



Madhya Pradesh Electricity Regulatory Commission

5th Floor, Metro Plaza, Arera Colony, Bittan Market, Bhopal 462 016

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Petition No. 19/06

ORDER (Dated 04th April 2007)

M/s HJI (Prop. GMM Co. Ltd.,) Petitioner
10th Floor, Prakash Deep Building
7, Tolstoy Marg
New Delhi
V/s
MP Poorv Kshetra Vidyut Vitaran Co. Ltd., Respondent No. 1
Shakti Bhavan, Rampur
Jabalpur (M.P)
MP Power Transmission Co. Ltd., Respondent No. 2
Shakti Bhawan, Rampur
Jabalpur (M.P)

Sub : In the matter of filing of petition under the MP Electricity Supply Code 2004

Shri Anoop Sharma, Advocate, Shri Vijay Kandya, and Shri R.P. Mishra appear on behalf of the Petitioner.

Shri P.U. Sathe, Addl. S.E. (Com) % CMD East Zone appears on behalf of Respondent No. 1. Dr. R.P. Bhatele, CB (P) MPPTCL, Jabalpur appears on behalf of Respondent No. 2.

2. The petition has been filed on the date 13.03.2006 under the MP Electricity Supply Code 2004. The petitioner has submitted that the Company was a consumer of the erstwhile MPEB till 1999 and ceased to be one when the State Utility was unable to supply either quality or quantity of necessary HT power at reasonable tariff. However, in view of the improved power scenario in the State, the Company is planning to take 15 MVA power at 132 KV. With this the annual revenue of the licensee will also be approximately Rs 45 crores. The application in the prescribed format has been filed by the petitioner on 01.02.06 to the MP Poorv Kshetra Vidyut Vitaran Co. Limited, i.e. Respondent No. 1. The respondent in its reply pleaded its inability to agree to certain requests made by the Company. Under the circumstances, the petitioner prayed to the Commission that the respondent be directed to conduct a survey to determine the optimum line from Amarkantak plant and to give the Company the accurate cost to be incurred in laying the transmission line with details of material and unit cost. The petitioner also requested the Commission to direct the respondent to confirm the quantum of supervision charges payable to the licensee in case the Company elects to construct necessary transmission line.

3. During the last hearing held on 27.09.06, the Commission directed the respondent No. 2 to submit the compliance report by 31.10.06 on completion of the work of the bay. The respondent No. 2 vide their letter dated 24.10.06 informed the Commission that the work of 132 feeder bay for supplying power to M/s HJI has been successfully commissioned on 30.09.06. However, the consumer has raised some issues on HT agreement and requested for redrafting the same. The petitioner has made some additional submission on 22.01.07 requesting for grant of the following:

- (i) Respondent No. 2 be directed to recalculate the supervision charges.
- (ii) Respondent No.2 be directed to revise the supervision charges as the construction of bay is done by the respondent.
- (iii) Respondent No. 2 be further directed to refund the O&M charges payable in accordance with the order of the Commission.
- (iv) Excess charges already paid by the petitioner for line survey be refunded.
- (v) Electricity duty on energy charges be recovered after considering load factor concession, being part of tariff i.e. duty be made applicable of net energy charges.

4. The Respondent No. 2 in its reply dated 28.03.07 has informed the Commission that on completion of the contractual formalities, the line was commissioned on 27.11.06 and as per the records available with the MPPTCL, there is no issue which is pending with the respondent. Therefore, it requested that the petition No. 19/2006 be disposed off.

5. The petitioner submitted that the Commission has mentioned in the order dated 11.07.2006 that the supervision charges will be decided later on. The petitioner also submitted that as per MPERC notification dated 24.11.06, the O&M charges for feeder are not payable, as the petitioner is not covered under the above clause.. It is further stated that since the petitioner is having only one feeder, the O&M charges are not applicable as per the regulation. Therefore, the petitioner has requested the Commission to direct the respondent to refund the excess amount paid by the petitioner.

6. During the course of hearing, it is further stated by the petitioner that the respondent be directed to refund the excess amount of the supervision charges and other charges recovered from the petitioner as per the notification of the Commission mentioned above.

6. The Commission heard both the parties. Having considered the facts and circumstances of the case and submission made by both the parties, the Commission states that this original petition was submitted by the petitioner under the provisions of MP Electricity Supply Code 2004 requesting to direct the respondents to work

on a fast track basis and to start giving power supply within six months. After the line is commissioned on 27.11.06, the petitioner has submitted additional submission on 23.01.07 requesting that since the petition has yet not been disposed of and still pending, certain additional facts regarding refund of supervision and O&M charges etc may be incorporated.

7. The Commission observes that on completion of the contractual formalities, the line was charged on 27.11.06. Therefore, the Commission agrees with the Respondent that there is no issue pending in this petition.

8. On the point raised by the petitioner regarding the order of the Commission dated 11.07.2006, the Commission makes it clear that it does not seek to convey that the supervision charges will be determined in this petition. It only means that the revision of miscellaneous charges including supervision and other charges is under consideration of the Commission and it shall be decided later on through a separate petition.

Subsequently, a separate notification of MPERC (Recovery of expenses and other charges of giving supply) Regulations 2006 has been published in the gazette and made applicable from the date 24.11.06.

9. Moreover, regarding supervision charges, the Commission also observes that supervision charges can only be fixed in a separate miscellaneous tariff petition after inviting the comments from the public and holding the public hearing as per the provision of the Electricity Act 2003. The Commission has issued notifications regarding miscellaneous and other charges as mentioned above through a separate Regulation and that notification has been made applicable from the date of its publication i.e. from 24.11.06. Therefore, the charges recovered by the respondent previous to the publication of the notification probably would have been at the rate prevailing at that time as per the miscellaneous tariff fixed by the Commission. The notification published on 24.11.2006 can not be made applicable with retrospective effect. However, the Commission also advises the Petitioner to approach the grievance redressal forum if he is aggrieved with the matters related to the recovery of excess payment by the respondent, as these matters do not fall under the jurisdiction of the Commission. As regards the applicability of electricity duty, the issue may be taken up directly with the State Government, Energy Deptt., Bhopal.

With the aforesaid, the Commission decides to close the case.

Ordered accordingly.

Sd/-
(R.Natarajan)
Member (Econ.)

Sd/-
(D.Roybardhan)
Mehrotra)
Member (Engg.)

Sd/-
(P.K.)
Chairman