

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: Petition regulation 46 of MPERC (Conduct of Business) Regulations, 2004 seeking appropriate directions for grant of rebate of incremental consumption as per tariff orders and to grant refund of excess amount recovered in violation of tariff orders. P. No. 76 of 2023

DAILY ORDER

(Motion Hearing through Video Conferencing)

Date of Motion Hearing: 23.01.2024

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M/s. Kesar ispat limited :

Petitioner

V/s

MP Paschim Kshetra Vidyut Vitran Co. Ltd. :

Respondent

Ms Dhiraj Panwar, Advocate appeared on behalf of the petitioner.

2. Petitioner was heard and the matter was reserved for order on admissibility. However, on detailed perusal of records available with the Commission and in light of pleadings by the petitioner today it is noted that the Hon'ble High Court in his order dated 20.11.2023 in W.P. No. 9855 of 2022 at para 04 has observed that:

"The Tariff Order was issued by the MPERC, therefore, if any interpretation of any of the clause of Tariff Order is required to be done, the Commission would be the competent Forum to interpret the same. Billing has been done by the respondents giving interpretation to the Tariff Order issued by the MPERC, therefore, it cannot be said that it is a billing dispute alone, for which the Redressal Forum is the competent Forum to adjudicate the dispute. If the correct interpretation of the Tariff Order is given, then the bills shall be prepared accordingly. Therefore, I do not find any error in the impugned order. Let the MPERC examine the relevant clause of Tariff Order and passed the order and accordingly, the respondent / Company shall prepare the bills."

3. Therefore, in view of the aforesaid observations of the Hon'ble High Court this petition is admitted. Petitioner is directed to serve copy of the petition to the Respondent within 07 days. The Respondent is directed to submit response within 15 days thereafter and serve copy thereof to the Petitioner simultaneously. The Petitioner may file rejoinder within three days, thereafter.
4. Listed for hearing on the 27.02.2024

(Prashant Chaturvedi)
Member

(Gopal Srivastava)
Member(Law)

(S. P. S. Parihar)
Chairman