

**Sub: Application filed under clause 11.13 & 11.14 of the M.P. Electricity Supply Code, 2013 for seeking clarification about the language used in clause 7.8 of the M.P. Electricity Supply Code, 2013 because the interpretation done by the MPMKVCL is unjust, improper and contrary to the very object of the Act**

**ORDER**

**(Date of hearing: 24<sup>th</sup> October,2017)**

**(Date of order: 28<sup>th</sup> October,2017)**

M/s Sagar Manufacturers Pvt. Ltd., - Petitioner  
Through Shri Sidharth Agrawal, Director,  
Regd.Office : E-2/4, Arera Colony, Bhopal-462 016

Shri Umesh Nigam, Advocate appeared on behalf of the petitioner.

2. The petitioner, M/s Sagar Manufacturers Pvt. Ltd., Bhopal has filed this petition seeking clarification about the language used in clause 7.8 of the M.P. Electricity Supply Code, 2013.

**3. Brief facts of the case as stated in the petition:**

- (a) M/s Sagar Manufacturers Pvt. Ltd., Bhopal had initially sought an HT connection from MPMKVCL for a contract demand of 1150 kVA at 33 kV. The consumer has enhanced the contract demand up to 6800 kVA by the end of January, 2015.
- (b) Subsequently, the consumer applied for load enhancement from 6800 kVA to 11000 kVA. After completing all the formalities and getting the requisite amount deposited, the petitioner was directed by the MPPTCL to carry out the line work vide letter dated 11.2.2016. The power supply to the petitioner is continuing and the petitioner was paying the actual charges.
- (c) After recovering the charges for additional 1000 kVA, the MPMKVCL directed the petitioner to comply with the remaining formalities as per their letter dated 27.06.2017. The petitioner got the agreement executed on 20.06.2017 and the power supply is being availed continuously with contract demand of 11000 kVA.
- (d) By letter dated 26.09.2017, the GM (O&M), Raisen directed the petitioner to deposit Rs. 75 Lakhs towards Supply Affording Charges. In the aforesaid

**Sub: Application filed under clause 11.13 & 11.14 of the M.P. Electricity Supply Code, 2013 for seeking clarification about the language used in clause 7.8 of the M.P. Electricity Supply Code, 2013 because the interpretation done by the MPMKVCL is unjust, improper and contrary to the very object of the Act**

letter, the GM (O&M), Raisen admitted that the petitioner had deposited Rs. 7.50 Lakhs towards Supply Affording Charges on the basis of demand made based on the sanction from the Head Office. The petitioner had deposited the entire amount towards Supply Affording Charges right from 1 MVA to 11 MVA on various dates.

- (e) As per the facts submitted supra, this case is equally covered under clause 7.3 of the M.P. Electricity Supply Code, 2013 which deals with the “Procedure for the enhancement of the contract demand of the connected load”. So the double amount of Supply Affording Charges cannot be charged from the petitioner.
- (f) The GM (O&M), Raisen had wrongly interpreted the clause 4.3.1 of the MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 and the clause 7.8 of the M.P Electricity Supply Code, 2013.
- (g) The Commission is requested to remove the difficulty and to clarify the position. Hence, this petition.

4. In its petition, the petitioner has prayed to:

- (a) issue appropriate order/direction declaring the act of the GM(O&M), Raisen as illegal and incorrect.
- (b) issue appropriate order/direction declaring that the GM(O&M), Raisen is not authorize to collect the double Supply Affording Charges from the petitioner.
- (c) issue appropriate order/direction declaring that the interpretation of the clause 4.3.1 of the MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 and the clause 7.8 of the M.P Electricity Supply Code, 2013 by the GM(O&M), Raisen is unjustified and incorrect and cannot be given effect.

**Sub: Application filed under clause 11.13 & 11.14 of the M.P. Electricity Supply Code, 2013 for seeking clarification about the language used in clause 7.8 of the M.P. Electricity Supply Code, 2013 because the interpretation done by the MPMKVVCL is unjust, improper and contrary to the very object of the Act**

(d) issue appropriate order/direction to the MPMKVVCL to restrain from recovery of the disputed amount till disposal of this petition.

5. The matter was heard on 24.10.2017. During the hearing, the Counsel for the petitioner restated the contents of the petition and requested to clarify on the issues raised in the prayer.

6. On hearing the petitioner and considering the contents of the petition, the Commission has noted that clauses 4.3.1 and 4.3.2 of the MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 relates to the charging of the cost of works involved and the Supply Affording Charges respectively. In the instant case, the existing HT connection was at 33 kV which was to be served at 132 kV after load enhancement. Therefore, as the system of supply voltage changed from 33 kV to 132 kV, the petitioner was required to pay the cost of works at 132 kV along with the Supply Affording Charges on the full contract demand at 132 kV. Also, clause 7.8 of the M.P Electricity Supply Code, 2013 provides that in such cases the Supply Affording Charges shall be payable as specified in the aforesaid Regulations, 2009 for that higher voltage. As such, the petitioner is liable to pay the Supply Affording Charges for the full contract demand at 132 kV at the rate as specified in MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009.

7. In view of the above, the petition no. 47 of 2017 stands disposed of.  
Ordered accordingly.

**(Alok Gupta)**  
**Member**

**(A.B.Bajpai)**  
**Member**

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