

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Subject: In the matter of clarification on the order of MPERC dated 07.12.2021 in Petition No. 25 of 2021 filed before the Commission by MPPMCL for adjudication of various disputes between MP SLDC and MPPMCL, Jabalpur pertaining to interpretation of provisions of MPERC Grid Code, 2019, DOP approved by MPERC on 29.01.2020, Balancing & Settlement Code, MPERC Cogeneration Regulations, 2010 under section 33 (4) and 86 (k) of the Electricity Act 2003 read with MPEGC, 2019.

Petition No. 50 of 2022

DAILY ORDER

**(Hearing through Video Conferencing)
(Date of Hearing: 7th November, 2023)
(Date of Daily Order: 7th November, 2023)**

M.P. Power Management Co. Ltd.

Block No-15, Shakti Bhawan,
Rampur, Jabalpur (M.P.) – 482008

- **Petitioner**

V/s

M.P. State Load Despatch Centre,

M.P. Power Transmission Company Ltd.
Nayagaon, Jabalpur (M.P.) – 482008

- **Respondent**

(1) M/s Arya Energy Ltd.

MES 28, Sector 1, Shankar Nagar,
Raipur, (CG) Pin- 492007

(2) M/s Biobijalee Co. Ltd,

Bascom Future, SV, 4th Floor
No. 10/1, Venkatnarayan Road,
T Nagar, Chennai - 400017

- **Interveners**

Shri Manoj Dubey, Advocate and Shri Shailendra Janardan appeared on behalf of Petitioner.

Shri Anurag Mishra appeared on behalf of Respondent.

Shri Aditya Kumar Singh, Advocate and Ms. Ayushi Saxena, Advocate appeared on behalf of Intervener no. 1 & 2.

M/s Arya Energy Limited and M/s Biobijalee Co. Limited filed an Appeal No. 597 of 2023 (DFR No. 180 of 2023) before Hon'ble Appellate Tribunal for Electricity (APTEL) against Order dated 24th November, 2022 passed by the Commission in Petition No. 50/2022. Hon'ble APTEL vide order dated 3rd August, 2023 has remanded the matter to the Commission with the direction that both the biomass generators in the state of Madhya Pradesh, shall be put on notice and given an opportunity of being heard. Therefore, at the previous hearing held on the 20th September, 2023, both the biomass generators were made petitioners and MPPMCL & SLDC were made respondents.

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2. During the course of hearing held on 07.11.2023, Ld. Counsel of MPPMCL Shri Manoj Dubey submitted that the cause title in the matter before the Commission may be amended to ensure consistency with the petition no. 50 of 2022 which is challenged before Hon'ble APTEL and is now again being heard in light of direction given by Hon'ble APTEL. In the alternative, he suggested that a fresh petition may be filed by M/s Arya Energy Ltd and M/s Biobijalee Co. Ltd. with the fresh cause title. The Counsel appearing on behalf of M/s Arya Energy Ltd and M/s Biobijalee Co. Ltd. submitted they shall abide by the direction of the Commission in the matter. The Commission examined the contention of Counsels and is of the view that it is a remand proceeding with reference to the petition no. 50 of 2022 and as such cause of title does not change from that of earlier petition no. 50 of 2022. In other words, MPPMCL shall continue as petitioner and SLDC shall be the respondent. The status of M/s Arya Energy Ltd and M/s Biobijalee Co. Ltd. shall be that of intervener.
3. It is noted that the interveners have already filed written submissions with the Commission, however hard copy of the same is yet to be made available to MPPMCL and SLDC. It is therefore directed that the hard copy be made available immediately (not later than 08.11.2023) to MPPMCL and SLDC. Ten (10) days' time is granted to MPPMCL and SLDC to offer their comments on written submissions filed by interveners, thereafter.
4. At the hearing it is also noted that the interveners have not filed respective written submission within timeline fixed by the Commission, nor did they seek extension of time for filing written submission. It is therefore pointed out that time lines given by the Commission are sacrosanct and to be complied with. In case of genuine difficulty in meeting the timelines given by the Commission, parties are expected to seek time line extension before expiry of the timelines so given. It is also pointed out that serving of submission to parties in soft copy will not be treated as adequate service and therefore, it has to be backed by serving of hard copy to parties concerned. The aforesaid directions be complied with henceforth.

The case is fixed for arguments on the **29.11.2023**.

(Prashant Chaturvedi)
Member

(Gopal Shrivastava)
Member (Law)

(S.P.S. Parihar)
Chairman