



Madhya Pradesh Electricity Regulatory Commission

5th Floor, Metro Plaza, Arera Colony, Bittan Market, Bhopal 462 016

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Petition No. 42/2004

M. P. ELECTRICITY REGULATORY COMMISSION : BHOPAL

IN THE MATTER OF TREATING 14 STATIONS OF AIR, MADHYA PRADESH AS ESSENTIAL AND PUBLIC UTILITY SERVICE AND EXEMPTING THE 14 STATIONS FROM THE OPTION OF "TOD TARIFF" AND "OFF PEAK HOUR TARIFF"

Union of India through
Station Director, AIR,
Bhopal

-
Petitioner

V/s

M.P.State Electricity Board

-
Respondent

ORDER

(Passed on this day 18th May, 2004)

Shri S.K. Manav, Advocate appears for the petitioner.

Shri S.K. Sinha, A.S.E., Shri Bodh Kumar, S.E.(Tariff) and Shri R.K.Ghosh, Additional S.E. (Tariff) appears for the respondent Board.

The petitioner submits that all the 14 stations of All India Radio in Madhya Pradesh is as essential as public utility services like Hospitals, Townships, Offices, Railway Stations, Mess, institutions who are exempted from the Time Of Day Tariff (TOD).

It is further stated in the Petition that the respondent MPSEB, vide its circular dated 09.01.2003 has informed the petitioner that TOD Tariff is applicable for "All India Radio" stations in the State total 14 in Nos.

The petitioner submits that all India Radio is a public utility essential service of the Government of India under the provisions of the "Prasar Bharti Broadcasting Corporation of Act of 1990". The clause 12 of the above act of 1990 enumerates the functions of the Corporation for the public purposes/utility purposes i.e. fields of education, spread of literacy, agriculture, rural development, environment, health and family welfare and science & technology etc. The petitioner submits to the Commission that like hospitals, townships, offices, railway stations, Mess etc. their establishment is also essential utility services. Hence, the petitioner deserve to be exempted from application of TOD tariff, and a clarification may be issued, indicating "All India Radio" as in the category of essential utility services similar to Hospital, Railway, etc.

The respondent Board submits that the request of the petitioner may not be considered as the petitioner has not filed the petition within 60 days from the date of Tariff Order. The respondent Board submits that they will consider the request of the petitioner during the next Tariff Order. The respondent Board also referred MA No. 112/03 and 141/03 which has been filed by M/s Malanpur Industrial Association and two other in Hon'ble High Court at Gwalior.

Looking to the facts of the case and having considered the request of the petitioner, Commission is agreeable with contention of the petitioner as it is only an issue of clarification on applicability of the TOD Tariff and not tariff revision. As per the Tariff Schedule HV-7(9) of Tariff Order dated 30.11.2002 in petition No. 264/02, condition to pay Time of Day Charges is applicable to all HV users except hospitals, townships, office distribution licensees, railway station, MES and institutions for different period of the day. The Commission clarifies that petitioner being public utility service, be treated as 'Institutions' and be exempted from payment of TOD charges from the date of order, like hospital, railways, offices, institutions etc.

Ordered accordingly.

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

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

Sd/-
(P.K. Mehrotra)
Chairman

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