

MA No. 84/2015
in
Petition No. 70/2015

Present for:-

M/s Winsome Textile Ind. Limited
...Petitioner

The H.P. State Electricity Board Ltd.
...Respondent

Sh. Avadesh Mittal
Authorised representative
M/s Winsome Textile Ltd. alongwith
Sh. Sanjeev Mittal GM

Sh. Ramesh Chauhan
Authorised Representative
Er. Mahesh Sirkek CE (Comm.)
Er. R. Bhaskar, Dy. CE (SO&P)
Er. R.K. Punshi (Consultant)

ORDER

M/s Winsome Textile Industries Ltd.,1, Industrial Area, Sai Road, Baddi Distt. Solan(HP) have moved this petition under section 86(1)(f) of the Electricity Act, 2003 seeking direction to the HPSEBL (hereinafter referred as “respondent Board”) for execution of supplementary wheeling Agreement for enhanced capacity (3.5 MW), in relation to Manuni HEP situated on Manuni Khad, a tributary of Beas river in Distt. Kangra, for transmission of power, generated from the said project, for its captive use at Baddi in Solan Distt. HP. The respondent Board, has objected the admission of this petition for hearing on the ground stating that the petitioner has yet to complete the project. A long period has elapsed after the execution of the wheeling Agreement on 30.3.2000. As such it is not possible to execute the SPA for enhanced capacity on the same terms and conditions. Besides this the respondent Board is to examine the availability of its existing system for providing the Open Access to the petitioner, in accordance with the provisions for Open Access contained in the Electricity Act, 2003 and the Regulations framed thereunder. The respondent Board has already advised the petitioner to apply for grant of connectivity with electrical system of the respondent Board in accordance with provisions of Regulations and the Respondent Board is ever ready to settle this issue through intra-parties negotiations within the framework of the Regulations. This Commission also observes that the parties have not put into service the good faith negotiation clause, as provided in the wheeling Agreement and as such the present petition is premature.

Section 42 of the Electricity Act, 2003 and the Open Access Regulations mandates the distribution licensee to provide non-discriminatory open access to the consumers intending to use power from their captive plants, irrespective of plant capacity, subject to Regulations and payment of charges.

Keeping in view the above, the petitioner intends to withdraw the present petition, to sort out the matter amicably through intra-parties negotiations. Therefore, the petition, also being premature, is dismissed as withdrawn, and if the intra-parties negotiations fail the petitioner will have the liberty to approach this Commission again.

Dated:10.07.2015

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(Subhash C. Negi)
Chairman