

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of filing of application for necessary amendment in MP Electricity Supply Code, 2004 as amended till date and MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 dated 2nd September, 2009.

Petition No. 14/2012

ORDER

(Date of hearing 10th July, 2012)

(Date of order 12th July, 2012)

M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd., - Petitioner
Nishtha Parisar, Govindpura, Bhopal
(M.P) - 462023

M.P.Poorv Kshetra Vidyut Vitaran Co. Ltd., - Co-Petitioner No. 1
Shakti Bhawan, Rampur, Jabalpur.
(M.P) - 482008

M.P.Paschim Kshetra Vidyut Vitaran Co. Ltd., - Co-Petitioner No. 2
GPH Compound, Pologround, Indore.
(M.P) - 452003

Shri A.R.Verma, SE and Smt. Rinku Das, SE appeared on behalf of Petitioner.

Shri S.K.Bhadra Roy, AE (Works) appeared on behalf of Co-Petitioner No.1.

Shri Dilip Dravid, AE (Works) appeared on behalf of the Co-Petitioner No.2.

2. The petitioner Central Discom has filed this petition seeking an amendment to the MP Electricity Supply Code and MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009.

3. The petitioner is seeking amendment on the following grounds:

- (a) Multi-user complex developers are applying for power connection in a phases manners (not for the entire property), which reduces the required contract demand below 2000 KW and then Licensee's has to bear the cost of construction of the 33/11 KV sub-station.
- (b) With the intention of reduction in charges payable, the developers often under report the power requirement which always make the overloading on the 33/11 KV sub-station.

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- (c) The provision that upto the load of 2000 KW the applicant need not pay the charges for installation of 33/11 KV substation has created a ground for all the developers to play around and under report the coming actual load without bearing the cost of 33/11 KV sub-station.
- (d) If in the approved layout the provision has been made for high rise building/shop cum residence and the builder has not provided the detailed planning of vacant plots then the load of entire colony is calculated on the basis of plot size which is very small in comparison to the load coming after construction and therefore the calculation of load on the basis of plot size is always less than the actual.
- (e) As per the provision of Clause 4.1.3 (iii) of MPERC(G-31 of 2009) Regulation, the charges @ ₹500/ KW are to be levied on the applicant. If the Licensee has to construct the 33/11 substation of 5 MVA capacity, it is costing more than ₹1 Crore approx. Taking power factor as 0.8, the 5000 KVA is equivalent to 4000 KW and for the load of 4000 KW the recovery @ ₹500/- KW from the consumer would only be $500 \times 4000 = 20$ Lacs which is causing huge loss to the Licensee.
- (f) Objections have been raised on the situation where one multi-user society pays the cost of 33/11 kV sub-station and another multi-user society avails power from the same 33/11 KV substation at the rate of just ₹500/ KW for a load just below 2000 KW.
- (g) The petitioner has submitted that there are contradictory provisions in MP Electricity Supply code 2004 & MPERC (G-31 of 2009) Regulations.
 - (i) Clause 4.32 of MP Electricity Supply Code 2004 provides that if the load of the colony exceeds 2150 KW, the developer/builder/society/consumer

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shall bear the cost of 33 KV line and the cost of construction of new/augmentation of power substation of 33/11 KV line if required shall be borne by the Licensee.

- (ii) The Clause 4.1.3 (ii) of MPERC (G-31 of 2009) Regulations provides that the cost of extension required for providing power supply to such Colonies and Buildings shall comprise of HT line (in case of load upto 10000 KVA)/EHT line (in case of load more than 10000 KVA), 33/11 kV Sub-station (in case of load more than 2000 kW)/Distribution Transformer Sub-station and LT Lines/cables along with associated equipment upto common point of metering in case of Multi-user Complex and upto the terminal pole of LT Distribution Mains for individual consumer (in case of Colonies) shall be borne by the Applicant(s).
- (iii) Clause 4.1.3 (iii) of MPERC (G-31 of 2009) Regulations provides that if the combined load of colony is more than 2000 KW the applicants are required to pay charges for installation of 33/11 KV substation of required capacity towards system development.

4. The Petitioner has therefore proposed the following amendments in MP Electricity Supply Code 2004 & MPERC (G-31 of 2009) Regulations to resolve the difficulties described above :-

(a) Proposed Clause 4.32 *“In case it is not possible to give supply to the Multi-Consumer Complex by augmentation of the capacity of existing 33/11 KV substation or the load of the housing colony exceeds 2000 KW, the developer/builder /society/consumer shall bear the cost of the 33 KV line and the cost of construction new/augmentation of power substation of 33/11 KV, if required.....”.*

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Proposed Clause 4.1.3 (iii) *The supply shall be arranged through a separate Distribution sub- station of adequate capacity. However, if combined load of the Complex/Colony is not more than 2000 KW, charges @ ₹5258 per KW shall be levied towards System Development cost. Such Applicant(s) shall not be required to pay charges for installation of 33/11 KV Sub-station. If combined load of the Complex/colony is more than 2000 KW, the Applicant(s) is/are required to pay charges for installation of 33/11 KV Sub-station of required capacity towards System Development. The developer of Multi-user complex/colonies having load more than 2000 KW along with paying the charges for installation of 33/11 KV Sub-station of required capacity towards System Development, shall make available the land for construction of 33/11 KV sub-station in the premises with the way leave.*

(b) Charges as per existing/proposed system.

5. In view of the aforesaid facts and circumstances, the petitioner has prayed as under :

- a. Take the accompanying petition on amendments is MP Electricity Supply code 2004 and MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 on record and treat it as complete;
- b. Consider and approve MPMKVCL's Petition including all requested regulatory treatments in the filling.

6. The case was listed for hearing on 06.03.2012. The representative of Petitioner submitted that the East Discom and West Discom also want to be co-petitioners to this petition and therefore, sought adjournment. The Commission allowed the East Discom and West Discom to file their petitions as co-petitioners.

7. The case was listed for hearing on 08.05.2012.

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8. The representative of petitioner and Co-petitioner No.1 sought adjournment on the ground that he has to attend cases in other courts. The Commission decided to give an opportunity to the petitioner and co-petitioners to present the case.

9. The case was listed for hearing on 28.05.2012 which was further adjourned to 10.07.2012 on the request of the petitioner.

10. During the hearing on 10.07.2012, the representative of the petitioner reiterated the contents of the petition and submitted that an additional submission regarding schedule of charges may also be considered as the same is a part of MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009.

11. During the hearing, the representative of Co-petitioner No.1 submitted that in the year 1999, the system strengthening charges were being recovered at the rate of Rs. 2300/- per KW from colonies having connected load upto 2150 KW, whereas, as per MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009, system development cost is specified for loads upto 2000 KW at the rate of Rs. 500/- per KW only. The representative of Co-petitioner No.1 requested the Commission to consider the revision in the system development cost.

12. On hearing the petitioner and the Co-petitioners, the Commission notes that the Regulations 6.1.4.2 of MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 provides that – *“The provisions of these Regulations shall be applicable to the consumer notwithstanding anything contrary contained in MP Electricity Supply Code and other Regulations prior to notification of these*

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Regulations.” Therefore, the provisions of MPERC (Recovery of expenses and other charges for providing electric line or plant used for the purpose of giving supply) (Revision-I) Regulations, 2009 notified on 07.09.2009 shall prevail over the provisions of MP Electricity Supply Code, 2004 notified on 16.04.2004. The Commission further notes that the petitioner/co-petitioners could not establish validity of contentions put forward by them. The Regulations, as in vogue, have adequate provisions related to assessment of load in multi-user complexes and onus of correct implementation of these provisions at field level is on petitioners. The Commission also does not favour piece-meal review of these Regulations as it may affect parity amongst the similar consumers. However, as and when, a comprehensive review of aforesaid Regulations is taken up by the Commission, the petitioner shall have opportunity to voice their concerns.

13. With the above directions, the petition No. 14 of 2012 stands disposed of.

Ordered accordingly,

sd/-
(C.S.Sharma)
Member

sd/-
(Rakesh Sahni)
Chairman