

Dated 05/02/2008

M.P. ELECTRICITY REGULATORY COMMISSION

4th & 5th Floor, Metro Plaza, E-5 Arera Colony, Bittan Market, Bhopal - 16

**SUB: IN THE MATTER OF CREDIT OF GENERATION OF UNITS
GENERATED BY 4 X 600 KW WEGS COMMISSIONED ON 31/03/2007,
SUZLON MAKE AT BARAKHEDA - LAHORI HILLS, TEHSIL JAORA,
RATLAM DISTT. FOR THE PERIOD FROM 31/03/2007 TO 24/04/2007.**

M/s. Ruchi Soya Industries Ltd. - Petitioner
301, Mahakosh House, 7/5,
South Tukoganj, Nath Mandir Road,
Indore - 452 001.

V/s.

M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., - Respondent
Indore.

ORDER

Petition No. 73/2007

The Petitioner M/s. Ruchi Soya Industries Ltd., Indore filed this petition in the matter of giving credit of generation of units generated by 4 x 600 kw WEGs located at Barakheda - Lahori Hills, Tehsil Jaora, Ratlam district for the period from 31/03/2007 to 24/04/2007. During the last hearing on 21/01/2008, the Commission decided to close the case for order, allowing 7 days' time to the Respondent to submit the reply, but the Respondent, West Discom did not submit any reply till 04/02/2008.

2. The Petitioner has submitted that he was provided connectivity with the grid on 31st March 2007 with an undertaking that the credit of the generation would not be taken till the additional bay and the associated work is completed. The 33 KV bay was completed by MPPTCL on 24/04/2007 and the Utility has shifted the meter at 33 kV bay of sub-station at Jaora.

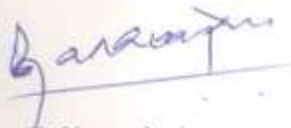
3. The Petitioner has further submitted that the West Discom has refused to give the credit of units generated for the period from 31st March 2007 to 24th April 2007. The Petitioner's contention is that providing connectivity with conditional undertaking has no legal sanctity and it is against the provisions of the Electricity Act 2003.

4. The Petitioner in its additional submission has stated that during the discussion, the officials of the Respondent had insisted for putting the condition and the Petitioner had no alternative left except to give the undertaking. This stand of the Discom has not only delayed the execution of the agreement but the generation done after 31/03/2007 till 24/04/2007 has not been accounted for.

5. The Respondent, West Discom in its reply has submitted that the Petitioner has given the undertaking that they will not take the credit of units generated till the additional bay and associated works were completed. Since the developer was required to commission the generators on 31/03/2007 to avail the benefit of depreciation, they came to the Discom with the proposal to install the meter outside the sub-station premises. Therefore, the prayer of the Petitioner may not be considered and they may not be allowed to credit as prayed.

6. During the last hearing, the Commission has stated that in the absence of evidence it is not in a position to exactly determine as to who had pressurized whom either to provide the connectivity on 31st March 2007 or to give the above mentioned undertaking. In view of the fact that power generated from the above mentioned WEGs was fed into the grid, the Commission showed its intent to consider the flow of energy as inadvertent flow in the system. Although, the Petitioner has agreed to it, the Respondent sought 7 days' time to react on it. As the Respondent has not submitted any reply till 04/02/2008, the Commission decides that as the power generated from the above WEGs was fed into the Respondent's grid from 31st March 2007 to 24th April 2007, it should be treated as inadvertent flow into the Respondent's system and deemed sale. The Commission also directs the Respondent to pay the Petitioner as per the Commission's tariff order prevailing at that time. The Commission further directs the Respondent not to provide temporary connectivity in future without the permission of the Commission. With the directions above, the Commission decides to close the case.

Ordered accordingly.



(R. Natarajan)
Member (Eco.)



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



(Dr. J.L. Bose)
Chairman