

Sub: In the matter of petition seeking clarification of Regulation 4.1 & 4.2 and continuation of Standby Support from the MPMKVVCL under Regulation 4.38 read with 4.41 of MPERC (Power Purchase and other Matters with respect to conventional fuel based captive power plants) Regulations, 2009 and Regulation 18.19 & 18.20 of MPERC (Terms and Conditions for Intra-State Open Access in Madhya Pradesh), Regulations, 2005 And a petition under Section 9.39 (d) (ii), 40 (c) (ii), 42 (3) and 43 of the Electricity Act, 2003 entitling the Petitioner as a Captive Power Plant (CPP) to draw power through Open Access using the lines of Transmission Licensee/ Distribution Licensee even when it is not drawing power from Discom.

ORDER

(Date of hearing: 24th January, 2017)

(Date of order: 27th January, 2017)

M/s Vardhman Yarns,
A-1-A6, New Industrial Area,
Satlapur, Mandideep

- Petitioner

M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd.,
Nishtha Parisar, Govindpura,
Bhopal- 462 023

- Respondent No.1

M.P. Power Transmission Co. Ltd.,
Shakti Bhawan, Rampur,
Jabalpur- 482 008

- Respondent No.2

M.P. State Load Despatch Centre,
Nayagaon, Rampur,
Jabalpur

Shri Pradeep Kumar Sharma, Advocate, Shri S. Pal, Director of the Company and Shri A.K. Kaushik, Vice President (Engg.) of the Company appeared on behalf of the petitioner.

2. The petitioner, M/s Vardhman Yarns, Mandideep has filed this petition seeking clarification of Regulation 4.1 & 4.2 and continuation of standby support from the MPMKVVCL under Regulation 4.38 read with 4.41 of MPERC (Power Purchase and other Matters with respect to conventional fuel based captive power plants) Regulations, 2009 and Regulation 18.19 & 18.20 of MPERC (Terms and Conditions for Intra-State Open Access in Madhya Pradesh), Regulations, 2005 And a petition under Section 9.39 (d) (ii), 40 (c) (ii), 42 (3) and 43 of the Electricity Act, 2003 entitling the Petitioner as a Captive Power Plant (CPP) to draw power through Open Access using the lines of Transmission Licensee/ Distribution Licensee even when it is not drawing power from Discom. The case was listed for motion hearing on 24.01.2017.

3. During the motion hearing, the petitioner restated the contents of the petition and relied upon the Regulations 4.1 and 4.5 of MPERC (Power Purchase and other Matters with

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respect to conventional fuel based captive power plants) Regulations, 2009. He has also stated that the Distribution Licensee has already allowed to them the standby supply in addition to its captive generators and the open access. He requested to allow maintenance of status quo in the matter.

4. Having heard the petitioner and on considering its written submissions, the Commission has noted that the Regulations 4.1 and 4.5 do not allow standby supply in addition to the open access and the CPP. Also, Regulation 4.2 of MPERC (Power Purchase and other Matters with respect to conventional fuel based captive power plants) Regulations, 2009 provides as under:

“4.2 The stand-by support shall not be allowed to any consumer who has arrangement for availing supply from a source other than the Licensee of his area of supply and his own captive generation.”

5. Under the aforesaid circumstances, the Commission is of the view that the stand-by support cannot be allowed to the petitioner if the supply is being availed by them from open access and CPP both. The Commission also directs the respondent no.1 to explain by 25.02.2017 as to how and why the petitioner was allowed stand-by support in addition to CPP and open access simultaneously.

6. In view of the above, the petition no. 01 of 2017 is not tenable and stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman