

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of Review against order dated 7.01.11 passed in petition no. 74/10, 75/10, 76/10, 77/10, 78/10, 79/10, and order dated 14.1.2011 passed in petition nos. 94/10, 95/10, 98/10.

Petition No. 14/2011

ORDER

(Date of hearing 15th March, 2011)

(Date of order 29th March, 2011)

M.P.Power Trading Co. Ltd.,
Jabalpur

- Petitioner

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

2. The Petitioner M.P. Power Trading Co. Ltd, Jabalpur has filed review petition under affidavit on 10.2.2011 seeking a review of orders dated 7.01.11 and 14.1.2011. The present petition is filed under Section 94(f) of the Electricity Act, 2003.

3. The petitioner has sought the review of the above orders on the following grounds:

(i) That the Commission in said orders has issued two contradictory directives, firstly, the petitioner and the Respondent are directed to follow the existing procedure, and on the contrary in the second directive, the Petitioner has been asked to execute PPA with the Wind Electric Generators within 21 days of the issue of aforesaid orders complying with the specified requirements. These two directives of the Commission seems to be contradictory, as existing procedure does not prescribe any time line for execution of PPA.

(ii) The Commission in the said orders has directed the WEG developers that they are not required to indicate financial tie-up, technology used etc to petitioner before execution of PPA. It is stated in the petition that the petitioner reserves the right to ask the Respondents to provide brought details in respect of respondent company as their project. Hence, Petitioner has requested to review the said direction.

(iii) The tariff order for WEGs provides for rate and terms and conditions without any specific provision to direct any particular wind generator/developer to enter into PPA with the petitioner. Therefore, the Commission may not direct the M.P. Tradeco to enter into PPA with any particular wind generator/developer.

4. In the light of the above submissions, the Petitioner has prayed as under:

- a) 21 days time period for execution of PPA with Wind Electric Generators may be reviewed and withdrawn.
- b) To withdraw the directive to the respondent for not providing the financial tie-up, technology used to the petitioner.
- c) Not to direct the petitioner to enter into PPA with any particular Wind Electric Generator/Developer.

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5. The case was listed for motion hearing on 15.3.2011.

6. During the motion hearing, the representative of the petitioner reiterated the issues mentioned in the petition and submitted that PPAs shall be executed within a reasonable time. However, the reasonable time could not be quantified by the Petitioner. The Commission asked the petitioner why separate petitions are not filed for each case being legal requirement. The representative of the petitioner stated that since the issues are same, single petition for all cases was filed.

7. The Commission noted that there is an abnormal delay in execution of PPAs with WEGs on some or the other pretext. The Commission, therefore, directed to specify a procedure incorporating suitable timelines and guidelines for execution of PPAs.

8. On hearing the petitioner, the Commission is of the view that the petitioner was asked to execute the PPAs within 21 days time period so as to harmonize the procedure and to avoid delays since the WEGs/Developers were facing difficulties in getting execution of PPAs. The Commission's directions to the Petitioner not to ask documents/information which are not relevant to execution of PPAs are appropriate and shall stand. The Petitioner is also required to execute the PPA with all such WEGs who intend to install WEG in Madhya Pradesh State till renewable purchase obligation is met.

8. In view of the above, the Commission directs the petitioner to expedite the process of execution of PPAs with WEGs/Developers and follow the directions issued in various petitions.

9. With the above directions, the Petition No. 14 of 2011 stands disposed of.

Ordered accordingly,

(C.S.Sharma)
Member (Eco.)

(K.K.Garg)
Member (Engg.)

(Rakesh Sahni)
Chairman