

**Sub : In the matter of clarification/directions to SLDC/Discom for (a) allowing STOA for drawl of power above the contract demand, (b) not to raise penal bills when MD exceeds CD due to drawl of additional power under STOA and (c) amendment in clause 3.4 of the M.P. Electricity Supply Code, 2013 so that 60 MVA power may be supplied to consumers at 132 kV-amended petition**

**ORDER**

**(Date of hearing: 24<sup>th</sup> November, 2015)**

**(Date of order: 5<sup>th</sup> December, 2015)**

President Pithampur Audyogik Sangathan, 231, Saket Nagar,Indore (MP) - 452018.	-	Petitioner
Chief Engineer, State Load Dispatch Centre, Jabalpur	-	Respondent No. 1
Managing Director, MP Paschim Kshetra VV Co. Ltd.,Indore	-	Respondent No.2
Managing Director, MP Madhya Kshetra VV Co. Ltd.,Bhopal	-	Respondent No.3
Managing Director, MP Poorv Kshetra VV Co. Ltd.,Jabalpur	-	Respondent No.4
Managing Director, MP Power Transmission Co. Ltd.,Jabalpur	-	Respondent No.5

Shri Ajay Porwal, Consultant appeared on behalf of the petitioner.  
Shri R.A. Sharma, SE(LD) appeared on behalf of the respondent no.1.  
Shri Pawan Kumar Jain, ASE appeared on behalf of the respondent no. 2.  
Shri B.S. Khanooja, GM appeared on behalf of the respondent no.3.  
Shri S.K.Okhade, DGM appeared on behalf of the respondent no.4.  
Shri Hitesh Tiwari, AE appeared on behalf of the respondent no.5.

2. The petitioner, Pitampur Audyogik Sangathan has filed this petition seeking clarification/directions to SLDC/Discom for (a) allowing STOA for drawl of power above the contract demand, (b) not to raise penal bills when MD exceeds CD due to drawl of additional power under STOA and (c) amendment in clause 3.4 of the M.P. Electricity Supply Code, 2013 so that 60 MVA power may be supplied to consumers at 132 kV. The case was listed for motion hearing on 23.06.2015.

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3. During the motion hearing on 23.06.2015, the petitioner requested to allow amendment to the petition. The Commission allowed the same and next date of motion hearing was fixed for 04.08.2015 on receipt of the amended petition.

4. During the motion hearing on 04.08.2015, the Commission admitted the petition and next date of hearing was fixed for 08.09.2015, which was adjourned to 29.09.2015 and again to 13.10.2015.

5. During the hearing on 13.10.2015, the petitioner submitted that the responses on the petition from the respondents (except from the respondent no. 4) are not received by him and requested some time to respond after receipt of the same. During the hearing, the petitioner also stated that the Discoms are not responding on the connectivity issue to the consumers seeking open access. The Commission directed the respondents to hand over copies of the responses to the petitioner immediately and also directed the petitioner to submit a list of pending applications to the respondents. The respondents were directed to submit reasons for pending before the next date of hearing. The next date of hearing was fixed for 30.10.2015, which was adjourned to 24.11.2015.

6. During the hearing on 24.11.2015, the petitioner stated that the list of pending applications could be submitted to the respondents and no extension of time is required on the above issue. The petitioner further restated the contents of the petition and submitted that a detailed study is required by the Licensees. The petitioner also requested the Commission to take a view on the issues raised in the petition. During the hearing, the respondent no.4 quoted the enabling provisions of the Regulations/Codes wherein restriction/limits for drawl up to the contract demand are mentioned. The respondent no. 1 stated that there is no restriction on drawl of power through open access until unless it is technically feasible. However, the commercial aspect may be seen by the concerned licensee. The respondent no. 2 stated that the issues raised by the petitioner during the motion hearing on 13.10.2015 regarding pending applications of open access are not covered under the petition filed by the petitioner and, therefore, cannot be considered.

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7. Having heard the petitioner and the respondents and on considering their written submissions, the Commission has noted that the petitioner has raised the issue of non-response of the Discoms for providing connectivity with the grid to the consumers seeking open access without any documentary evidences, which is not fair. The Commission also noted that as per the specific provisions of the Regulations/Codes notified by the Commission, the open access consumers cannot be allowed to draw power in excess of the contract demand and, therefore, the penal billing as per tariff order shall be payable by the open access consumers. Regarding drawl of 60 MVA power at 132 kV, the Commission has already provided under clause 3.4 of the M.P. Electricity Supply Code, 2013 that if the licensee is satisfied that there are sufficient grounds for deviation in the specified norms and such deviation is technically feasible, it may grant the same for reasons to be recorded in writing. Under the above circumstances, this petition is not maintainable.

8. In view of the above, the petition no. 29 of 2015 is dismissed.

Ordered accordingly.

**(Alok Gupta)**  
**Member**

**(A.B.Bajpai)**  
**Member**

**(Dr. Dev Raj Birdi)**  
**Chairman**