

Sub: In the matter of petition for allowing construction of 132 kV DCSS line from 220 kV S/s Dhar to the upcoming plant of M/s Vacmet India Limited at Ujjaini, District Dhar and associated one No. 132 kV feeder bay at 220 kV S/s, Dhar on 50%:50% cost sharing basis by M/s VIL & MPPTCL and permission for recovery of 50% cost to be borne by applicant through transmission tariff

ORDER

(Date of hearing: 25th May,2016)

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Madhya Pradesh Power Transmission Co. Ltd., Shakti Bhawan, Rampur, Jabalpur	-	Petitioner
M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., GPH Compound, Pologround, Indore	-	Respondent No.1
M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Shakti Bhawan, Rampur, Jabalpur	-	Respondent No.2
M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd., Nishtha Parisar, Govindpura, Bhopal	-	Respondent No.3
M.P. Power Management Co. Ltd., Shakti Bhawan, Rampur, Jabalpur	-	Respondent No.4
M.P. Audyogik Kendra Vikas Nigam Ltd. (SEZ), Press Complex, Agra- Mumbai Road, Indore	-	Respondent No.5
M/s Vacmet India Ltd., Anant Plaza, IInd Floor,4/117-2A, Civil Lines, Church Road, Agra	-	Respondent No.6

Shri R.K.Khandelwal, SE(P&D), Shri S.R. Sharma, Law Officer(CRA), Shri V. D'Souja, EE(CRA) and Shri V.K. Parwar, EE(P&D) appeared on behalf of the petitioner.

2. The petitioner, Madhya Pradesh Power Transmission Company Limited, Jabalpur has filed this petition seeking directions to allow construction of 132 kV DCSS line from 220 kV S/s Dhar to the upcoming plant of M/s Vacmet India Limited at Ujjaini, District Dhar and associated one No. 132 kV feeder bay at 220 kV S/s, Dhar on 50%:50% cost sharing basis by M/s VIL & MPPTCL and permission for recovery of 50% cost to be borne by applicant through transmission tariff. In its petition, the petitioner prayed the following:

- (a) To allow relaxation in the clause 4.3 of M.P. Electricity Supply Code, 2013 and clause 4.3.1 of MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 for the instant case and allow construction of 132 kV DCSS line from 220 kV

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S/s Dhar to upcoming plant of M/s Vacmet India Ltd., Dhar and associated 132 kV feeder bay at 220 kV S/s Dhar on cost sharing basis.

- (b) To allow the petitioner to include the above MPPTCL's 50% share (Rs. 641.93 lacs) in MPPTCL's Investment Plan.
- (c) To allow the petitioner to capitalize the MPPTCL's 50% share (Rs. 641.93 lacs) through ARR and recovery through tariff.
- (d) In case of any change in amount of MPPTCL's 50% share due to change in material or work scope or both during construction of the line & feeder bay, which could not be perceived at this stage, the petitioner may approach the Commission for relief under its powers to remove difficulty.
- (e) To allow the petition & direct the respondent no. 6 to deposit the 50% share (Rs. 641.93 lacs) to MPPTCL.

3. The case was listed for motion hearing on 25.05.2016. During the hearing, the petitioner restated the contents of the petition. In its petition, the petitioner also mentioned the provisions of Sections 43 and 46 of the Electricity Act, 2003. During the hearing, the Commission enquired from the petitioner under what provisions of the Electricity Act, 2003, the petition was filed and whether this particular work is included in the approved investment plan for the FY 2016-17. The petitioner replied that the petition was filed under removal of difficulty and the work is to be completed under 100% deposit work as per prevailing Regulations.

4. Having heard the petitioner and on considering its written submissions, the Commission has noted that Section 46 of the Electricity Act, 2003 authorises a distribution licensee to charge from a person requiring a supply of electricity in pursuance of Section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply. As such, there is no provision in the Electricity Act, 2003 for the Commission to allow any relaxation in recovery of expenses incurred for providing supply to any particular consumer. Therefore, the instant petition is not maintainable.

5. In view of the above, the petition no. 27 of 2016 is disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman