

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
BHOPAL**

**Sub : In the matter of evolving appropriate regulation in lieu of shortfall in renewable energy procurement and assuring payment thereof towards the sale of electricity generated by wind electric generators to promote the development of market of wind power as per section 66 of Electricity Act, 2003 and also as per provisions in section 61(h) and 86(1)(e) of Electricity Act, 2003.**

**ORDER**

**(Date of hearing - 25<sup>th</sup> March, 2009)**

**(Date of Order - 17<sup>th</sup> August, 2009)**

M/s Enercon (India) Ltd.,  
B-58-2, 2<sup>nd</sup> Floor, Near Chetak Bridge,  
Kasturba Nagar, Bhopal.

- Petitioner

V/s

M.P.Power Trading Co. Ltd.  
Shakti Bhawan, Rampur, Jabalpur.

- Respondent No. 1

M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,  
GPH Compound, Pologround, Indore.

- Respondent No. 2

Shri D.D.Sharma, Head BDO and Shri Ashish Shukla, Dy. Manager appeared on behalf of the Petitioner.

Shri D.K.Chawla, DGM (Comm.) appeared on behalf of Respondent No. 1 and submitted the written submission.

None appeared on behalf of Respondent No. 2.

2. During the last hearing, the Petitioner had requested the Commission to issue directions to the Respondent No. 1 to make payment of dues alongwith current bills on priority basis. The representative of the Petitioner, during the hearing today confirmed that part payment against their dues has been made by the Respondent No. 1. He further submitted that the schedule of

payment in the liquidation plan submitted by the Respondent No. 1 is not sufficient to liquidate the past arrears alongwith current bills because from April 2009, the amount of current bills would be much more than the Rs. 5 crores per month considered by Respondent No. 1.

3. During the hearing, the representative of MP Power Trading Co. has submitted that they will clear the outstanding dues of Rs. 24 crores (approx.) as well as will ensure full payment of current monthly bills by August 2009 as indicated in the plan. He has further confirmed that payment has already been made against the dues up to December 2008.

4. During the course of hearing, the issue for charging fee from other WEGs by treating them as co-petitioners as per existing Regulation was raised. The Commission has directed the Petitioner to deposit fee at the rate of Rs. 10,000/- in respect of Co-petitioners also. The Petitioner has paid Rs. 60,000/- from 6 Co-petitioners only. The Commission has observed that sufficient time has passed and there is no response from the Petitioner regarding payment of fees from rest of the 3 Co-petitioners.

5. Having heard both the Petitioner and the Respondent, the Commission directs the Respondent No. 1 to make payment of dues / current bills to the Petitioner and the Co-petitioners (as per list enclosed) in terms of Clause 12.15 to 12.17 of the payment mechanism incorporated in Tariff Order dated 21.11.2007 for procurement of power from Wind Electric Generators.

6. With the above directions, the Petition No. 5/2009 stands disposed off.

Ordered accordingly,

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

**(K.K.Garg)**  
**Member (Engg.)**

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