

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Subject: In the matter of review of SLDC's ARR for FY 2021-22 (Levy and Collection of Fee and Charges for FY 2021-22 determined vide Order dated 6th December 2021) with regard to STOA daily scheduling charges for renewable (solar) generator which has only day time generation unlike conventional and other renewable generator.

Petition No. 15/2022

ORDER

**(Hearing through Video Conferencing)
(Date of motion hearing: 26th April, 2022)
(Date of Order: 29th April, 2022)**

M/s Freewings Power and Infra Limited,
Village Kadodiya, Tehsil Tarana,
District: Ujjain, (MP)

- Petitioner

V/s.

**The Chief Engineer
State Load Despatch Centre,
Shakti Bhawan, Jabalpur**

- Respondent

Shri Ajay Porwal, Consultant appeared on behalf of the petitioner.

M/s Freewings Power and Infra Limited, Ujjain has filed the subject petition seeking **Review of Commission's Order dated 6th December 2021 for determination of SLDC's ARR for FY 2021-22** (Levy and Collection of Fee and Charges by SLDC). The petitioner has sought review with regard to STOA daily scheduling charges for renewable (solar) generator which has only day time generation unlike conventional and other renewable generator.

2. The petitioner has broadly prayed the following:
 - a. Daily scheduling charges shall be exempted for small solar power plants upto 5 MW.
 - b. Excess Daily scheduling charges recovered since 2017 may be adjusted against State transmission charges.
3. The petitioner has broadly submitted as under in the subject review petition:
 - i. The petition has been filed under section 94(1)(f) of the Electricity Act, 2003 read with Regulation 17 of MPERC (Levy and collection of fee and charges by SLDC) (Revision-1), Regulations, 2006 and Regulation 40 (2) of MPERC (Conduct of Business) (Revision – I) Regulations, 2016.
 - ii. The petitioner has developed a Solar Power project with capacity of 2.55 MW at village Kadodiya, Tehsil Tarana, Dist. Ujjain.
 - iii. The petitioner has been selling power on exchange since STOA was first granted in December 2017, except during the period (1.8.2018 to 12.10.2019).

- iv. At para 3, 4 & 5 of the petition, the petitioner has mentioned CTU transmission charges, STU transmission charges, SLDC daily scheduling charges along with its analysis of its IEX bills with regard to **power sold by it at power exchange (IEX)** during FY 2017-18, 2018-19, 2019-20 and 2020-21.
- v. At para 6 of the petition, the petitioner has mentioned MPERC (levy and collection of fee and charges by SLDC) (Revision -1) Regulations, 2006. Clause 10.3 of the aforesaid Regulation provides that Fifty percent (50%) of the revenue earned from Operation and Scheduling charges as per Regulation 10 from short-term customers shall be retained by State Load Despatch Centre for Capital expenditure for the development of infrastructure at SLDC. The remaining 50 % revenue shall be treated as income for computation of SLDC Fee and Charges for the following year.
- vi. The petitioner has stated that the Respondent SLDC has been collecting Operation & Scheduling Charges much higher than required, hence, there may be an apparent error in said Regulation and Levy and Collection of Fee and Charges by State Load Despatch Centre Jabalpur.
4. Having heard the petitioner in motion hearing, the Commission has observed the following:
- i. Regulation 40(2) of MPERC (Conduct of Business)(Revision-1) Regulations, 2016 provides that application for review shall be filed subject to the fulfilment of following conditions, namely:-
- (a) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or;
 - (b) On account of some mistake or error apparent on the face of the record; or
 - (c) Any other sufficient reason.
- Further, Regulation 17 of MPERC (levy and collection of fee and charges by SLDC) (Revision -1) Regulations, 2006 provides that the Commission can review its order if it is proved that there is an error apparent from the records.
- However, the petitioner has failed to demonstrate any error apparent on the face of record in the SLDC Tariff Order for which it is seeking review in this petition.
- ii. Para 62 of the Commission's subject SLDC tariff order for FY 2021-22 dated 06/12/2021 provides that the Fees and Charges determined in this **order shall be effective from 1st April' 2021 till 31st March' 2022.**
- iii. Section 62 (4) of the Electricity Act 2003 provides that "no tariff or part of any tariff may ordinarily be amended, more frequently than **once in any financial year**, except in respect of any charges expressly permitted under the terms of any fuel surcharge formula as may be specified".

- iv. Before passing the order for levy and collection of fee & charges for FY 2021-22, public notice was published in newspapers on 29/09/2021 and no comment / objection / suggestion was filed by the petitioner in response to the aforesaid public notice. Public hearing in the matter was also held by the Commission on 26/10/2021 wherein no stakeholder had appeared. The representative who appeared for the petitioner has also admitted that the petitioner had not submitted any comment / objection in response to the aforesaid public notice.
- v. The Respondent SLDC Jabalpur has already filed a petition for Levy and Collection of Fee and Charges for FY 2022-23 which has been registered as **Petition no. 11/2022**. This petition has been admitted by the Commission and comments / objections / suggestions from all stakeholders / public shall be invited through a public notice in this regard.
- vi. Applicability of the subject order dated 06/12/2021 under review in this petition was over on 31/03/2022 and the process of determination of SLDC tariff for FY 2022-23 is in process as detailed above. The petitioner shall be at liberty to submit its objections/ comments/ suggestions on the subject petition in due course of time after publication of the public notice. **Therefore, the Commission does not find it appropriate to review the aforesaid order period of which is already over.**
5. In view of the aforesaid observations, the Commission is of the considered view that the subject review petition is non-maintainable since this petition does not fulfil any of the conditions provided under Regulation 40(2) of the MPERC (Conduct of Business)(Revision-1) Regulations, 2016. However, the petitioner is at liberty to file objections/ comments/suggestion at appropriate stage in petition No. 11/2022 filed by the Respondent SLDC for determination of ARR for FY 2022-23. Hence, the subject petition is disposed of as non-maintainable.

Ordered accordingly.

(Gopal Srivastava)
Member (Law)

(Mukul Dhariwal)
Member

(S. P. S. Parihar)
Chairman