



Madhya Pradesh Electricity Regulatory Commission

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Dated: August 22, 2007

Sub: In the matter of application under section 16 of the M.P. Vidyut Sudhar Adhiniyam, 2000 r/w Section 86 of the Electricity Act, 2003 for grant of permission for sale of Wind Electric Power to a designated third party.

ORDER
Petition No. 125/2006
Passed on this day August 22, 2007

M/s British Motor Car Company (1934) Ltd., Pratap Building, "N" Block, Cannought Circus, New Delhi - Petitioner

V/s
The Chairman cum Managing Director - Respondent 1
M.P. Paschim Kshetra Vidyut Vitaran Co.Ltd. Pologround, Indore

Shri B.K. Dubey, Advocate and Shri Vijay Jain, Factory Manager, Eicher Engineering appear on behalf of the petitioner.

Shri D.K. Ojha, Superintending Engineer (Comm.), CMD (WZ) appears on behalf of Respondents.

2. This petition is in the matter of application under section 16 of the M.P. Vidyut Sudhar Adhiniyam, 2000 read with Section 86 of the Electricity Act, 2003 for grant of permission for sale of Wind Electric Power to a designated third party.

3. The petitioner has stated that he has sold its Gear Manufacturing unit to M/s Eicher Motors Ltd. vide purchase agreement dated 1st November, 2006 and has agreed to continue the supply of power from the petitioner's windmill to the erstwhile unit of the Petitioner Company, now a unit of M/s Eicher Motors Ltd. Therefore, the petitioner prays to the Commission to revoke the permission granted to the petitioner vide Order dated 8th June, 2004 and to grant permission to the petitioner company to sell the wind power to the third party namely M/s Eicher Motors Ltd. for the balance period of the PPA on the terms and conditions of the said agreement.

4. During the last hearing of 18/07/2007 the Commission directed the petitioner to submit to the respondent the relevant/legal documents required for effecting a change in the name of the Company. The Commission also directed to call the third party to whom the electricity generated by its Wind Generators is being supplied.

5. During the course of hearing today, the petitioner submitted an additional submission of M/s Eicher Engineering Components stating that the applicant (M/s Eicher Engineering) has purchased the factory building, plant & machinery and other movable assets of the petitioner company vide conveyance deed dated 29-03-2007 and annexed the copy of the deed as Annexure A/1. The land on which the fixed assets were created/acquired by the petitioner company is an Industrial land which belongs to the GoMP, allotted by the Government on lease hold rights for industrial purposes alone, and is being managed through the Government agency known as the MPAKVN Indore. Therefore, the applicant company has approached the MPAKVN for change of name in the lease deed of the subject land infavour of the applicant company and as per their demand he has also deposited Rs. 14,48,194/- towards lease transfer fees vide letter dated 30.07.2007. The same is awaited and as soon as it is received, it will be submitted to the respondent.

6. The applicant further prayed before the Commission that the respondents be directed not to keep the applicant company under threat of dismissal of application for change of name pending in their office, and be further directed to wait till receipt of the amended lease deed, and in the meantime, this Commission, may kindly issue directions to the respondents to treat the applicant company as their HT consumer provisionally.

7. The representatives of the respondent also confirmed that they have received all documents except lease deed from the petitioner.

8. Today, the Commission heard the parties. Considering the facts and circumstances of the case, the Commission directs the petitioner and Eicher Motor Limited to pursue the matter with MPAKVN for issuance of the lease deed. The Eicher Motor Ltd has to apply to the utility for wheeling of power from the petitioner's WEG. Moreover, as per the provisions of Section 42(2) such consumers shall be liable to pay surcharge as may be specified by the Commission, as he is willing to receive supply of electricity from a person other than the distribution licensee of the area of supply. As it will take time to complete all the formalities, hence no order can be passed for wheeling of power in the present situation.

The concerned petitioner is at liberty to submit a fresh petition as and when all the required formalities are completed.

With the direction as aforesaid, the Commission decides to close the case.

Ordered Accordingly.

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

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

Sd/-
(Dr. J.L.Bose)
Chairman