

Sub: In the matter of petition under Section 86(1)(e) of the Electricity Act, 2003 seeking clarifications/orders/directions to be given to the Madhya Pradesh Poorv Kshetra Vidyut Vitaran Company on the effective date of implementation of the Seventh amendment to MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010

ORDER

(Date of hearing: 25th September,2018)

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M/s Ramnik Power & Alloys (P) Ltd., - Petitioner
C/o M/s A.P. Trivedi Sons,
Main Road, Balaghat (M.P.)

M.P. Poorv Kshetra Vidyut Vitaran Company Limited, Jabalpur - Respondent
Block No. 7, Shakti Bhawan,
Rampur, Jabalpur (M.P.)

Shri Sanjeev Pandit, Advocate appeared on behalf of the petitioner.

2. The petitioner, M/s Ramnik Power & Alloys (P) Ltd. has filed this petition under Section 86(1)(e) of the Electricity Act, 2003 seeking clarifications/orders/directions to be given to the respondent, Madhya Pradesh Poorv Kshetra Vidyut Vitaran Company on the effective date of implementation of the Seventh amendment to MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010. In its petition, the petitioner mainly prayed to issue directions to the respondent that:-

“(a) The implementation of the 7th amendment to MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010, would be effective from 01 April 2018 and not 17 November 2017 and the Cross subsidy surcharge and Additional surcharge charged from consumers of Power Generated from Renewable Sources of Energy by the Petitioner Company be refunded as charged for the period 17 November, 2017 to 31 March 2018.”

3. The case was listed for motion hearing on 25.09.2018. During the motion hearing, the petitioner restated the contents of the petition and requested to consider the issues.

4. Having heard the petitioner and on considering the written submissions, the Commission has noted that:

(i) In para 3.23 and 3.29 of the retail supply tariff order dated 31.03.2017 (applicable from 10.04.2017), the Commission has already clarified regarding applicability of the cross subsidy surcharge, wheeling charges and additional surcharge. The relevant portions of the aforesaid paras are as follows:

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(a) Para 3.23—*“Aforesaid wheeling charges and cross subsidy surcharges shall be applicable to consumers availing open access from renewable sources of energy as per the provisions of the MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010 [ARG-33(I)(v) of 2015] as amended from time to time”.*

(b) Para 3.29--- *“The Commission has thus determined the additional surcharge of Rs. 0.646 per unit on the power drawn by the Open Access consumers from the date of applicability of this Retail Supply Tariff Order”.*

5. The Seventh amendment to MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010 was issued on 15.11.2017 and notified in the Official Gazette of Madhya Pradesh on 17.11.2017. Accordingly, the same was made applicable from 17.11.2017. The relevant Regulation 12.2 of the aforesaid amendment is reproduced below:

“12.2 Wheeling charges, Cross subsidy surcharge, additional surcharge on the wheeling charges and such other charges, if any, under Section 42 of the Electricity Act, 2003 shall be applicable at the rate as decided by the Commission from time to time in its retail supply tariff order.”

6. The rates towards Wheeling charges, Cross subsidy surcharge and additional surcharge have been determined in the retail supply tariff order dated 31.03.2017 and the aforesaid seventh amendment was notified on 17.11.2017. As such, the cross subsidy surcharge, wheeling charges and additional surcharge were being recovered accordingly from consumers availing open access from renewable sources of energy w.e.f. 17.11.2017, which is in order.

7. In view of the above, the petition no. 43 of 2018 stands disposed of.

Ordered accordingly.

(Mukul Dhariwal)
Member

(Dr. Dev Raj Birdi)
Chairman