

**Sub: In the matter of filing of petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of compliance of the order dated 04.10.2010 in Petition No. 61/2010 and 62/2010 passed by the MPERC**

**ORDER**

**(Date of hearing: 25<sup>th</sup> July,2017)**

**(Date of order: 1<sup>st</sup> August,2017)**

M/s G I Power Corporation Ltd.,  
A-27, Mohan Cooperative Industrial Estate,  
Mathura Road, New Delhi - 110004 - Petitioner

M.P. Power Management Co. Ltd.,  
Block No. 11, 3<sup>rd</sup> Floor, Shakti Bhawan,  
Rampur, Jabalpur- 482008 - Respondent No.1

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

Shri Gajanan Yadav, General Manager 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 G I Power Corporation Ltd. has filed this petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of compliance of the order dated 04.10.2010 in Petition No. 61/2010 and 62/2010 passed by the Commission. In its petition, the petitioner mainly prayed to the Commission:

- (i) To amend Power Purchase and Wheeling agreement and incorporate the clause as “ In any month when electricity generated by WEGs and allotted to third party is more than the electricity consumed by the particular third party, the excess electricity may be allowed for banking for the wheeling in the next incoming months till it get exhausted” or
- (ii) Direct the respondent no. 2 to give the wheeling adjustment of power injected which was more than consumed through MPSEB in a particular month and accounted below 94 Lacs per annum during the financial year 2012-13 to 2016-17 in incoming HT bill of respective third party M/s Gajra Gears Ltd., Dewas or sale of power to MP Power Management Co. Ltd. at the applicable rate for inadvertent flow/excess energy.
- (iii) To remove cap of 94 Lacs in a year and allow for wheeling of 100% power to both the third parties during the financial year i.e. 70% of total generated units to M/s Gajra Gears Ltd., Dewas and 30% of total generated units to M/s Kirloskar Brothers Ltd., Dewas.

3. The case was listed for motion hearing on 16.05.2017. During the motion hearing, the petitioner restated the contents of the petition. The Commission admitted the petition for hearing and fixed the next date of hearing for 20.06.2017 which was adjourned to

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25.07.2017 due to late receipt of copy of the petition by the respondent no.1. The respondent no.1 filed a written submission on 18.07.2017. The petitioner also filed a rejoinder to reply dated 17.07.2017 of the respondent no.1.

4. During the hearing on 25.07.2017, the petitioner stated that:
- a) The Banking is allowed in terms of the Regulations, 2010.
  - b) The paras 3 and 4 of the reply of the respondent no.1 are misconceived.
  - c) The order dated 04.10.2010 of the Commission did not cover the situation when the electricity generated by WEGs and allotted to third party is more than the electricity consumed by the particular third party.
5. During the hearing on 25.07.2017, the respondent no.1 stated that:
- a) The Banking of surplus power in a fashion as stated by the petitioner cannot be done. Also, it cannot be ex-post facto.
  - b) No appeal was filed by the petitioner to allow the wheeling adjustment of power injected which was more than consumed through MPSEB in a particular month.
  - c) No appeal was filed to review the order and to revise the cap of 94 Lacs units per month.
6. Having heard the petitioner and the respondents and on considering their written submissions, the Commission has noted that the order dated 04.10.2010 was passed considering the request of the petitioner filed vide letter dated 28.09.2010 wherein no request was made for considering the surplus generated energy in case the total generated energy is not consumed by the third parties. The instant petition is filed to cover the aforesaid new issue and review the earlier order dated 04.10.2010. The Commission is of the view that it would not be feasible to consider such issue which was not raised by the petitioner in the original petition.
7. In view of the above, the petition no. 12 of 2017 is not tenable and stands disposed of.

Ordered accordingly.

**(Alok Gupta)**  
Member

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

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