Sharma, SE appeared on behalf of Respondent No. 3.

Heard the Petitioner and the Respondent. The petitioner submitted that Hon'ble High Court of MP, Bench at Indore by Order dated 12/05/2023 in WP No. 9638 of 2023 and connected matters has granted stay on the effect and operation of Commission's letter dated 31/05/2022 and petitioner's letter dated 24/03/2023 till next date of hearing. The petitioner submitted that the status remains same till date. However, the Commission may proceed with public hearing process in the subject petition as the subject petition has not been stayed. The Respondent No. 3 submitted that they have supported the petition vide affidavit dated 13/07/2023.

2. The Commission considered the submissions of both parties and also considered the developments in the matter before the Hon'ble High Court. It is observed that MPERC (Terms and Conditions for Intra State Open Access in Madhya Pradesh) Regulations, (Revision – I), 2021 in as much as it envisages levy of Transmission charges have been challenged before the Hon'ble High Court. The clarification dated 31/05/2022 given by the Commission regarding applicability of the aforesaid Regulations with respect to the consumers connected at 33 KV has been Stayed by the Hon'ble High Court. The subject petition relates to re-computation of the intra state transmission charges applicable to open access customers connected to Distribution system at 33 KV level at EHV sub stations of MPPTCL. Therefore, it is felt appropriate that hearing in the matter before the Commission may be deferred till outcome of matter before the Hon'ble High Court becomes available.

3. However, in view of the submissions by the petitioner regarding financial implications of not levying these charges, it is felt appropriate that the petitioner may approach the Hon'ble High Court for seeking suitable directions to continue proceedings in the matter before this Commission.
4. The subject petition is deferred till further listing in the matter.

(Prashant Chaturvedi)
Member

(Gopal Srivastava)
Member (Law)

(S. P. S. Parihar)
Chairman