



Madhya Pradesh Electricity Regulatory Commission

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

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Petition No. 120/2006

SUB :- IN THE MATTER OF WRIT PETITION OF LEVY OF O&M CHARGES FOR DEDICATED FEEDER.

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M/s Vikram Cement, Neemuch.

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Petitioner

V/s

M.P. Paschim Kshetra Vidyut Viraran Co. Ltd.,

-

Respondent

ORDER

(Passed on this day 03rd April 2007)

Shri P.L. Nene, Consultant and Shri A.K. Jain appear on behalf of the petitioner.

Shri D.K. Ojha S.E. (Comm.) O/o. CMD (WZ) appears on behalf of the Respondent Company.

2. The Petitioner has filed this petition on the date 02-12-2006 in the matter of Levy of O&M charge dedicated feeders. The petitioner has filed a copy of the order of Hon'ble Appellate Tribunal in appeal No. 96 of 2006 c 28.09.2006 wherein it has been ordered that "In the circumstances, therefore the appeal is allowed and the order o Commission to the extent it allows levy of maintenance charges to be paid to the Board at the rate of 1% per mon the actual cost of extension is set aside, in respect of the consumer who have paid for the dedicated feeder/feeder but the licensee is using same dedicated feeder/feeder line for supply of energy to other consumers as well".

3. It is further stated by the petitioner that in a similar case the Hon'ble Electricity Ombudsman vide order c 25.10.06 has pointed out three issues that also require consideration as the verification of these issues does not fall i ambit of the Ombudsman. Therefore, the petitioner prays to the Commission that the conditions in the regulation c 24.11.2006 for dedicated feeder may be made applicable to new connection only and in regard to old feeder guidelines be issued. Petitioner also requested to the Commission to issue directions to MPPKV Co.Ltd., Indo withdraw the charges levied in view of the Hon'ble Appellate Tribunal orders.

4. Today the respondent submitted in his reply that order issued by the Hon'ble Appellate Tribunal is explanatory and needs no comments. No relief has been granted to the petitioner as power is supplied to the consi through a dedicated feeder of 132 KV line and the petitioner has paid for the cost of the line. The licensee is not using line for supply of energy to other consumers. In view of the above the petitioner is required to pay the mainten charge @1% per month of the cost of extension up to the date of 23.11.2006. The respondent also submitted tha Commission has notified the MPERC (Recovery of expenses and Other charges for providing Electrical line or plant us the purpose of giving supply) Regulation 2006 on 24-11-2006. As per the Regulation maintenance charge is not t recovered from the petitioner from the date of notification. The amount of maintenance charge up to 23-11-2006 i 39.38 Lac which is payable by the petitioner.

5. The Commission heard both the parties. Having heard the parties the Commission is of the view that i petitioner is aggrieved with non-compliance of the order of the Hon'ble Appellate Tribunal, he is at liberty to approach Hon'ble Appellate Tribunal. It is clear from the Respondent's reply that no maintenance charge is being recovered from petitioner from the date of notification of the aforesaid Regulation This Regulation has been made applicable from the of publication in the official Gazette i.e. 24.11.2006. So it could not be made applicable retrospectively.

6. With the above directions the Commission decides to close the case.

Ordered Accordingly.

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

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

Sd/-
(P.K.
Chairman