

Sub: Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 10 of MPERC (Conduct of Business) Regulations, 2010 for review of order dated 26th April, 2017 passed by the Commission in SMP No. 59/2016.

ORDER

(Date of hearing: 22nd August,2017)

(Date of order: 24th August,2017)

M. P. Power Management Co. Ltd.,
Block No. 11, 3rd Floor, Shakti Bhawan,
Rampur, Jabalpur- 482008

- Petitioner

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

2. The petitioner, M.P. Power Management Co. Ltd. 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 seeking review of order dated 26th April, 2017 passed by the Commission in SMP No. 59/2016. In its petition, the petitioner mainly prayed as under:

“In the facts and circumstances of the case, the Commission may be pleased to review the impugned order dated 26th April, 2017 passed in SMP No. 59/2016, in so far it pertains to RPO achievement of Solar and Non- Solar category during 2016-17, which will be more than 100% as per proposed sixth amendment to the said Regulations, to meet the ends of justice.”

3. The case was listed for motion hearing on 22.08.2017. During the motion hearing, the petitioner stated that the paras 7 & 8 of the impugned order dated 26th April, 2017 in SMP-59/2016 provide as under:

“7. During the hearing on 18.04.2017, the respondent has submitted the progress on the achievements against the Renewable Purchase Obligations during the FY 2016-17 till 31.03.2017 along with the relevant details of PPAs executed/pending.

8. Having heard the respondent and on considering their written submissions, the Commission has noted that during FY 2016-17, the achievement was more than the target in respect of Solar category, but against Non-Solar category, the Renewable Purchase Obligations could be met about 92.5% of the target. However, the overall

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achievement is about 96% of the total target. The Commission, therefore, directs the respondent to make all out efforts to ensure that the Renewable Purchase Obligations for the future financial years be also complied with.”

The petitioner further stated that as per clause 6.4 (1) (i) of the Tariff Policy, 2016, Hydro Power is to be excluded for working out the Renewable Purchase Obligations as a percentage of total consumption of energy. Accordingly, the achievements for the financial year 2016-17 have been worked out as 138% and 109% of the targets for Solar and Non-Solar respectively. Therefore, the review of the impugned order dated 26th April, 2017 is requested.

4. Having heard the petitioner and on considering the written submissions, the Commission has observed that the petitioner has filed this review petition with a new fact which was not come up before the Commission earlier during the hearings in SMP-59/2016. Therefore, the Commission is of the view that there is a sufficient ground to review the order dated 26.04.2017 passed by the Commission in SMP-59/2016 so far as it relates to the achievements of the targets fixed for the financial year 2016-17 towards Renewable Purchase Obligations. The Commission after reviewing the progress and the provisions of the Tariff Policy, 2016 noted that the achievements towards the Renewable Purchase Obligations for the financial year 2016-17 by the petitioner may be considered as more than the targets fixed for Non-solar and solar categories separately. The Commission further directs the respondent to make all out efforts to ensure that the Renewable Purchase Obligations for the future financial years be also complied with.

5. In view of the above, the petition no. 35 of 2017 stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman