

# MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION

BHOPAL

**Sub:** In the matter of petition under Section 181 of the Electricity Act, 2003 read with Regulation 10 & 17 of MPERC (Cogeneration and Generation of Electricity from Renewable Energy Sources) (Revision-I) Regulations, 2010 for removal of difficulties in its implementation.

**Petition No. 29 of 2019 and IA No. 4/2019, IA No. 5/2019 and IA No. 6/2019 in P-29 of 2019**

## **ORDER**

(Date of Hearing: 6<sup>th</sup> December'2019)

(Date of Order: 16<sup>th</sup> December'2019)

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| <p>(1) <b>M.P. Power Management Company Ltd., Jabalpur</b><br/>Block No. 2, Shakti Bhawan, Rampur, Jabalpur – 482008</p> <p>(2) <b>M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd.</b><br/>GPH Compound, Pologround, Indore.</p> <p>(3) <b>M. P. Poorv Kshetra Vidyut Vitaran Co. Ltd.</b><br/>Shakti Bhawan, Rampur, Jabalpur – 482008.</p> <p>(4) <b>M. P. Madhya Kshetra Vidyut Vitaran Co. Ltd.</b><br/>NishthaParisar, Govindpura, Bhopal – 462023</p> | } | <p>- <b>Petitioners</b></p> |
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**AND**

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| <p>(1) <b>M/s. Shree Durga Khandsari (Sugar) Mills, Barwani</b><br/>Nishtha Parisar, Govindpura, Bhopal – 462023</p> <p>(2) <b>M/s. Giriraj Enterprises,</b><br/>Malpani House, I.G. Road, Sangamner, District-Ahmednagar – 422605</p> <p>(3) <b>Indian Wind Power Association,</b><br/>GF-28, World Trade Centre, Connaught Place, New Delhi – 110 001</p> <p>(4) <b>M/s. Sterling Agro Industries Limited,</b><br/>Aggarwal Cyber Plaza 2, 11<sup>th</sup> Floor, Netaji Subhash Place,<br/>Pitampura, New Delhi – 110 034</p> | } | <p>- <b>Intervenor</b></p> |
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Shri Sanjay Okhade, GM appeared on behalf of Petitioner No. 1.

Shri Shailendra Jain, DD appeared on behalf of Petitioner No. 2.

Shri G.R. Patele, GM appeared on behalf of Petitioner No. 4

Shri Ashwin Ramanathan, Advocate appeared on behalf of Intervenor No. 2

Shri Pariney Deep Shah, Advocate appeared on behalf of Intervenor No. 3 and 4.

M.P. Power Management Co. Ltd., Jabalpur and the three Distribution Companies in the State have jointly filed the subject petition seeking the following:

- (i) Amendment in MPERC (Co-generation and Generation of Electricity from Renewable Sources of Energy) (Revision 1) Regulations, 2010 as amended.

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- (ii) Revision in the tariff conditions under HV-7 Tariff Schedule and “General Terms and Conditions for HV Tariff” of Retail Supply Tariff Order for FY 2018-19 issued on 03.05.2018.

2. Looking to the nature of petition submitted by the petitioners in motion hearing held on 03.09.2019, as directed by the Commission, the petitioners explained the genesis of subject petition through a presentation on 17.09.2019. Thereafter, the matter was again fixed for motion hearing on 05.11.2019. On the application filed by M/s Shree Durga Khandsari (Sugar) Mills, Barwani, it was impleaded as intervenor in the subject petition.

3. In the meantime, the petitioner No. 2 vide its letter No. MD/WZ/05/Com/TRAC/19001 dated 05.10.2019 filed an additional submission seeking an additional prayer in the main petition. In view of the aforesaid, the petitioners were directed to file an amended petition incorporating the additional prayer sought by the petitioner No. 2. Subsequently, M/s. Giriraj Enterprises, M/s. Indian Wind Power Association, and M/s. Sterling Agro were also impleaded as intervenor in the subject matter on the applications filed by them,.

4. During the course of hearing held on 6<sup>th</sup> December’ 2019, the Commission observed the following:

- (i) By their respective affidavits the petitioners have jointly filed a revised petition incorporating issues raised by M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., Indore.
- (ii) The amended petition has been filed with the following prayers:
  - (a) Amendment in MPERC (Co-generation and Generation of Electricity from Renewable Sources of Energy) (Revision 1) Regulations, 2010 as amended.
  - (b) Revision in the tariff conditions under HV-7 Tariff Schedule and “General Terms and Conditions for HV Tariff” of Commission’s Retail Tariff Order dated 03.05.2018.
  - (c) Clarification to General Terms and Conditions in HT Tariff in Para 1.18 of the retail supply tariff order dated 03.05.2018 issued by the Commission for FY 2018-19.

5. During the course of hearing held on 6<sup>th</sup> December’2019, the Commission has noted that the petitioners are seeking revision/clarification in retail supply tariff order for FY 2018-19 issued on 3<sup>rd</sup> May’ 2018. The subject petition has been filed after a period of more than a year and the billing to respective category of consumers have been done based on the provisions in the tariff order and the Regulations mentioned in the subject petition. Further, no reference has come before the Commission either from the petitioners or the consumers by way of any petition during applicability of said tariff order. Besides, the next retail tariff supply order for FY 2019-20 was issued on 8<sup>th</sup> August’ 2019. Further, process for next year’s tariff order has already been started as a petition (Petition No. 49 of 2019) for determination of ARR and retail supply tariff for FY 2020-21 has been filed by the petitioners on 29<sup>th</sup> November’ 2019 and the same is fixed for motion hearing on 11.12.2019.

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6. In view of above background and developments, the petitioners may approach the Commission with regard to their contention for HV-tariff by way of an appropriate proposal in their tariff petition for FY 2020-21 filed with the Commission on 29.11.2019. With regard the prayer seeking amendment in MPERC (Co-generation and Generation of Electricity from Renewable Sources of Energy) (Revision 1) Regulations, 2010, the Commission shall examine the aforesaid prayer of the petitioners in light of respective provisions under tariff order to be issued and may come up with an appropriate draft amendment if required, so that appropriate amendment in the Regulations may be made after providing opportunity to all stakeholders including the intervenors in the subject petition to offer their comments/objections through the process of public hearing.

7. Ld. Counsel appeared for the intervenors in the subject matter requested during the course of hearing that the copy of subject petition be at least served to them by the petitioners. As requested, the petitioners are directed to serve the copy of their amended petition to all intervenors. The intervenors shall be at liberty to offer their comments/ objections during the process of pre-publication and public hearing for amendment in the provisions under Regulations and in the petition for determination of ARR and retail supply tariff order for FY 2020-21.

With the aforesaid observations and directions, the subject petition alongwith all Interlocutory Applications are disposed of.

**(Shashi Bhushan Pathak)**  
**Member**

**(Mukul Dhariwal)**  
**Member**

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