

**Sub: In the matter of arbitrary,illegal and unlawfull billing by misinterpreting the order passed by the Commission in P.No. 29/2015**

**ORDER**

**(Date of hearing: 21<sup>st</sup> June,2016)**

**(Date of order: 01<sup>st</sup> July,2016)**

M/s Maral Overseas Limited,  
A.B.Road, Vill. Khalbujurg,  
Kasrawad, Dist. Khargone

- Petitioner

M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,  
GPH Compound, Pologround, Indore

- Respondent No.1

State Load Dispatch Centre,  
Jabalpur

- Respondent No.2

Shri S.B.Upadhyay, Sr. Advocate appeared on behalf of the petitioner.

2. The petitioner, M/s Maral Overseas Limited has filed this petition seeking directions to quash the impugned bill/ notice/demand and to declare the action initiated by the respondents illegal and void.

3. The case was listed for motion hearing on 21.06.2016. The petitioner also filed an additional submission on 20.06.2016. During the motion hearing, the petitioner restated the contents of the petition.

4. Having heard the petitioner and on considering its written submissions, the Commission has noted that the respondent no.1 had sanctioned a contract demand of 2000 kVA to its premises and also the respondent no.2 has allowed some demand towards open access. Therefore, the petitioner is entitled to avail power to the extent of open access over and above the contract demand against HT connection. In the order dated 05.12.2015 in Petition No. 29/2015, the Commission made it clear that as per the provisions of the Regulations/Codes notified by the Commission, the open access consumers cannot be allowed to draw power in excess of the contract demand and, therefore, the penal billing as tariff order shall be payable by the open access consumers. In the tariff order dated 05.04.2016, the billing demand in case power is availed through open access is already defined under General Terms and Conditions of High Tension Tariff. The Commission, therefore, is of the view that the directions contained in the order dated 05.12.2015 in Petition No. 29/2015 is being misinterpreted by the respondents.

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5. Under the above circumstances, the Commission further clarifies for the partial open access consumers as under :

- (a) The sanction of short / long term open access power is subject to the criteria for allowing open access as specified in MPERC (Terms and conditions for Intra-State open access in Madhya Pradesh) Regulations, 2005.
- (b) The methodology for billing in such cases shall be in accordance with the billing demand as defined in the tariff order dated 05.04.2016. This is further illustrated as under:
- (i) Contract demand (in KVA/MVA) as per agreement against HT connection = A
- (ii) Demand sanctioned (computed in KVA/MVA) towards open access = B
- (iii) Maximum demand recorded by the meter during the billing month when no open access power is scheduled as per MRI report of HT meter = C
- (iv) Maximum demand in respect of HT connection as computed during the billing month after deducting demand availed through open access from the total recorded demand at each time block of 15 minutes = D
- (v) Billing demand during the month towards HT connection = C or D whichever is higher subject to minimum of 90% of A

Note : In case C or D is more than A, penal billing as per the tariff order shall be applicable.

- (c) The total demand i.e. sum of contract demand against HT connection and the sanctioned demand towards open access shall be subjected to the provisions of clause 3.4 of the M.P. Electricity Supply Code, 2013 as amended.

6. The Commission directs the respondents that any action taken in accordance with the Commission's order dated 05.12.2015 in Petition No. 29/2015 may be revised accordingly as per aforesaid directions. In case of any difficulty in interpretation of the aforesaid directions, the Commission could be approached immediately.

7. The Commission further directs that the other two Distribution Licensees shall also follow the aforesaid directions scrupulously.

Ordered accordingly.

**(Alok Gupta)**  
Member

**(A.B.Bajpai)**  
Member

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