



# Madhya Pradesh Electricity Regulatory Commission

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## Petition 95/2006

**Sub : In the matter of review of MPERC (Power Purchase and other matters with respect to conventional fuel based captive power plant) Regulations 2006**

### **ORDER 17<sup>th</sup> October 2006**

Shri P.L. Nene, Consultant and Shri K.B.V. Prasanna Rao, AVP (Engg.) appear on behalf of the Petitioner M/s Grasim Industries Limited Nagda.

Shri D.K. Ojha, ASE O/o CMD (WZ) appears on behalf of the Respondent - MP Paschim Kshetra Viduyt Vitaran Co. Limited (hereinafter referred to as West Discom).

2. The Petitioner M/s Grasim Industries Limited Nagda have filed the subject Petition for seeking the relief from the Commission on the Terms and Conditions provided in the Commission's Regulations namely MPERC (Power purchase and Other Matters with respect to Conventional Fuel Base Captive Power Plants) Regulations 2006.

3. During the course of discussions, the officer present on behalf of West Discom through its written submission has submitted that against the standby power demand of 15 MW already availed; a request was made by the Petitioner for enhancement of standby demand to 40 MVA. However, on the background of certain technical reasons, the Petitioner failed to utilize the enhanced level of standby power and subsequently approached the Respondent with the request to consider availing the balance 22.5MVA as standby power for another 1000 hours apart from the existing 2.5 MVA permanent power. As per Regulations, the petitioner is not entitled to avail more standby power and any request for additional power shall be treated as temporary supply. The Respondent further stated that this is not covered by the Supply Code Regulations and as per the Regulation, the petitioner is required to pay the charges @ 1.5 times of the normal tariff in case of availing standby support beyond 1000 hrs. Further, the Regulation does not permit splitting of load factor concession in two billing cycles.

4. The Commission has heard both the parties and observed that the Petitioner has filed the subject Petition for seeking the relief in the terms and condition of the Commission's Regulation namely MPERC (Power purchase and Other Matters with respect to Conventional Fuel Base Captive Power Plants) Regulations, 2006 which has been notified only a fortnight ago. The Commission has further stated that the Regulations can not be altered at the request of an individual on a particular issue. The Commission has opined that the Regulations framed by the Commission can be considered for any change when the implementing authority (i.e. the Distribution Licensees of the State), witnesses the difficulty over a period of time. The Commission has noted that the West Discom has not made any submission for modification in the regulations. The Commission further directs the West Discom to submit a feedback on the issue that whether the Licensee is capable of handling the stand by power requirements put forth by the captive owners throughout the year. The Commission has stated that the Commission is not taking any view on the request of the Petitioner at present and the matter will be considered after the feedback is given by the Distribution Licensees of the State in due course of time. The Commission directs that all such requests be compiled and studied. The Commission shall definitely consider the request of the Licensee in this regard if submitted to the Commission with supporting facts.

5. The Commission further directs the office to review the Regulation so as to device a system for taking care of such difficulties attributed above as well as a suitable mechanism to remove any ambiguities in the matter. The Commission feels that the consumer has every right to bring their problems to the Commission and the Commission will definitely take notice of suggestions and adopt required remedial measures to redress the grievances.

6. In view of the fact that the MPERC (Power purchase and Other Matters with respect to Conventional Fuel Base Captive Power Plants) Regulations 2006 have been notified very recently and the Distribution Licensees are in process to implement these regulations, the Commission directs that a fair amount of time should be given to the Distribution Licensees.

7. With the directions as above the Commission decides to close the Petition.

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

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

Sd/-  
**(P.K. Mehrotra)**  
**Chairman**