

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of a dispute between the petitioner and respondents, occasioned due to the backtracking and refusal of the respondents to enter into a Power Purchase Agreement with the petitioner in accordance/ compliance with the State issued Guidelines on the subject and also the MPERC Tariff Order 2013 relating to power generated from renewable sources of energy after having accorded “In Principle Approval” to do so.

Petition No. 46/2018

ORDER

(Date of Motion Hearing: 30th October’ 2018)

(Date of Order: 30th October’ 2018)

Mahakaushal Sugar and Power Industries Ltd.,
Regd. Office : 42, Kotra Sultanabad, Bhopal (M.P.) - **Petitioner**

Vs.

1. M.P. Power Management Co. Ltd.
Shakti Bhawan, Rampur, Jabalpur – 482 008 - **Respondent No. 1**

2. Chief General Manager (Commercial)
M.P. Power Management Co. Ltd. - **Respondent No. 2**
Shakti Bhawan, Rampur, Jabalpur – 482 008

3. State of Madhya Pradesh
Through Principal Secretary,
Energy Department, Vallabh Bhawan, Bhopal - **Respondent No. 3**

Shri Sanjeev Pandit, Advocate appeared on behalf of the petitioner.

2. The case was listed for motion hearing on 30.10.2018.

3. The petitioner has filed the subject petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of its dispute with Respondent No. 1, on refusal of Respondent No. 1 to enter into a Power Purchase Agreement relating to power generated from renewable sources of energy after having accorded “In Principle Approval” to do so and broadly prayed to the Commission to resolve the aforementioned dispute between the Petitioner Company and Respondents as per the requirements of State Policy and Regulations made thereunder and direct the Respondents to execute a Power Purchase Agreement with the Petitioner Company.

Sub: In the matter of petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of a dispute between the petitioner and respondents, occasioned due to the backtracking and refusal of the respondents to enter into a Power Purchase Agreement with the petitioner in accordance/ compliance with the State issued Guidelines on the subject and also the MPERC Tariff Order 2013 relating to power generated from renewable sources of energy after having accorded “In Principle Approval” to do so.

4. The petitioner has mentioned that the subject petition is filed in pursuance of the observation / directions of the Hon’ble High Court of Madhya Pradesh, Principal Bench at Jabalpur dated 01.02.2018 passed in WP No. 16160/2017.

5. During the motion hearing on 30.10.2018, Learned Counsel of the petitioner reiterated the contents of the petition and submitted that the Petitioner Company is a member of Sugar Mills Association, Madhya Pradesh since long back

6. Having heard the Learned Counsel of the petitioner and gone through the contents with background of the petition, the Commission has noted that the Order dated 26.08.2017 passed by this Commission in Petition No. 29/2017 filed by Sugar Mills Association, Madhya Pradesh seeking directions of the Commission for execution of PPA by the Respondent No.1 has been challenged before Hon’ble Appellate Tribunal for Electricity and the matter is sub-judiced. This has also been taken in to cognizance by the Hon’ble High Court of Madhya Pradesh in the Order dated 01.02.2018 passed in WP No. 16160/2017.

7. In view of the foregoing, the subject petition is not maintainable before the Commission till disposal of the said Appeal by the Hon’ble Appellate Tribunal for Electricity.

8. With the above observations, the subject petition is disposed of.

Ordered Accordingly

(Anil Kumar Jha)
Member

(Mukul Dhariwal)
Member

(Dr Dev Raj Birdi)
Chairman