

**Sub: In the matter of Petition under Regulation 9(1) of the MPERC (Conduct of Business) Regulations, 2004 read with regulation 8(40) of the MPERC (Terms and Conditions of Intra-State Open Access in Madhya Pradesh) Regulations, 2005.**

**Petition No. 47/2018**

**ORDER**

**(Date of hearing: 15<sup>th</sup> November, 2018)**

**(Date of order: 15<sup>th</sup> November, 2018)**

Campus Polyplast Pvt. Ltd.  
K.No. 328/2, Gram Palda, Shiv Udyog Nagar,  
Nemavar Road, Indore – 452 001 (MP).

Petitioner

Vs

MP Power Transmission Co. Ltd.  
Block No.2, Shakti Bhavan, Rampur,  
Jabalpur – 482 008 (MP)

Respondent No. 1

MP Paschim Kshetra Vidyut Vitaran Co. Ltd.  
GPH Compound. Polo Ground,  
Indore – 452 007 (MP)

Respondent No. 2

New and Renewable Energy Department,  
Main Road No. 2, Urja Bhavan, Shivaji Nagar,  
Near Bus Stop No. 5, Bhopal – 462 016 (MP)

Respondent No. 3

Ms. Ritika Singhal, Advocate appeared on behalf of the petitioner.

2. The petitioner has filed the subject petition under Regulation 9(1) of the MPERC (Conduct of Business) Regulations, 2004 read with regulation 8(40) of the MPERC (Terms and Conditions of Intra-State Open Access in Madhya Pradesh) Regulations, 2005, wherein the petitioner has requested the Commission to direct the Respondent No. 1 and Respondent No. 2 to grant permission to the petitioner to avail Long Term Open Access (LTOA) for captive use of 100% power from 250 KW solar power plant already installed at village Karodiya, Tehsil Taran, Distt. Ujjain to their own industry at Campus Poly Plast Pvt. Ltd., K. No. 328/2, Gram Palda, Shiv Udyog Nagar, Nemavar Road, Indore. The petitioner had filed an application to the nodal agency i.e. Respondent No. 1 under regulation 8.7 of the MPERC (Terms and Conditions of Intra-State Open Access in Madhya Pradesh) Regulations, 2005. By taking cognizance of the feasibility report forwarded by Respondent No. 2, Respondent No. 1 vide its letter No. 04-02/PS/OA-Campus/F-269 informed that the desired LTOA was technically unfeasible.

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3. The petitioner has prayed to the Commission to:
- Set aside Letter No. 04-02/PS/OA-Campus/F-269 of MPPTCL rejecting application of Petitioner seeking LTOA; and
  - Direct the Respondents No.1 and 2 to grant permission to Petitioner avail LTOA for captive use of 100% power generated from Petitioner's 250 KW solar power plant; and.
  - Pass any other order / direction that the Hon'ble Commission may deem fit and appropriate under the circumstances.

4. The case was listed for motion hearing on 15.11.2018. During the motion hearing the representative of the petitioner restated the contents of the petition before the Commission. The Commission noted that the Regulation 8.40 of MPERC (Terms and Conditions of Intra-State Open Access in Madhya Pradesh) Regulations, 2005 provides that:

*8.40 The customer may file the petition with the Commission for seeking the order if he is not satisfied with the decision of the Committee. In this case the customer shall have to file the petition in accordance with the MPERC (Conduct of Business) Regulations.*

5. The aforesaid Committee has been constituted under clause 8.31 of the said Regulations. Clause 8.34 of the Regulations provides powers to the Committee to resolve the disputes of open access permissions and review the decisions of nodal agency.

6. The Commission observed that the petitioner has not approached to the Committee constituted under the said regulations for the resolution of its dispute as per the provisions stated hereinabove. The Commission has, therefore, directs the petitioner to resort to the remedy in the matter through the Committee envisaged for the purpose in accordance with the MPERC (Terms and Conditions of Intra-State Open Access in Madhya Pradesh) Regulations, 2005.

7. With the above observations, the Petition No. 47 of 2018 is disposed of.

Ordered accordingly.

**(Anil Kumar Jha)**  
**Member**

**(Mukul Dhariwal)**  
**Member**

**(Dr. Dev Raj Birdi)**  
**Chairman**