

**Sub: In the matter of petition under Section 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for recovery of tariff payable by M.P. Power Management Co. Ltd. in terms of the PPA dated 23.06.2015 signed between the Renew Wind Energy(MP Two) Pvt. Ltd. and MPPMCL**

**ORDER**

**(Date of hearing: 22<sup>nd</sup> November,2016)**

**(Date of order: 5<sup>th</sup> December,2016)**

M/s Renew Wind Energy (MP Two) Pvt. Ltd., - Petitioner  
138, Ansal Chambers II,  
Bikaji Cama Place, Delhi- 110 066

M.P. Power Management Co. Ltd., - Respondent  
Block No. 11, 3<sup>rd</sup> Floor, Shakti Bhawan,  
Rampur, Jabalpur- 482008

Shri Parinay Deep Shah, Advocate appeared on behalf of the petitioner.  
Shri Manoj Dubey, Advisor (Law) and Shri V.S.Mehato, A.O. appeared on behalf of the respondent.

2. The petitioner, M/s Renew Wind Energy (MP Two) Pvt. Ltd., Delhi has filed this petition under Section 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for recovery of tariff payable by M.P. Power Management Co. Ltd. in terms of the PPA dated 23.06.2015 signed between the Renew Wind Energy (MP Two) Pvt. Ltd. and MPPMCL. In its petition, mainly the following prayer was made to the Commission to:

- (i) Direct the respondent to settle all the unpaid bills (towards tariff) raised by the Petitioner, totaling to Rs. 9,65,40,980;
- (ii) Direct the respondent to pay the petitioner a delayed payment surcharge on the unpaid bills as per Article 8.6.3 of the PPA and 12.16 of the Tariff Order totaling to Rs.24,43,849;
- (iii) Direct the respondent to start a Letter of Credit as payment security in terms of paragraph 12.16 of the Tariff Order dated 26.03.2013 for payment of the power being supplied by the petitioner.

3. The case was listed for motion hearing on 23.08.2016. During the motion hearing, the petitioner restated the contents of the petition. The petition was admitted for hearing and the next date of hearing was fixed for 20.09.2016.

4. During the hearing on 20.09.2016, the respondent stated that the copy of the petition is not received and, therefore, reply could not be submitted. The petitioner stated that the petition was already sent to the respondent. However, he was ready to send a copy of petition

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to the respondent. The Commission directed the petitioner to send a copy of petition to the respondent. The Commission also directed the respondent to file the reply with a copy to the petitioner. The next date of hearing was fixed for 18.10.2016.

5. During the hearing on 18.10.2016, the Commission noted that the reply on the petition was not submitted to the Commission by the respondent. But, a copy of the reply of the respondent was received by the petitioner. The Commission, therefore, directed the respondent to file the reply immediately. The petitioner was also directed to file the response on the reply of the respondent. The next date of hearing was fixed for 22.11.2016 for arguments. The petitioner filed an amended petition on 21.11.2016 and included Wind Independent Power Producers Association as one of the petitioners in this case without depositing the required fee as specified in the MPERC (Fees, Fines and Charges) (Revision-I) Regulations, 2010. Therefore, the amended petition is not acceptable.

6. During the hearing on 22.11.2016, the respondent stated that the principal amount of the bills has been paid and the bills payable in the months of Oct.'16 and Nov.'16 are pending. The petitioner is required to submit supplementary bills towards surcharge separately. During the hearing, the petitioner stated that the principal amount for the old bills has been paid by the respondent but now the respondent is again defaulted in making payment of the current bills.

7. Having heard the petitioner and the respondent, the Commission directs the respondent to make the payment of outstanding invoices to the petitioner in terms of the provisions of the PPA/tariff orders. The Commission further directs the respondent to make suitable arrangements so that in future such delay is avoided. The Commission also directs the respondent to report compliance promptly.

8. With the above directions, the petition no. 41/2016 stands disposed of.

Ordered accordingly.

**(Alok Gupta)**  
Member

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

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