

**Sub: In the matter of petition under clause 9(O), 10(9) of the MP Vidyut Sudhar Adhiniyam, 2000 read with Section 86 of the Electricity Act, 2003 and sub-sections thereof for permission to sale of power to third party under the provisions of clause 12.18 of the tariff order dated 21.11.2007.**

**ORDER**

**(Date of hearing: 8<sup>th</sup> September,2015)**

**(Date of order: 9<sup>th</sup> September,2015)**

M/s Magma Fincorp Limited  
Magma House,24, Park Street,  
Kolkata - 700016

- Petitioner

M.P. Power Management Co. Ltd.,  
Shakti Bhawan, Rampur, Jabalpur- 482 008

- Respondent No.1

M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,  
GPH Compound, Polo Ground,Indore- 452 003

- Respondent No.2

Shri B.K.Dubey, Advocate appeared on behalf of the petitioner.

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

None appeared on behalf of the respondent no.2.

2. The petitioner, M/s Magma Fincorp Limited, Kolkata 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. The case was listed for hearing on 08.09.2015.

3. During the hearing on 08.09.2015, the petitioner reiterated the contents of the petition. 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 is not required and the petitioner may unilaterally exercise its rights in this regard.

4. Having heard the Counsels for the petitioners and the respondent no. 1 and on considering their written submissions, the Commission has noted that as per clause 12.18 of the tariff order dated 21.11.2007, no specific permission is required by the petitioner under default conditions of payment by the respondent no.1. Also, such provision has already been incorporated in the PPAs executed by the petitioner with the respondent no.1. The Commission, therefore, directs that the petitioner, at its liberty, may go for third party sale.

5. With the above directions, the petition no. 46 of 2015 stands disposed of.

Ordered accordingly.

**(Alok Gupta)**  
Member

**(A.B.Bajpai)**  
Member

**(Dr. Dev Raj Birdi)**  
Chairman