

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

**Sub : In the matter of review against order dated 10.01.2012 passed in Petition No. 70/2011 under Section 94(f) of the Electricity Act, 2003.**

**Petition No. 24/2012**

**ORDER**

**(Date of hearing 10<sup>th</sup> April, 2012)**

**(Date of order 13<sup>th</sup> April, 2012)**

MP Power Trading Co. Ltd., Jabalpur - Petitioner

V/s

M/s Cepco Industries Pvt. Ltd., Indore - Respondent

Ms. Parul Dangi, Legal Executive appeared on behalf of the petitioner.

Shri U.K.Sahasrabuddhe appeared on behalf of the respondent.

2. The petitioner has filed this petition on 03.03.2011 seeking review of order dated 10.01.2012 passed in Petition No. 70/2011 filed by the respondent. The Commission in the said order directed the petitioner to purchase power supplied to grid but not adjusted against third party from retrospective date i.e. from 27.05.2010 to 20.11.2011 at the rates determined under the tariff order dated 21.11.2007. The petitioner has also referred to the Commission's earlier orders dated 28.06.2010 and 07.06.2011 passed in Petition No. 31/2010 and 22/2011 respectively, wherein the petitioner was directed to purchase surplus energy, if any, at the rate of Rs. 2.87 per unit as specified in the tariff order dated 27.11.2007. The petitioner has submitted that the petitioner company is bound to purchase only inadvertent power generated from the WEGs at the rate determined by the Commission from time to time. Further, the petitioner has referred to another order of the Commission dated 10.03.2011 in Petition No. 100/2010 wherein it was held that MP Tradeco is not required to enter into retrospective agreement with M/s Dhar Automotives Pvt. Ltd.

3. The case was listed for hearing on 10.04.2012.

4. During the hearing on 10.04.2012, the representative of the petitioner reiterated

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the contents of the review petition and submitted that the petitioner is liable to purchase only inadvertent flow of energy.

5. During the hearing, the Commission enquired about the maintainability of this review petition. The representative of the petitioner could not reply satisfactorily. The Commission further enquired whether the Commission's order dated 28.06.2010 in Petition No. 31/2010 and 07.06.2011 in Petition No. 22/2011 has been complied with by the petitioner. The representative of the petitioner did not reply in the affirmative.

6. On hearing the petitioner and considering the written submission of the respondent, the Commission has noted that the respondent had injected power into the grid during the period under question and the petitioner had delayed execution of agreement without any justifiable reason. The Commission has also noted that the petitioner did not submit any legal ground for the maintainability of this review petition. The Commission, therefore, holds that this review petition is not maintainable.

7. In view of the above, the Petition No. 24/2012 is dismissed.

Ordered accordingly,

sd/-  
**(C.S.Sharma)**  
**Member**

sd/-  
**(Rakesh Sahni)**  
**Chairman**