

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 149 of 2012

Dated: 4th January, 2013

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V. J. Talwar, Technical Member**

In the matter of:

**Madhya Pradesh Madhya Kshetra
Vidyut Vitran Co. Ltd.**

....

Appellant (s)

Versus

**Madhya Pradesh Electricity Regulatory
Commission & Anr.**

....

Respondent(s)

**Counsel for the Appellant(s) : Ms. Swapna Sheshadri
Mr. M.G. Ramachandran
Mr. Anand K. Ganesan**

**Counsel for the Respondent(s) : Ms. Shikha Ohri, Adv. for R-1
Mr. Praveen Kumar, Adv. for R-2.**

ORDER

The impugned order dated 11th January, 2012 passed by the Madhya Pradesh Electricity Regulatory Commission is the subject-matter of this Appeal filed by the distribution licensee- the Appellant.

The Appellant is aggrieved by the order passed by the State Commission which gave an approval of evacuating power from the Respondent developer's Solar Plant at Bilkheria directly through the 33 KV line of the Appellant.

Though this Appeal has been filed seeking to set-aside the said order, ultimately, the learned counsel for the Appellant would pray that since the impugned order will become precedent and in that event all the Open Access Customers of Solar Power Plant Generator will start demanding direct connectivity merely because the same is inexpensive and less tedious thereby circumventing all legal and regulatory provisions, it may be clarified that this order would not be precedent one.

In view of the limited prayer sought for by the learned counsel for the Appellant during the course of hearing, we deem it appropriate to clarify that since the order passed by the State Commission would indicate that the Commission has given special reasons for giving direct connectivity to the Solar Power Plant to the nearest 33 KV feeder line of the Appellant, the Appellant need not have any apprehension especially when this order has not decided any ratio on the issue raised in the proceedings before Commission. Accordingly, we make it clear that this order would confine itself with the facts and circumstances of this case on the basis of the special circumstances mentioned therein. As such, this may not be treated as precedent. With these observations, the Appeal is disposed off.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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