



# Madhya Pradesh Electricity Regulatory Commission

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## Petition no. 85/2004

IN THE MATTER OF CANCELLATION OF ORDER ISSUED BY HON'BLE COMMISSION DATED 14.08.2002 IN THE PETITION 160/02 U/S 10(F) OF MADHYA PRADESH VIDYUT SUDHAR ADHINIYAM, 2000.

M/s Windgen India Pvt. Ltd. - Petitioner  
17, Sansad Marg,  
Delhi-110018.

**V/s**  
M.P. State Electricity Board, Jabalpur - Respondent

### ORDER (Passed on this day 24th August, 2004)

Shri P. L. Nene, Consultant appears for the petitioner & D.S. Chadda, M.P. Windgen India Pvt. Ltd.

2. This is a petition in the matter of cancellation of Order issued by Hon'ble Commission dated 14.08.2002 in the Petition No. 160/02 u/s 10(f) of M.P. Vidyut Sudhar Adhinyam, 2000.

3. The petitioner submits that the Commission in its order has granted exemption from requirement of license for sale of power to MPSEB from his 1x225 KW WEG at location 17 & 18 for five years w.e.f the date of the Order i.e. 14.08.2002. Thereafter, the petitioner submitted a review petition (P. No. 18/04) stating that M/s. Awanti LPG India Pvt. Ltd initially agreed to purchase power generated from WEG at location No. 18, but subsequently backed out. Therefore, petitioner submitted for granting exemption from requirement of license for sale of energy to the Board w.e.f 30/03/1996. The Commission in its order dated 18.05.2004 has dismissed this review on the ground that petition is time barred as it was submitted after 16 months of the original Order passed by the Commission and the other ground of dismissing the case was that the Commission was also not in existence on 30.03.1996, so it does not come under Commission's consideration.

4. Now petitioner submits this fresh petition for cancellation of order of the Commission dated 14/08/2002 on the ground that no exemption from licensee is required for supply of power to MPSEB under the provision of earlier sections i.e. Electricity Act 1910, U/s. 16 of Madhya Pradesh Vidyut Sudhar Adhinyam, 2000 and also under the provision of Electricity Act 2003.

5. During the hearing, petitioner submits that petitioner is not seeking the review of the Order. It is a fresh petition. Petitioner further submits that no exemption from grant of licence is required as there is no intention to sell the power to third party under provisions of section 15 and 16 of MPVSA, 2001 & Electricity Act, 2003. Earlier Electricity Act, 1910 was applicable and sanctions were being issued by State Government. Hence petitioner submits for cancellation of order of the Commission dated 14.08.2002.

5. Today the case is case for motion hearing. The request of the petitioner for exemption from the requirement of license for sale of energy from his 1x225 KW WEG at location 18 w.e.f 30.03.1996 could not be considered by the Commission, since the Commission was not in existence at that time. Commission already refused to review its order vide order dated 18.05.2004 in Petition no. 18/2004. The petitioner submits in this petition that he is not requesting for review of the Commission's order, while on the other hand petitioner is submitting for cancellation of Commission's order dated 14.08.2002. It cannot be accepted. However, on the request of the petitioner the Commission makes it clear that if the petitioner wants relief since 30.03.1996 then he is free to approach other competent authorities and forum for the same. There is no merit in the petition, hence the same is rejected.

Ordered accordingly.

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

Sd/-  
(P.K.Mehrotra)  
Chairman

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