

Sub: In the matter of petition to terminate the PPA and to sell wind electric power to third party and for captive use under the provisions of clause 12.18 and 12.19 of the tariff order dated 21.11.2007, under clause 9(O) and 10(9) of the M.P. Vidyut Sudhar Adhiniyam, 2000 read with provisions of Section 86 of the Electricity Act, 2003 and its sub-sections.

ORDER

(Date of hearing: 23rd August,2016)

(Date of order: 26th August,2016)

M/s Kataria Wires Pvt. Ltd.,
10-13, Industrial Estate, Ratlam (M.P.) -457001 - Petitioner

M.P. Power Management Co. Ltd.,
Shakti Bhawan,Rampur, Jabalpur- 482008 - Respondent No.1

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

Shri R.C.Somani, Consultant appeared on behalf of the petitioner.

Shri Manoj Dubey, Advisor (Law) appeared on behalf of the respondent no.1.

Shri P.K. Jain, ASE and Shri V.S. Mehato, A.O. appeared on behalf of the respondent no.2.

2. The petitioner, M/s Kataria Wires Pvt. Ltd. has filed this petition seeking permission from the Commission under clause 12.18 of the tariff order dated 21.11.2007 for sale of power to the third party and for captive use. The case was listed for hearing on 23.08.2016.

3. During the hearing on 23.08.2016, the petitioner reiterated the contents of the petition. In its petition, the petitioner has mentioned that the payments are being delayed for more than four months. During the hearing, the respondent no.1 filed a written submission and submitted that for seeking third party sale under clause 12.18 of the tariff order dated 21.11.2007, any specific permission from the Commission is not required.

4. Having heard the petitioner and the respondents and on considering their written submissions, the Commission has noted that as per information submitted by the respondent no.1, the payment since bill dated 10.12.2015 due on 08.01.2016 was not made till 19.07.2016. Also, as per clause 12.18 of the tariff order dated 21.11.2007, no specific permission is required by the petitioner for third party sale under default conditions of payment by the respondent no.1. The Commission, therefore, directs that the petitioner, at its liberty, may go for third party sale or for captive use subject to completion of necessary formalities.

5. With the above directions, the petition no. 24 of 2016 stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman