

Sub: In the matter of petition under clause 11.13 and 11.15 of M.P. Electricity Supply Code, 2004

ORDER

(Date of hearing: 17th September,2013)

(Date of order: 18th September,2013)

M/s Sidhmukh Flexible Packaging Pvt. Ltd., - Petitioner
54-B, Industrial Area, Malanpur,
Distt. Bhind (M.P.)

M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd.,Bhopal - Respondent

Shri Prakash Agarwal, Director of the Company appeared on behalf of the petitioner.

Shri D.K.Sharma, Law Assistant appeared on behalf of the respondent.

2. The petitioner, M/s Sidhmukh Flexible Packaging Pvt. Ltd., Bhind has filed this petition under clause 11.13 and 11.15 of the M.P. Electricity Supply Code, 2004 seeking reduction in contract demand from 500 kVA to 250 kVA (or minimum possible) w.e.f. 11.11.2012.

3. Facts of the case:

- (a) M/s Sidhmukh Flexible Packaging Pvt. Ltd., Bhind is an HT consumer of the respondent with a contract demand of 500 kVA at 33 kV. The supply is being availed under HT agreement dated 28.03.2012.
- (b) As stated by the petitioner, he had applied to the respondent on 11.11.2012 for reduction in contract demand from 500 kVA to 300 kVA w.e.f. 1.11.2012 which was received by the Executive Engineer, Malanpur on 19.11.2012. Again, the application for reduction in contract demand from 500 kVA to 300 kVA was submitted in specified format on 13.12.2012 (received on 15.12.2012) which was not found feasible by the respondent under the provisions of clause 7.9 of M.P. Electricity Supply Code, 2004 and was rejected on 03.01.2013. Hence, this petition.
- (c) In its petition, the petitioner has submitted that as per clause 7.9 of the M.P. Electricity Supply Code, 2004, the consumer can seek reduction in contract demand by 50% within six months from the date of commencement of the agreement. Also, as per clause 7.11 of the M.P. Electricity Supply Code, 2004, the respondent has to communicate to the petitioner its decision within 15 days of its drawing attention to the matter that no decision has been taken within 15 days of its application and any failure of the above

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would result in permission being granted i.e. contract demand would be deemed to have been reduced as desired. The petitioner has prayed that the impugned order dated 03.01.2013 be quashed and the petitioner's application to reduce the contract demand to 250 kVA (or minimum possible) be allowed from 11.11.2012.

4. The matter was heard on 17.09.2013. Respondent made a written submission. During the hearing on 17.09.2013, both parties were heard. The Commission has noted that the connection to the petitioner was served on 05.05.2012 which is the date of commencement of agreement in terms of clause 2(a) of the standard HT agreement executed between the parties.

5. The petitioner had submitted an application for reduction in contract demand on 11.11.2012 and again on 13.12.2012 in the specified format. The respondent did not take into cognizance the application dated 11.11.2012. Also, the respondent rejected the petitioner's application dated 13.12.2012 only on account of its being time barred within the meaning of clause 7.9 of the M.P. Electricity Supply Code, 2004. There was no technical reason to reject the application. The Commission is of the view that though the application dated 11.11.2012 was not submitted in the specified format but the consumer had indicated its intention for reduction in contract demand merely 6 days after the notional date of expiry of period of six months i.e. 05.11.2012, which is not an abnormal delay.

6. In the aforesaid circumstances, the Commission feels that this is a fit case to invoke the Commission's inherent powers under clause 11.17 of the M.P. Electricity Supply Code, 2004 in the interest of justice. The prayer of the petitioner is, therefore, accepted and the respondent is directed to process the petitioner's application dated 13.12.2012 (received on 15.12.2012) and grant reduction in contract demand from 500 kVA to 300 kVA w.e.f. 15.12.2012.

Ordered accordingly.

sd/-
(Alok Gupta)
Member

sd/-
(A.B.Bajpai)
Member

sd/-
(Rakesh Sahni)
Chairman