

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub : In the matter of application for sale of electricity to third party from non-conventional power source (wind farm) at Rabaria Hills, Dewas.

Petition No. 73 of 2009

ORDER

**(Date of Hearing : 11th May, 2010)
(Date of Ordersheet : 17th May, 2010)**

M/s Kalani Industries Pvt. Ltd. Indore.	-	Petitioner No. 1
M/s Entertainment World Developers Pvt. Ltd. Indore. (EWDPL)	-	Petitioner No. 2
V/s		
M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd., GPH Compound, Pologround, Indore. (West Discom)	-	Respondent No. 1
M. P. Power Transmission Co. Ltd., Shakti Bhawan, Rampur, Jabalpur. (Transco.)	-	Respondent No. 2
M. P. Power Trading Co. Ltd., Shakti Bawan, Rampur, Jabalpur. (Tradeco.)	-	Respondent No. 3

Shri R.C.Sharma, Vice President (Finance) appeared on behalf of Petitioner No. 1.

Shri K.K.Chaturvedi, Executive Vice President (Legal) appeared on behalf of Petitioner No. 2.

Shri Gajra Mehta, ACE (Comm.) appeared on behalf of Respondent No.1.

Shri S.S.Nigam, SE (PS) appeared on behalf of Respondent No. 2.

Shri D.K.Ojha, Associate Consultant appeared on behalf of Respondent No.3.

2. The petition is in the matter of application for sale of electricity to third party from non-conventional power source (wind farm) at Rabaria Hills, Dewas.

3. The Petitioner No. 1 had submitted that he has installed 8 Nos. of WEGs each of 230 kW rating at Village Rabaria, Dist. Dewas and the energy generated by them has been injected

cont. to next page

Sub : In the matter of application for sale of electricity to third party from non-conventional power source (wind farm) at Rabaria Hills, Dewas.

since 29.04.1998 in MPSEB System for third party sale. The Power Purchase Agreement executed on 23.06.1998 was for a period of 12 years commencing from 29.04.1998 to 28.04.2010. The Petitioner had approached MP Power Trading Co. for extension of the agreement, but they had advised the Petitioner to approach the Commission for renewal of the aforesaid agreement for 8 years i.e. balance period of plant life.

4. The Petitioner No. 1 has got a proposal from Petitioner No. 2 for purchase of the entire energy generated from above mentioned 8 Nos. WEGs, hence the Petitioner No. 1 has decided to sale the entire energy to Petitioner No. 2 i.e. EWDPL. Therefore the Petitioners have prayed to the Commission that the Petitioner No. 1 may be permitted to supply power to Petitioner No. 2 w.e.f 29.04.2010 for the balance period of 8 years from WEGs (8 x 230) installed on Rabaria Hills, Dist. Dewas. The Commission had directed to fix 13.01.2010 for motion hearing.

5. During the motion hearing on 13.01.2010, the representatives of the Petitioner No. 1 and 2 made a request to permit supply of power by the Petitioner No. 1 to Petitioner No. 2 w.e.f. 29.04.2010. The Commission had directed to admit the petition and the next date of hearing was fixed on 10.02.2010.

6. During the hearing on 10.02.2010, the representative of the Petitioners 1 & 2 made a request to permit supply of power from Petitioner No.1 to the Petitioner No. 2. The representative of Respondent No.3 made a submission that as the entire power generated is to be supplied by the Petitioner No.1 to the Petitioner No.2 therefore power purchase agreement is not required to be executed by Respondent No. 3 and Respondent No. 1 may execute the agreement for wheeling with the Petitioners. The representative of the Petitioner No. 1 & 2 made further submission that in case of emergency or untoward incident there may be some inadvertent flow of energy into the system and therefore the power purchase agreement may be executed by Respondent No.3 to take care of such unforeseen circumstances. The representative of Respondent No.3 then submitted that the petition in the matter does not indicate such circumstances of inadvertent flow of energy and therefore, the Petitioner No. 1 & 2 may be asked to amend the petition accordingly. The representative of the Respondent No.2 made a submission that the Petitioner No.1 & 2 may be directed to obtain necessary permission for open access.

cont. to next page

Sub : In the matter of application for sale of electricity to third party from non-conventional power source (wind farm) at Rabaria Hills, Dewas.

7. On hearing the Petitioners and the Respondents, the Commission has directed the Petitioners No. 1 & 2 to amend the petition.

8. The Petitioner No. 1 & 2 have submitted the revised petition on 11.03.2010 and the next date of hearing was fixed on 11.05.2010.

9. During the hearing on 11.05.2010, the representative of the Petitioner No. 1 & 2 made a request to consider the revised petition and to allow Respondent No. 3 to purchase inadvertent flow of energy at the rate as applicable at the relevant time.

10. During the hearing, the representative of Respondent 1, 2 & 3 submitted that they have no objection to purchase of inadvertent flow of energy.

11. On hearing the Petitioners and the Respondents, the Commission allows the Petitioner No. 1 to sell energy to the third party namely Petitioner No. 2 in this case w.e.f. 29.04.2010 and also allows to sell the inadvertent flow of energy, if any, to the MP Power Tradeco. at the rates determined by the Commission in the tariff order dated 21.11.2007 for procurement of power from WEGs commissioned on or before 11.06.2004 subject to the condition of execution of power purchase agreement as approved by the Commission for third party sale. They should obtain required open access permission from MP Power Transmission Co. Ltd., Jabalpur and the applicable charges as determined by the Commission shall be paid by the Petitioner No. 1 or Petitioner No. 2, as applicable to the concerned agency. The Commission has further directed that a tripartite agreement among Petitioner No. 1 & 2 and Respondent No. 1 & 3 shall be executed for wheeling of power for 3rd party sale and any inadvertent flow.

12. With the above directions, the Petition No. 73/2009 stands disposed off.

Ordered accordingly,

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

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