

Sub: In the matter of petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 10 of MPERC (Conduct of Business) Regulations, 2010 for review/modification of the tariff for inadvertent flow of power into the system of the petitioner by the electricity generators from new and renewable sources of energy

ORDER

(Date of hearing: 26th September,2017)

(Date of order: 29th November,2017)

M.P. Power Management Company Limited - Petitioner
Block No. 11, 3rd Floor, Shakti Bhawan,
Rampur, Jabalpur- 482008

Shri Manoj Dubey, Advisor (Law) of the Company appeared on behalf of the petitioner.

2. The petitioner, M.P. Power Management Company Limited has filed this petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 10 of MPERC (Conduct of Business) Regulations, 2010 for review/modification of the tariff for inadvertent flow of power into the system of the petitioner by the electricity generators from new and renewable sources of energy. In its petition, the petitioner mainly prayed as under:

- (i) To amend Regulation 4.8 of the first amendment/addendum to MPERC (Cogeneration and Generation of Electricity from Renewable sources of energy) (Revision-I) Regulations, 2010 and in this Regulation, phrase Power Purchase and Wheeling Agreement(s) {PP & WAs) may be replaced with the Power Wheeling Agreement (s) {PWAs};
- (ii) To review and/or modify the relevant provisions of the tariff orders to the effect that the tariff for such inadvertent flow of power into the system by the Electricity Generators from new and renewable sources of energy is nil;
- (iii) To allow Discom(s) to execute Power Wheeling Agreement (PWA) which contain the provisions of energy accounting under the ambit of ABT metering (i.e. 15 minutes block wise consumption credit against the corresponding 15 minutes block of RE injected by RE generators) for third party sale or captive consumption of Renewable Energy.
- (iv) To issue RE Deviation Settlement Regulations including inadvertent flow of RE on to the system.

3. The case was listed for motion hearing on 26.09.2017. During the motion hearing, the petitioner restated the contents of the petition and requested to consider the issues.

4. Having heard the petitioner and on considering the written submissions, the Commission has noted that the power supply from the renewable sources of energy viz. solar, wind and small hydro, are must run in terms of the provisions of the Indian Electricity Grid Code, 2010 as amended. Accordingly, the Power Purchase and Wheeling Agreements have been executed

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by the petitioner with the RE generators based on some terms and conditions along with the purchase of power including inadvertent flow. As such, it would not be appropriate to replace the phrase Power Purchase and Wheeling Agreement(s) {PP & WAs) with the Power Wheeling Agreement (s) and to amend the relevant Regulations. Similarly, the prayer to review and/or modify the relevant provisions of the tariff orders to the effect that the tariff for such inadvertent flow of power into the system by the Electricity Generators from new and renewable sources of energy is nil, is not tenable. Also, execution of only Power Wheeling Agreement (PWA) for third party sale or captive consumption of Renewable Energy cannot be allowed under the present circumstances. The Commission, therefore directs the petitioner that looking to the current scenario of the development of RE projects, the petitioner may explore the possibility of making legally tenable appropriate changes in the aforesaid Power Purchase Agreements after arriving at the mutual consents with the RE generators.

5. In view of the above, the petition no. 37 of 2017 stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman