

Sub: In the matter of petition for executing fresh power purchase agreement with M.P.Power Management Co. Ltd., Jabalpur for the power generated through WEGs At Jamgodrani Hills, Dewas.

ORDER

(Date of hearing: 9th June, 2015)

(Date of order: 12th June, 2015)

M/s NEPC India Ltd.,
G-39, 3rd Floor, Pawan House,
Connaught Circus,
New Delhi-110001

- Petitioner

V/s

M.P. Power Management Co. Ltd.,
Shakti Bhawan, Rampur, Jabalpur-482 008

- Respondent No.1

M.P.Windfarms Ltd.,
'Energy Tower', 64, B-Sector,
Kasturba Nagar, Bhopal-462 023

- Respondent No.2

M.P.Paschim Kshetra Vidyut Vitaran Co. Ltd.,
GPH Compound, Polo Ground,
Indore- 452 003

- Respondent No.3

None appeared on behalf of the petitioner.

Shri Manoj Dubey, Advisor(Law) appeared on behalf of the respondent no.1.

Shri H.D. Motiramani, Sr. Consultant appeared on behalf of the respondent no. 2.

Shri P.K.Jain, ASE appeared on behalf of the respondent no.3.

2. The petitioner, M/s NEPC India Ltd. has filed this petition seeking directions of the Commission to the respondent no.1 for signing fresh PPAs for the power generated through WEGs at Jamgodrani Hills, Dewas.

3. **Brief facts of the case :**

(a) The petitioner has installed six numbers of WEGs having capacity of 225 kW each at location no. 10 to 15 in Jamgodrani Hills, Dewas. The PPAs were executed for the period of 12 years with erstwhile MPEB in the year 1996 and 1997. The period has expired in 2007 and 2008. Hence, this petition.

(b) The petitioner made the following prayer to the Commission:

(i) To issue directives to M.P. Power Management Co. Ltd., Jabalpur for signing fresh PPA w.e.f. the date of expiry of the previous PPA with MPEB (Presently M.P. Power Management Co. Ltd.) on the tariff as decided by the Commission.

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(ii) To grant opportunity in person before the Commission during the hearing on the above matter.

(iii) Condone any inadvertent omissions/ errors/ shortcomings and permit NEPC to add/change/modify/alter this filing and make further submissions as may be required at a future date.

4. The case was listed for hearing on 21.06.2011. During the hearing, the petitioner reiterated the contents of the petition. The Commission enquired from the petitioner why the power was injected into the system of the respondent no.3 without agreement. The petitioner accepted the responsibility for injecting the power unauthorisedly into the grid. Also, the petitioner could not explain the legal provision under which permission for sale of power to the licensee was asked from the Commission. The respondent no.1 submitted that there is a dispute between the petitioner and M/s M.P. Windfarms Limited, Bhopal and the Arbitrator has also decided the matter in favour of M/s M.P. Windfarms Limited. Also, the District Court, Dewas has already issued orders for attachment of 6 nos. WEGs. The Commission directed the petitioner to implead M/s M.P. Windfarms Limited as a Respondent. The next date of hearing was fixed for 12.07.2011, which was adjourned to 09.08.2011 on the request of the respondent no.1 and again to 20.09.2011 on the request of the petitioner.

5. During the hearing on 20.09.2011, the petitioner requested the Commission to extend the date of hearing after 18.11.2011 on the ground that the matter is under trial before Hon'ble District Court, Dewas. The next date of hearing was fixed for 22.11.2011.

6. During the hearing on 22.11.2011, none appeared on behalf of the petitioner. However, an amended petition impleading M/s M.P. Windfarms Limited as another Respondent was submitted to the Commission. The Commission directed that the next date of hearing be fixed on submission of copy of the decision of Hon'ble District Court, Dewas by the petitioner.

7. The matter was reviewed by the Commission on 07.05.2015 and noted that a considerable time has been passed and no response is received from the petitioner. The Commission directed that the next date of hearing be fixed for 09.06.2015. Accordingly, the notices were sent to the petitioner and the respondents. The respondent no. 2 filed a written submission.

8. During the hearing on 09.06.2015, none appeared on behalf of the petitioner. The respondent no.2 requested that the permission may be granted for signing of fresh PPA from the

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dates of expiry of initial agreements for the 6 nos. WEGs of the petitioner subject to the condition that the petitioner shall provide an NOC authorizing the respondent no.1 to pay to the respondent no.2 the amount due to the petitioner.

9. Having heard the respondents and on considering the written submissions, the Commission has noted that the petition was filed after the lapse of approximately four years from the date on which the said PPAs had expired. Also, sufficient opportunities were given to the petitioner, but till date no response is received from the petitioner. The Commission is of the view that the petitioner does not seem to be interested in the matter for continuance of PPAs with the respondent no.1 for aforesaid WEGs. The Commission also noted that there is a dispute between the petitioner and the respondent no. 2 regarding payment of O&M charges, which can be resolved by them only. The Commission does not consider it appropriate to interfere in the matter. Therefore, the aforesaid request of the respondent no.2 is not accepted.
10. Under the above circumstances, this petition is dismissed.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman