



Madhya Pradesh Electricity Regulatory Commission

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Petition no. 74/2004

IN THE MATTER OF SUPPLY OF POWER TO TOWNSHIP FROM CAPTIVE GENERATING PLANT AND UNDER SECTION 9 AND SECTION 42(2) OF ELECTRICITY ACT, 2003.

M/s Maral Overseas Limited, - Petitioner
P.O. Maral Sarovar,
Agra Mumbai Road
Village - Khalbujurg
District Khargone (M.P.)

V/s
M.P.State Electricity Board - Respondent

ORDER

(Passed on this day 11th August, 2004)

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

Shri A.K. Soni, E.E., O/o S.E. (O&M) appears for the Respondent Board.

2. The petition is in the matter of supply of power to township from captive generating plant under section 9 and Section 42(2) of the Electricity Act, 2003.

3. The case was last heard on 23.6.2004. The petitioner submitted that they are a registered company engaged in manufacturing of spinning yarn, process fabric and knitted garments. The petitioner Company has obtained permanent disconnection from MPSEB supply w.e.f. 31.10.2003 and the entire electricity supply for their premises is from the captive plant. The petitioner submits that they are supplying power to the colony which is located in the factory premises from their captive power plant. The petitioner requested the Joint Development Commissioner, Ministry of Commerce and Industries to confirm whether the Company can supply power from the captive power plant to their colony and at the same time debit excise concessions. The matter was referred to the Energy Department, Government of M.P. and it was directed to the petitioner to obtain sanction from the Commission under section 42(2) of the Electricity Act, 2003. The petitioner further submits that the supply of power to the colony from captive plant constitutes supply for own use and not sale or distribution of electricity.

4. The respondent Board submits in its reply that petitioner was availing power supply on 33 KV having contract demand of 5000 KVA from MPSEB. The connection was disconnected on 31.10.2003 as the petitioner has been permitted to use captive power plant. The petitioner feeding the residential colony for domestic light and fan purpose in the premises of the factory through captive power plant. The Board submits that if the petitioner is granted permission to feed residential colony through captive power plant as per provision of Electricity Act, 2003, the Board has no objection. If the petitioner applied for connection for residential colony, the Board will make available supply as per the Board's rules for connection. The Board further submits that there are no dues/outstanding against the petitioner from the Board.

5. Having heard the parties, Commission is of view that as per the provisions of proviso Section 42(2) of the Electricity Act, 2003, no surcharge shall be leviable in case of establishment of a captive generating plant for carrying electricity for distribution for his own use. The supply of power through the captive generation of the industry for supply to their own colony, situated in the same premises shall constitute supply for "own use". What amount of electricity duty shall be levied, is the matter related to the State Government; not to the Commission. Therefore, as said above, Commission decides that since no approval is required for supply of power to own colony from the captive power plant of petitioner. It is ordered accordingly and the case is disposed off with these directions.

Ordered accordingly.

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

Sd/-
(P.K. Mehrotra)
Chairman

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