

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of seeking direction under Section 86(1)(c) of the Electricity Act, 2003.

Petition No. 65/2012

ORDER

(Date of hearing 18th September, 2012)

(Date of order 20th September, 2012)

M/s RSAL Steel Pvt. Ltd., - Petitioner
501, Mahakosh House,
7/5, South Tukoganj, Indore-452001

V/s

MP Paschim Kshetra Vidyut Vitaran Co. Ltd., - Respondent
GPH Compound, Pologround,
Indore – 452003.

Shri P.L.Nene, Advisor and Shri Arvidn Mishra, Executive Director appeared on behalf of Petitioner.

Shri Pavan Kumar Jain, ASE and Shri Anant Chaure, Law Officer appeared on behalf of Respondent.

2. The Petitioner M/s RSAL Steel Pvt. Ltd. filed this petition in the matter of availing open access under MPERC (Terms and conditions for Intra-State Open Access in MP) Regulations, 2005.

3. The petitioner is a consumer of the respondent company having permanent HT service connection of 33 KV with contract demand of 3000 KVA. The petitioner intends to avail short term open access and purchase electricity from the trading Licensee through IEX.

4. The petitioner has submitted that they have entered into a contract with M/s Manikaran Power Ltd., a trading Licensee, for purchase of electricity through Indian Energy Exchange for short term. In order to obtain standing clearance/NOC for availing short term open access, the petitioner wrote a letter dated 10.09.2011 to the SLDC. SLDC vide letter dated 23.09.2011 advised the petitioner to make an application to the respondent for grant of standing clearance/no objection for open access. Consequently, the petitioner sent a letter to the respondent requesting

(cont. to next page)

Sub : In the matter of seeking direction under Section 86(1)(c) of the Electricity Act, 2003.

information on specifications of ABT compatible special meter and metering equipment for installation of the same at the cost of the petitioner at their factory premises vide their letter dated 08.08.2011.

5. The respondent vide their letter dated 27.09.2011 informed the petitioner that their request for issuance of NOC has not been found feasible because of congestion in the feeder. Thereafter, the petitioner clarified vide letter dated 28.11.2011 to the respondent stating that they would not consume the electricity beyond contract demand hence the question of congestion would not arise. However, the respondent did not accede to the petitioner's request and also denied details of ABT Meter and metering equipment. The petitioner has alleged that it has been denied open access while other open access customers/users are enjoying the said facility. The petitioner has submitted that there is a legal obligation on the respondent to provide open access to the consumers.

6. The petitioner has, therefore, requested the Commission to issue necessary direction to the respondent to issue Standing Clearance/NOC for short-term open access and supply specification of ABT meter and metering equipment and certify the installation of the same within reasonable time to the petitioner.

7. The case was listed for hearing on 18.09.2012.

8. During the hearing, the representative of the petitioner reiterated the contents of the petition and submitted that no additional load was required and, therefore, there is no question of congestion on the feeder.

9. During the hearing the representative of the respondent submitted that the application submitted by the petitioner was not complete. The quantum of power and the period for purchase of power through power exchange were not mentioned in the application/petition. However, the representative of the petitioner submitted that the required information has already been submitted to the respondent vide letter dated 07.06.2012.

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Sub : In the matter of seeking direction under Section 86(1)(c) of the Electricity Act, 2003.

10. On hearing the petitioner and the respondent, the Commission observed that respondent has been obstructing open access to this consumer on some or other untenable pretext. It is also observed that respondent has advised the consumer to seek long term open access. The Commission observed that the respondent's actions are inconsistent with the provisions of Electricity Act, 2003 and the regulations framed by the Commission thereunder. The Commission directs the respondent to desist from such activities henceforth to avoid punitive action as per the Act. In the instant case, the Commission directs that the respondent shall forthwith furnish to the petitioner information needed, details of ABT compliant meter and metering equipment required and petitioner shall furnish all such information within three days. The Commission further directs the respondent to grant permission for short-term open access for purchase of power through power exchange to the petitioner within three days of the receipt of the required information.

11. With the above directions, the Petition No. 65 of 2012 stands disposed of.

Ordered accordingly,

sd/-
(C.S.Sharma)
Member

sd/-
(Rakesh Sahni)
Chairman