



Madhya Pradesh Electricity Regulatory Commission
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Petition no. 76/2004

IN THE MATTER OF REMOVAL OF ALL CONDITIONS FROM THE ORDER ISSUED BY THE COMMISSION UNDER SECTION 21(3) OF M.P.VIDYUT SUDHAR ADHINIYAM 2000.

M.P. Electricity Consumers Society, - Petitioner
C/o AIMO 3,
Pologround Industrial Estate
Indore - 452 003

V/s

M.P.State Electricity Board - Respondent

ORDER
(Passed on this day 23rd June, 2004)

Shri P.L.Nene, President appears for the petitioner.

None appears for the Respondent Board.

2. The petition is in the matter of removal of all conditions from the orders issued by the Commission under Section 21(30) of the M.P.Vidyut Sudhar Adhiniyam 2000.

3. The petitioner submits that under section 21(3) of the M.P. Vidyut Sudhar Adhiniyam 2001, which come into effect from 3.7.2001, the power under section 44 of the Electricity (Supply) Act 1948 for sanction of captive power plant, were transferred from the Board to the MPERC. Commission accorded sanction/approval for setting up, renewal etc. of captive power plants for generally a period of five year. The order vide which approval was granted by the Commission was subject to the conditions as (a) capacity to be used as stand bye (b) 50% of power to be used from the Board, (c) capacity limited to 1.5 times contract demand and CD not to be reduced (d) removal of old sets. The petitioner further states that the Electricity Act, 2003 came into force w.e.f. 10.6.2003 and as per section 9 of the Act the captive generation was made free from any approval. The petitioner submits that the conditions stipulated by the Commission stands automatically withdrawn w.e.f. 10.6.2003 after section 9 of the Electricity Act, 2003 has come into effect and therefore in view of the above provision the respondent Board be advised that orders issued by the Commission before 10.6.2003 has a shelf life upto 10.6.2003 and thereafter captive plants will be regulated by section 9 of the Electricity Act, 2003.

4. The Commission heard the petitioner. Looking to the facts and circumstances of the petition, Commission is of the view that the petitioner did not mention the list of petition Nos. and copies of the orders so that comments from the Board may be obtained thereon. Therefore, no specific order can be issued in this regard. However, the Commission clarifies that a general order has been passed in Petition No. 221/2003 of M/s Ad-Manum Packagings Limited vide which all the orders passed by the Commission in which condition of 50% use of power from MPSEB has been imposed is no longer operative in view of the fact that the MPERC (Grant of consent of captive power plant) Regulation, 2003 has been repealed from 1st August vide Commission's notification dated 26.7.2003 and captive power generation has become free as per the provision of Electricity Act, 2003.

Ordered accordingly.

Sd/-
(D.Roybardhan)
Member (Engg.)

Sd/-
(R. Natarajan)
Member (Econ.)

Sd/-
(P.K.Mehrotra)
Chairman

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