

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL**

**Sub :- In the matter MPERC (Power Purchase and other matters with respect to conventional fuel based Captive Power Plants) (Revision – I) Regulations 2009 Review thereof.**

**ORDER**

**(Date of hearing 11<sup>th</sup> August, 2009)**

M.P.Electricity Consumers Society,  
C/o AIMO (M.P.State Board),  
Industrial Estate, Indore.  
V/s

- Petitioner

M.P.Paschim Kshetra Vidyut Vitaran Co. Ltd.,  
Indore.

- Respondent

Shri P.L.Nene, Consultant appeared on behalf of the Petitioner.

Shri Gajra Mehta, ACE appeared on behalf of the Respondent.

2. The Petitioner has filed this petition in the matter of review of MPERC (Power Purchase and other matters with respect to conventional fuel based Captive Power Plants) (Revision – I) Regulations 2009.

3. During the hearing the representative of the Petitioner made the following submissions :

- (i) Any revision due to policy is justified without seeking large review.
- (ii) The Regulation 3.2 is contrary to Clause 6.3 of the Tariff Policy and this may be construed as an act of omission.
- (iii) The tariff order or the petitions filed by the Distribution Licensee do not contain tariff for procurement of power from CPP.
- (iv) The regulation does not comply with the provisions of Tariff Policy.
- (v) The regular procedure for regulation in respect of tariff for procurement of power from CPP is required to be followed. This was not done and hence an apparent error has occurred.

4. On hearing the Petitioner, the Commission is of the view that Regulations are issued exercising legislative functions of the Commission given to it under the Act. The Regulations have the force of subordinate legislation. As such the review of Regulations is not maintainable in terms of Section 94(1)(f) of the Act.

8. With the above directions, the Petition No. 13/2009 stands disposed off.

Ordered accordingly,

**(C.S.Sharma)**  
**Member (Eco.)**

**(Dr. J.L. Bose)**  
**Chairman**