



# Madhya Pradesh Electricity Regulatory Commission

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## Petition No. 157 of 2005

**SUB:- IN THE MATTER OF PETITION UNDER CLAUSE 7.9 TO 7.14 OF M.P. ELECTRICITY SUPPLY CODE, 2004 FOR REDUCTION OF CONTRACT DEMAND IN RESPECT OF SATNA CEMENT WORKS AND BIRLA VIKAS CEMENT.**

M/s Birla Corporation Ltd.,  
Through : Its units called as  
Satna Cement Works &  
Birla Vikas Cement  
P. O. Birla Vikas  
Satna ♦ 485 005 (MP)  
**V/s**  
M.P. Poorva Kshetra Vidyut Vitaran Co. Ltd.,  
Shakti Bhawan, Vidyut Nagar,  
Jabalpur ♦ 482 008 (MP)

- Applicant

- Respondent

### ORDER

(As passed on this day of 12<sup>th</sup> September, 2006)

Shri P.L. Nene, Consultant, Shri P.S. Marwah, President, Shri R.G. Srivastav, RAVP(E) and Shri S.S. Tanwar, Dy. GM (Law) appear for the petitioner.

Shri O.S. Parihar, S.E. (Com) appears for the Respondent Board.

2. The petition has been filed under clause 7.9 to 7.14 of M.P. Electricity Supply Code, 2004 for reduction of contract demand in respect of Satna Cement Works and Birla Vikas Cement.

3. During the last hearing on 18<sup>th</sup> August 2006, petitioner submitted (also submitted written additional submissions after hearing) that order for reduction of contract demand may please be made effective from 01/04/2006 instead of 01/01/2006. Commission directed the respondent to submit its comments on it on or before next hearing.

4. During the course of hearing today the Respondent submitted in its written submission that it has complied with the Commission's order dated 04/01/06 for reducing the contract demand from 13000 KVA to 6500 KVA w.e.f. 01/01/2006 of the applicant and therefore the current petition stands finally satisfied. Respondent further submitted that verbal submission of the petitioner on 18/08/2006 to change the date of reduction in contract demand should not be taken into cognizance as the petitioner has been clearly informed that in view of the Commission's order dated 04/01/06 the compliance of the directions has been done. The Commission asked the distribution licensee to state when compliance of Commissions order has been intimated to the petitioner.

5. Respondent stated in its reply that in view of fact that Commission's order dated 04/01/2006 has been upheld by the Appellate Tribunal vide order dated 18/07/2006 and consequently the respondent issued the order reducing the contract demand of the petitioner only on 17<sup>th</sup> August 2006.

6. Commission heard the Petitioner and Respondent. Considering the submissions made by the Respondent, Commission noted that the Commission's order dated 04/01/2006 for allowing the reduction of contract demand from 13000 KVA to 6500 KVA from 1<sup>st</sup> January 2004 was upheld by the Appellate Tribunal. The above order has been complied by the licensee subsequent to the disposal of the appeal and intimation given to the petitioner vide letter No. EZ/SE (Comm1) 3125 dated 17/08/2006 in respect of M/s. Satna Cement works, Satna and also vide letter No. EZ/SE (Comm1) 3126 dated 17/08/2006 in respect of M/s. Birla Vikas Cement, Satna reducing contract demand from 13000 KVA to 6500 KVA w.e.f. 01/01/2006. The Commission noted that the licensee has issued the order much later than the date of 1<sup>st</sup> January 2006. Considering this fact the Commission directs that the licensee shall not visit the petitioner with any adverse consequences on account of the delayed implementation of this Commissions order. With the decision of the Appellate Tribunal, this matter has been settled that this Commission has the competence to grant reduction in contract demand in appropriate cases. However the petitioner is at liberty to file a fresh petition with justifications if any for any modification of the order dated 04/01/2006.

7. With the above directions, Commission decides to close the case.

Ordered accordingly.

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

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

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