

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of permission for establishment of WEGs for sale of power to the Respondents generated from Wind Electric Generators under Section 86(1)(e) of the Electricity Act, 2003 on the rates as decided by the Commission from time to time in its tariff order dated 14.05.2010.

Petition No. 10/2011

ORDER

(Date of hearing 15th February, 2011)

(Date of order 23rd February, 2011)

M/s Giriraj Enterprises, - Petitioner
Malpani House Sangamner,
Dist. Ahmednagar,
(MS) – 422605.

V/s

M.P.Power Trading Co. Ltd., - Respondent No. 1
Jabalpur.

M.P.Paschim Kshetra Vidyut Vitaran Co. Ltd., - Respondent No. 2
Indore.

Shri Anil Tiwari, Manager, M/s Suzlon Infrastructure Services Ltd. appeared on behalf of the Petitioner.

Ms Parul Dangi, Legal Executive appeared on behalf of the Respondent No. 1.

Shri Anant Chaure, Law Officer appeared on behalf of Respondent No. 2.

2. The petition is in the matter of permission for establishment of WEGs for sale of power generated from WEGs to the Respondents under Section 86(1)(e) of the Electricity Act, 2003 on the rates as decided by the Commission from time to time in its tariff order dated 14.05.2010.

3. The Petitioner has filed the present petition under Section 86 (1) (e) of the Electricity Act, 2003. Section 86(1) (e) of the Electricity Act, 2003 reads as under:-

“(e) promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;”

4. The Petitioner has submitted that they are desirous of installing 10x1.50 MW Wind Electric Generators at Mahuriya, Village Barda Barkheda, Tehsil Barod, Dist. Shajapur for generation of electric power in the State of Madhya Pradesh. In the petition it is stated that

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they would sell the power so generated, to the Respondent No. 1 at the tariff rate determined by the Commission in Clause 11.2 of the order dated 14.05.2010 or at any other rate, which the Commission may decide.

5. The Petitioner has submitted that they have developed facility for evacuation of electricity from point of generation to the nearest 132/33 KV Susner/Agar, Dist. Shajapur, Substation of MPPTCL as per the specification of the Respondent No. 2 at their own cost and they are developing the said facility for the capacity of 15 MW. The Applicant Company and the same developer is establishing wind farm at Village Barda and Barkheda Tehsil Barod, Dist. Shajapur and Village Mahuriya, Tehsil Agar, Dist. Shajapurs. The Applicant Company is able to transmit the electricity so generated from the point of generation to the point of nearest 132/33 KV S/s at Susner/Agar of the MPPTCL in terms of Clause 13 of the Government of M.P. Policy dated 17th October, 2006. The Petitioner has further submitted that the 10x1.50 MW WEGs at Mahuriya are planned to be commissioned before 31st March, 2011.

6. The Petitioner has prayed as under:

- (a) Permission may be granted for evacuation of power generated by 10x1.50 MW WEGs at Mahuriya, by extending the existing 33 KV network. Thus partial utilization at Susner and Agar of PE network will be done.
- (b) That the Respondents may kindly be directed to allow commissioning of these machines by 31st March 2011.
- (c) That the Respondent No. 1 may kindly be directed to initiate process of execution of Power Purchase Agreement simultaneously with the commissioning process of WEGs to avoid delay. The Respondent No. 1 may also be directed to make the agreement effective from the date of commissioning of the WEGs.
- (d) That the Respondent No. 1 may also be directed to Purchase the Power so generated by the above WEGs of the applicant at the rate as decided by the Commission from time to time in their tariff order.

7. The case was listed for hearing on 15.02.2011.

8. During the hearing, the Petitioner made a request to grant permission to sell the power generated from 10x1.50 MW WEGs to the Respondent No. 1 at the tariff rates determined by the Commission vide Order dated 14.05.2010.

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9. During the hearing, the representative of the Respondent No. 2 made written submission that they have no objection to granting of permission by the Commission to the Petitioner.

10. The representative of Respondent No.1 made submission that the Commission has already notified Regulations for procurement of power from renewable sources of energy vide notification dated 19.11.2010. The Commission has also issued tariff Order on 14.05.2010 wherein the rates, terms and conditions for procurement of power has been specified. There is no specific provision in the said Regulation that the Commission may direct the Respondent to enter into Power Purchase Agreement (PPA) with any particular power generator / developer. It will be the discretion of the Respondent No. 1 whether PPA is to be executed with the Petitioner or not. As such the WEGs owner i.e. the Petitioner should have approached the Respondent No.1 with proposal for sale of power from their WEGs. The WEGs Company should also indicate broad parameters of Company, equipments, etc. as required for sale of power. In the instant case, the Petitioner has not approached the Respondent No.1 for sale of power. The representative has also stated that the time being allowed for 21 days for execution of PPA is not sufficient, hence more time may be allowed. The Commission then enquired from Respondent No.1 as to what action has been taken by them for execution of PPA in respect of WEGs for whom permission has already been granted by the Commission during last six weeks. The representative of Respondent No.1 could not reply satisfactorily.

11. The representative of the Petitioner made a submission that the Petitioner has not approached till dated in the instant case and petition was filed as per the procedure being followed by the Commission so far.

12. The Commission noted that the tariff order provides rates and other terms & conditions. The order does not have any specific provision to direct the Respondent No.1 as provided in the Regulations. However, as per Clause 6.2 of the Regulations, the Developers are required to get all the required statutory consents including permission from the Commission before entering PPA. The procedure of getting permission from the Commission was being followed to avoid the delay in execution of PPA, commissioning of WEGs, etc. The Commission further observed that the Respondents are under obligation to procure

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electricity from renewable sources for which tariff and other requirements for execution of PPA are in place.

13. On hearing the Petitioner and the Respondents, the Commission directs to follow the existing procedure till the Commission decides a new procedure. The Commission also directs that WEGs Companies/Developers are not required to indicate financial tie-up, technology used, etc. to Respondent No.1 before execution of PPA. Accordingly, the Commission grants permission to the Petitioner for establishment of ten WEGs of 1.50 MW each at Mahuriya, Village Barda Barkheda, Tehsil Barod, Dist. Shajapur for sale of power to the Respondent No.1 on the rates, terms and conditions as per Tariff order dated 14.05.2010. The Commission further directs the Respondent No.1 to execute PPA with the Petitioner within 21 days of issue of this order complying with the specified requirements. The Commission also directs the Commission Secretary to issue detailed procedure separately to be followed henceforth for dealing with execution of PPA and sale of power to the Respondent No. 1 specifying the time limits for each activity to be performed by MP Power Trading Co. Ltd., Distribution Licensees and MP Power Transmission Co. Ltd. to avoid any delay. The Commission further directs the Respondent No.1 to submit within 7 days of issue of the order a detailed report on the status of execution of PPAs with the WEGs/developers to whom permission has already been granted by the Commission.

14. With the above directions, the Petition No. 10/2011 stands disposed of.

Ordered accordingly,

(C.S.Sharma)
Member (Eco.)

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

(Rakesh Sahni)
Chairman