

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of Petition under Section 86(1)(b), (e) and (g) of the Electricity Act 2003, seeking deviation from Model Power Purchase Agreement (PPA) for charging the Successful Bidder towards contract management and maintenance charges on monthly basis during the life of the Project or Term of the PPA, whichever is earlier; under Component-C (feeder solarization) of PM KUSUM Scheme introduced by Government of India dated 04.12.2020.

Petition No. 34 of 2022

ORDER

**Hearing through video conferencing
(Date of Motion hearing: 31st May' 2022)
(Date of Order: 15th June' 2022)**

Madhya Pradesh Urja Vikas Nigam Ltd.,
Urja Bhawan, Shivaji Nagar, Bhopal, M.P.

- Petitioner

Vs

MP Power Management Co. Ltd.
Shakti Bhawan, Rampur, Jabalpur, M.P.

- Respondent

Shri Sidharth Sudhir Sharma, Advocate and Shri Ajay Shukla appeared on behalf of the petitioner.

Madhya Pradesh Urja Vikas Nigam Limited has filed the subject petition under Section 86(1)(b), (e) and (g) of the Electricity Act 2003 seeking approval in respect of certain deviations from the provisions of the Model Power Purchase Agreement (PPA) to be signed between Renewable Power Generator (RPG) and the Procurer i.e. MP Power Management Company Ltd. (MPPMCL). It is under "Guidelines for Implementation of PM KUSUM" (Pradhan Mantri Kisan Urja Suraksha Evam Utthan Mahabhiyan) scheme issued by Ministry of New and Renewable Energy (MNRE) on 22.07.2019 read with Standard Bidding Guidelines for feeder level solarization under Component-C of PM KUSUM scheme issued by MNRE on 04.12.2020 in respect of the bid process initiated for solarization of Grid-connected agricultural pumps at various locations in MP. At para 10 of the petition, it is mentioned that for selection of RPG developer and PPA, the guidelines and model PPA issued by MNRE for implementation of Component-A of PM KUSUM Scheme may be used with suitable modifications in the subject matter.

2. At the motion hearing held on 31st May' 2022, Ld. Counsel, who appeared for the petitioner was asked to inform the provision(s) of the Standard Bidding Guidelines issued by the MNRE, Government of India under which approval of Commission is sought for deviation(s) from the Model Power Purchase Agreement.
3. In response to the above, the petitioner submitted that there is no provision(s) under the Standard Bidding Guidelines for seeking approval of the Commission for deviation from the Standard Bidding Guidelines. He further submitted that under Section 86(1)(b) and (e) of the Electricity Act 2003, the Commission may approve deviations from the Model PPA.

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4. The Commission has also observed that the petitioner had earlier filed petition No. 6 of 2021 seeking similar prayer for approval on certain deviations from Model Power Purchase Agreement issued by the Ministry of New and Renewable Energy for procurement of power from decentralized Solar Power Plants to be set up under Component-A of PM KUSUM Scheme. However, the petitioner had withdrawn aforesaid petition No. 06 of 2021, mentioning that the petitioner had sought approval of MNRE on deviation in Model Power Purchase Agreement (PPA) of PM KUSUM Scheme Component A and MNRE had communicated “No objection” to the changes suggested by the petitioner in the PPA.
5. The Commission has further observed that the Standard Bidding Guidelines in the subject matter do not have any provision for seeking approval of the Commission for deviations from Model Power Purchase Agreement issued by MNRE, Government of India under PM KUSUM Scheme.
6. In view of foregoing, the petitioner may approach the competent authority for approval of deviations to Model PPA in this matter also. With the aforesaid observation, the subject petition is not maintainable hence, disposed of.

(Gopal Srivastava)
Member (Law)

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman