

Sub: In the matter of petition under the clause no. 18.14 of MPERC (Terms and conditions for Intra-State Open Access in M.P.) (Revision-I) Regulations, 2015 read with MPERC (Conduct of Business) (Revision-I) Regulations, 2016 for directions for permission of supply Green Solar Energy under category II through long term open access as per “Policy for implementation of Solar Power based projects in Madhya Pradesh, 2012

ORDER

(Date of hearing: 26th September, 2017)

(Date of order: 10th October, 2017)

M/s P.K. Solar 2, “Agarwal House”, 5, Yeshwant Colony, Indore- 452 003	-	Petitioner
M.P. Power Transmission Co. Ltd., Block No. 2, Shakti Bhawan, Rampur, Jabalpur- 482008	-	Respondent No.1
M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Shakti Bhawan, Rampur, Jabalpur- 482008	-	Respondent No.2

Shri Mukesh Bhavsar, Manager and Shri C.P. Tailor, Engineer of the Company appeared on behalf of the petitioner.

Shri Anand Tiwari, SE (PS) appeared on behalf of the respondent no.1.

Shri Prakash Upadhyay, Advocate and Shri Sanjay Okhade, DGM appeared on behalf of the respondent no.2.

2. The petitioner, M/s P.K. Solar 2 has filed this petition under the clause no. 18.14 of MPERC (Terms and conditions for Intra-State Open Access in M.P.) (Revision-I) Regulations, 2015 read with MPERC (Conduct of Business) (Revision-I) Regulations, 2016 seeking permission of supply Green Solar Energy under category II through long term open access as per “Policy for implementation of Solar Power based projects in Madhya Pradesh, 2012. The petitioner has mainly prayed as under:

- (i) To issue directions to the respondent no. 1 and 2 to grant permission for Intra-State long term open access by considering the fact that the petitioner’s 3rd party consumer will consume power as per existing contract demand & consuming only, hence there will be no effect or additional load on 132/33 kV S/s feeder or Dog conductor and only wheeled units will be credited in 3rd party consumer electricity bill. Petitioner’s 3rd party consumer will fulfill their Renewable Purchase Obligation (RPO) by purchasing and consuming the Green Solar Energy.

Sub: In the matter of petition under the clause no. 18.14 of MPERC (Terms and conditions for Intra-State Open Access in M.P.) (Revision-I) Regulations, 2015 read with MPERC (Conduct of Business) (Revision-I) Regulations, 2016 for directions for permission of supply Green Solar Energy under category II through long term open access as per "Policy for implementation of Solar Power based projects in Madhya Pradesh, 2012

(ii) To issue directions to the respondent no. 3 to issue a letter for exemption in Electricity Duty for a period of 10 years to 3rd party consumer M/s Ultra Tech Cement Limited-unit Birla White, Village-Patti Jharela, Tehsil- Badwara, District- Katni from the commencement of the plant.

3. The case was listed for motion hearing on 21.03.2017. None appeared before the Commission on behalf of the petitioner. The Commission allowed one more opportunity to the petitioner to attend the motion hearing. The next date of motion hearing was fixed for 18.04.2017.

4. During the motion hearing on 18.04.2017, the petitioner restated the contents of the petition. The Commission admitted the petition and the next date of hearing was fixed for 16.05.2017.

5. During the hearing on 16.05.2017, the respondent no.2 sought adjournment on the ground that their Counsel could not appear on the date of hearing and requested the Commission to extend the hearing for 15 days time. The Commission allowed time till 20.07.2017 and the next date of hearing was fixed for 25.07.2017.

6. During the hearing on 25.07.2017, the respondent no.2 submitted that as per technical report, the feeder through which supply is being catered to M/s Ultra Tech Cement Ltd., Katni is already overloaded. The petitioner stated that there will be adjustment of units only in the bills of M/s Ultra Tech Cement Ltd., Katni and no additional load shall be required to be supplied to it through long term open access. During the hearing, the Commission observed that the petitioner had filed some additional documents on 06.05.2017, copy of which was not endorsed to the respondents. The Commission, therefore, directed the petitioner to provide a copy of the same to the respondents. The respondents were also directed to ensure filing of the reply by 17.08.2017 with a copy to the petitioner. The next

Sub: In the matter of petition under the clause no. 18.14 of MPERC (Terms and conditions for Intra-State Open Access in M.P.) (Revision-I) Regulations, 2015 read with MPERC (Conduct of Business) (Revision-I) Regulations, 2016 for directions for permission of supply Green Solar Energy under category II through long term open access as per “Policy for implementation of Solar Power based projects in Madhya Pradesh, 2012

date of hearing was fixed for 22.08.2017.

7. During the hearing on 22.08.2017, the respondent no.2 stated that the petitioner has not provided copies of the documents filed by them on 06.05.2017 till date and requested to defer the hearing to the next date. The petitioner, however, stated the required documents have already been submitted in the Offices of the respondents and acknowledgments were received. The Commission took a serious view for non-submission of response timely by the respondents. The Commission directed the respondents to ensure filing of the reply by 20.09.2017 with a copy to the petitioner. The next date of hearing was fixed for 26.09.2017. The respondent no.2 filed the reply on 07.09.2017.

8. During the hearing on 26.09.2017, the respondent no.2 stated that the load of consumer is to be considered as sum of contract demand and open access demand. As per the priority of allowing open access in terms of the MPERC (Terms and Conditions for intra state open access in Madhya Pradesh) Regulations, 2009, the Distribution Licensee for long term has more priority over the other open access customers for long term. The 33 kV Burn feeder is already having a total connected load of 21400 kVA out of which 18500 kVA belongs to Discom's sub-stations and only 2900 kVA load belongs to Petitioner's user HT consumer. Since margin is available in the distribution system to cater to future load growth of the Distribution Company, only short term open access can be considered on month to month basis till such time system gets fully loaded. During the hearing, the Commission enquired from the respondent no.2 as to whether any capital expenditure plan related to the aforesaid feeder is submitted before the Commission for approval. The respondent no.2 stated that the desired information shall be submitted before the Commission. The Commission allowed 15 days' time to the respondent to file the reply with a copy to the petitioner. During the hearing, the petitioner stated that as per priority, the other open access consumer could be allowed long term open access. The petitioner also requested the Commission to exempt them to attend further hearings in the matter. The respondent no.2 filed the reply on 09.10.2017

Sub: In the matter of petition under the clause no. 18.14 of MPERC (Terms and conditions for Intra-State Open Access in M.P.) (Revision-I) Regulations, 2015 read with MPERC (Conduct of Business) (Revision-I) Regulations, 2016 for directions for permission of supply Green Solar Energy under category II through long term open access as per “Policy for implementation of Solar Power based projects in Madhya Pradesh, 2012

stating that capex plan of the company of the respondent no.2 is being submitted before the Commission for its approval in which provision for a separate 33 kV line with Dog conductor from 132 kV S/s Katni to 33/11 kV S/s Niwar would also be proposed for sharing the load of existing 33 kV Burn feeder within permissible limits.

9. Having heard the petitioner and the respondents and considering their written submissions, the Commission is of the view that once the open access is allowed the petitioner/user would be entitled to receive power over and above the contract demand. The Commission further noted that the respondent no.2, being the Distribution Licensee has submitted that the concerned 33 kV Burn feeder is not having sufficient margin to allow long term open access but may consider short term open access on month to month basis. Also, drawl of power within the contract demand does not form a basis for allowing long term open access on the feeder in case the concerned distribution licensee does not find it technically feasible to allow long term open access under existing arrangements. Under the aforesaid circumstances, the request of the petitioner cannot be allowed. The Commission also directs the petitioner that since the matter regarding exemption of Electricity Duty is beyond the purview of the Commission, the petitioner may approach the appropriate forum for the same.

10. In view of the above, the petition no. 06 of 2017 stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman