

ANNEXURE-A

Procedure for Verification of Status of Captive Generating Plant in the State of Himachal Pradesh.

1. Commencement.-

This Procedure shall come into force from the 00:00 hrs. of the 1st day of April, 2022.

2. Definitions.- In this Procedure, unless the context otherwise requires,-

- 2.1 **“Act”** means the Electricity Act, 2003 (36 of 2003);
- 2.2 **“Annual Basis”** shall be determined based on a financial year;
- 2.3 **“Captive Generating Plant”** means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such cooperative society or association;
- 2.4 **“Captive User”** shall mean the end user of the electricity generated in a Captive Generating Plant and the term “Captive Use” shall be construed accordingly;
- 2.5 **“Commission”** means the Himachal Pradesh Electricity Regulatory Commission referred to in sub-section (1) of Section 82 of the Act;
- 2.6 **“Distribution Licensee”** means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- 2.7 **“Generating Company”** means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- 2.8 **“Generating Station” or “Station”** means any station for generating electricity, including any building and plant with step-up transformer, switchgear, switch yard, cables or other

appurtenant equipment, if any, used for that purpose and the site thereof; a site intended to be used for a generating station, and any building used for housing the operating staff of a generating station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not in any case include any sub-station;

- 2.9 **“Ownership”** in relation to a generating station or power plant set up by a company or any other body corporate shall mean the equity share capital with voting rights. In other cases ownership shall mean proprietary interest and control over the generating station or power plant;
- 2.10 **“Person”** shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- 2.11 **“Section”** means a Section of the Act;
- 2.12 **“Special Purpose Vehicle (SPV)”** shall mean a legal entity owning, operating and maintaining a generating station and with no other business or activity to be engaged in by the legal entity;
- 2.13 **‘State Load Despatch Centre’** means the centre established in the State of Himachal Pradesh under sub-section (1) of Section 31 of the Act;
- 2.14 **“Verifying Authority”** means the Authority designated or appointed by the Commission under para 5 of this Procedure, for verifying the Status of the Captive Generating Station(s); and
- 2.15 Expressions used and not defined in this Procedure, but defined in the Act, or the Rules and in the Regulations framed thereunder shall have the meanings respectively assigned to them in that Act, Rules or the Regulation(s).

3. Statutory provisions.-

3.1 Section 9 of the Electricity Act, 2003, stipulates substantive provisions regarding Captive Generation, as under.-

“Section 9. (Captive generation):

(1) *Notwithstanding anything contained in this Act, a person may construct, maintain or operate a Captive Generating Plant and dedicated transmission lines:*

Provided that the supply of electricity from the Captive Generating Plant through the grid shall be regulated in the same manner as the generating station of a generating company.

Provided further that no licence shall be required under this Act for supply of electricity generated from a Captive Generating Plant to any licensee in accordance with the provisions of this Act and the Rules and Regulations made thereunder and to any consumer subject to the Regulations made under SubSection (2) of Section 42.

(2) *Every person, who has constructed a Captive Generating Plant and maintains and operates such plant, shall have the right to Open Access for the purposes of carrying electricity from his Captive Generating Plant to the destination of his use:*

Provided that such Open Access shall be subject to availability of adequate transmission facility and such availability of transmission facility shall be determined by the Central Transmission Utility or the State Transmission Utility, as the case may be:

Provided further that any dispute regarding the availability of transmission facility shall be adjudicated upon by the Appropriate Commission.”

3.2 Rule 3 of the Electricity Rules, 2005 stipulates the requirements of the Captive Generating Plant, as under.-

“3. Requirements of Captive Generating Plant.- (1) *No power plant shall qualify as a ‘Captive Generating Plant’ under Section 9 read with clause (8) of Section 2 of the Act unless-*

(a) *in case of a power plant –*

(i) *not less than twenty six percent of the ownership is held by the Captive User(s), and*

- (ii) not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use:

Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the cooperative society:

Provided further that in case of association of persons, the Captive User(s) shall hold not less than twenty six percent of the ownership of the plant in aggregate and such Captive User(s) shall consume not less than fifty one percent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten percent;

- (b) *in case of a generating station owned by a company formed as special purpose vehicle for such generating station, a unit or units of such generating station identified for captive use and not the entire generating station satisfy (s) the conditions contained in paragraphs (i) and (ii) of sub-clause (a) above including—*

Explanation:- (1) The electricity required to be consumed by Captive Users shall be determined with reference to such generating unit or units in aggregate identified for captive use and not with reference to generating station as a whole; and

(2) the equity shares to be held by the captive user(s) in the generating station shall not be less than twenty six per cent of the proportionate of the equity of the company related to the generating unit or units identified as the Captive Generating Plant.

Illustration

In a generating station with two units of 50 MW each namely Units A and B, one unit of 50 MW namely Unit A may be identified as the Captive Generating Plant. The captive users shall hold not less than thirteen percent of the equity shares in the company (being the twenty six percent proportionate to Unit A of 50 MW) and not less than fifty one percent of the electricity generated in Unit A determined on an annual basis is to be consumed by the Captive Users.

(2) It shall be the obligation of the Captive Users to ensure that the consumption by the Captive Users at the percentages mentioned in sub-clauses (a) and (b) of sub-rule (1) above is maintained and in case the minimum percentage of captive use is not complied with in any year, the entire electricity generated shall be treated as if it is a supply of electricity by a generating company.”

4. General Conditions.-

The verification of compliance of conditions under Rule 3 of the Electricity Rules, 2005 shall be in accordance with the general provisions as under:-

- 4.1 The captive generators shall be required to identify the unit/units intended for captive consumption at the time of furnishing documents for proof of ownership.
- 4.2 If there is one Captive User, the user shall hold not less than 26% of the equity share capital with voting rights and shall consume not less than 51% of the electricity generated on an annual basis for captive use.
- 4.3 In case of Association of Persons (AoP), the Captive Users shall hold in aggregate not less than 26% of the ownership/paid up equity share capital with voting rights and consume not less than 51% of the electricity generated on annual basis for captive use in proportion to their share of the power plant within the variation not exceeding +/- 10%.
- 4.4 In the case of Cooperative Society, members of society shall collectively satisfy not less than 26% of the ownership and consume not less than 51% of the aggregate electricity generated on annual basis.
- 4.5 In the case of Partnership firm/Limited liability Partnership (LLP), ownership shall be with respect to not less than 26% proprietary interest and control over the generating station or power plant and the consumption shall be not less than 51% of the energy generated on annual basis.
- 4.6 In the case of Special Purpose Vehicle (SPV) under Rule 3(1)(b), the Captive User(s) shall hold in aggregate not less than 26% of the proportionate paid up equity share capital with voting rights of the unit(s) identified for captive use (i.e. the proportionate of the equity of the company related to the generating unit or units identified as the Captive Generating Plant and shall consume not less than 51% of the aggregate electricity generated on annual basis from the identified unit(s).

The condition of consumption of 51% of aggregate generated electricity has to be met by the consumers of Special Purpose Vehicle collectively.

- 4.7 In the event shareholding of a Captive User is considered as zero/nil after a few months into the financial year, then such user cannot be permitted to take benefit of availing captive power thereby seeking exemption from payment of cross subsidy surcharge.

Illustration: Suppose there are ten (10) Captive Users who avail Open Access for captive use under Section 9 of the Act at the start of the financial year, and in the event three (3) of such Captive Users stop sourcing captive power after six months, and instead three new Captive Users are introduced within the captive structure by subscribing equity shareholding with voting rights immediately thereafter, then when the verification of captive status will be done annually on the basis of the shareholding existing at the end of such financial year, in that case the total number of captive users throughout the financial year would be treated as thirteen (7+3+3) and not 10. This is because the shareholding of the three Captive Users who stopped sourcing captive power, cannot have a zero/nil shareholding, as they sourced captive power for the first six months. While verifying the condition under Rule 3(1)(a)(i) and (ii) of the Rules, the consumption of captive power has to be done by Captive Users holding a minimum of 26% shareholding.

5. Verifying Authority and its functions.-

- 5.1 The Commission designates the State Load Despatch Centre, as the Verifying Authority.
- 5.2 The Verifying Authority shall ensure that the data / documents as required under para 6 of this Procedure be submitted by the Captive Generating Plant owner(s) / Captive User(s) within the timelines as specified in this Procedure.
- 5.3 The Verifying Authority, within 10 days from the date of receipt of data / documents from Captive Generating Plant owner(s) / Captive User(s), may seek clarification(s) from the concerned Captive Generating Plant(s)/Captive User(s), if any, and the concerned Captive Generating

Plant / User, within 20 days from the receipt of the same, shall attend the queries raised by the Verifying Authority.

- 5.4 The Verifying Authority, by 31st July of assessment year (the assessment year means the year falls immediately after closing of the previous financial year), based on such data / documents as received from Captive Generating Plant owner(s) / Captive User(s), shall determine the status of captive of the Generating station(s) :

Provided that the captive status of the generating station(s) shall be determined only in the year falls immediately after the closing of the financial year for which the data / documents have been submitted by the Captive Generating Plant owner(s) / Captive User(s).

- 5.5 The Verifying Authority shall, within 15 days from the date of determination of captive status of the generating station(s), submit a report to the Distribution Licensee and to the Commission. The Verifying Authority shall also intimate the concerned Captive Generating Plant / User.
- 5.6 The Verifying Authority may determine the status of the Captive Generating Plant (s) with the available data / documents, in case the concerned Captive Generating Plant (s)/Captive User(s) failed to furnish the data /documents, within the timelines specified in this Procedure, for the purpose of verification of the status of the Captive Generating Plant (s).
- 5.7 The Verifying Authority may cross verify the data, as furnished under para 6 of this Procedure, with the available downloaded data from the meter terminals of captive generators and their Captive Users. The data/documents available in the public domain of the Registrar of Companies, or the Registrar of Firms as the case may, with respect to the ownership/shareholding etc may also be cross verified by it.
- 5.8 The Verifying Authority shall coordinate and help the Captive Generating Plant (s)/Captive User(s) for implementation of the provisions of this Procedure.

5.9 In case of non compliance of any provision related to determination of Captive Generating Plant status, the Verifying Authority shall approach the Commission for adjudication and the Commission shall dispose the same within six months. However, before adjudication by the Commission, the Distribution Licensee shall not issue any notice to the Captive Generating Plant (s)/ Captive User(s) for demanding cross subsidy surcharge and /or additional surcharge.

6. Procedure for verification of Status of the Captive Generating Plant.-

6.1 For verification of the Captive Generating Plant (as per condition in sub clause (i) of clause (a) of sub rule (1) of Rule 3 of the Electricity Rules, 2005), the authorized signatory of Captive Generating Plant shall identify the category of ownership with respect to the provisions contained in the Electricity Rules, 2005.

6.2 Documents to be furnished for obtaining approval for captive wheeling –

All intended Captive Users including any new Captive User due to change in ownership, those require approval for Open Access i.e wheeling of energy generated from their Captive Generating Plants, shall furnish, in addition to the documents required to be submitted to obtain approval for Open Access/wheeling of energy as per Grant of connectivity and Open Access Regulations of HPERC, the following:-

(i) a certificate from a Chartered Accountant or Cost and Management Accountant or Company Secretary (Practicing or Appointed) who are duly authorised by the Board of the Company providing details of the ownership of the Captive Generating Plant with shareholding details as on the date of the application :

Provided that in case there is any change in ownership in the middle of the financial year, the new owner alone shall submit such documents. ; and

- (ii) an undertaking of not having entered into a Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person for the same quantum of power for which Open Access is sought from the Captive User.

6.3 Data / Documents required for verification of the Captive Generating Plant owner's / Captive Users-

For verification of the Captive Generating Plant owner(s)/Captive User (s) by the Verifying Authority, the following documents shall be furnished, by the Captive Generating Plant owner(s)/Captive User (s), within 60 days from the last date of closing of previous financial year :-

- (a) certificate from a Chartered Accountant or Cost and Management Accountant or Company Secretary (Practicing or Appointed) who is duly authorised by the Board of the Company providing details of the ownership of the Captive Generating Plant with shareholding details as on the date of the application (formats I to IV);
- (b) the consumption data as per formats V and VI, as applicable; and
- (c) copy of Memorandum of Association (MoA) /Articles of Association (AoA), Partnership Deed / Agreement / Bye-laws / Limited Liability Partnership Agreement, Trust Deed, Government orders(in case of Local Bodies, Government Departments) etc. as the case may be.

Note :- (1) The data for generation and consumption shall be provided by such applicant, who seeks to avail the Open Access under captive use.

(2) The Verifying Authority may call upon any Captive Generating Plant /Captive User to furnish any other information as may be required for determining the status of Captive Generating Plant.

7. For verification of not less than fifty one percent consumption by Captive Users:

- 7.1 The aggregate energy generated from Captive Generating Plant unit shall be the gross energy generated from the unit less aggregate auxiliary consumption.

- 7.2 In the absence of metering /communication system as prescribed in the succeeding sub-paras 9(1) and 9(2), details furnished by the generators in the prescribed formats and the data available with them may be considered for the purpose of verifying the status of Captive Generating Plant.
- 7.3 In the absence of measured data on auxiliary consumption, until metering as prescribed in the succeeding sub-paras 9(1) and 9(2), the normative auxiliary consumption and the losses specified in the Regulations / Orders of the Commission may be considered for the purpose of Captive Generating Plant verification status.
- 7.4 The consumption of energy by the Captive User(s) under Open Access for this purpose shall be considered as lower of actual energy generated by Captive Generating Plant unit(s) or actual energy drawn through Open Access limited to a maximum of scheduled Open Access energy during that time block as per FORMAT-VII.
- 7.5 The applicant seeking Open Access under captive use shall, within 10 days from the end of each month, submit, in hard as well as soft form, the details of actual generation from the power plant and the actual consumption made by the Captive User(s) on monthly basis to the Verifying Authority, along with forced outage certified by the State Load Dispatch Centre and the Distribution Licensee :
- Provided that the Verifying Authority shall consider the forced outages for determination of Captive Generating Plant Status, if any, as certified by the State Load Despatch Centre and /or Distribution Licensee, as the case may be.
- 7.6 For determination of “annual basis” for the first year of declaring the plant under captive status, the date of grant of Open Access shall be considered as a start date for the financial year for counting the generation of the plant under captive status.

For the subsequent years, total generation from 1st April to 31st March of a financial year shall be considered for determining the captive status of the generating station.

8. Ceasing of Qualification of Captive Generating Plant:

In case the criteria of not less than 26% ownership and not less than 51% consumption specified in Rule 3 are not met by the Captive Generating Plants in a financial year, the generating plant will cease to be a Captive Generating Plant and the user(s) shall cease to be Captive User(s) and further liable to pay cross subsidy surcharge and /or additional surcharge, as applicable.

9. Metering.-

- 9.1 Each Captive Generating Plant Unit located in Himachal Pradesh shall have a separate Special Energy Meter (SEM) with real time communication facility with State Load Despatch Centre as per the specifications in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006.
- 9.2 In case of Embedded Captive Generating Plant generator(s), if such generator(s) are selling power under bilateral transaction to third party consumers or having Power Purchase Agreement (PPA) with any Distribution Licensee, it is necessary to access fifty one percent Self Consumption Criteria by obtaining segregated generation and consumption data in the embedded premises. Hence, separate metering arrangement shall be made for generation and self-consumption within the same premise(s).
- 9.3 The unit wise monthly reading data at the Generation Transformer High Voltage/Extra High Voltage side, outgoing feeder level and that of auxiliary consumption shall be submitted by the generator or the Captive User in hard and soft form by 10th day of the subsequent month in the Office of the Verifying Authority and the concerned Distribution Licensee. However, downloading of monthly data of all these meters shall be jointly undertaken by the generator or Captive User and Distribution Licensee concerned.

10. Recovery of Cross Subsidy Surcharge and Additional Surcharge:

- 10.1 The applicant seeking Open Access under captive use shall have the option either to pay cross-subsidy surcharge and/or additional surcharge on monthly basis or to submit a Bank Guarantee or Letter of Credit or Fixed Deposit for an amount equivalent as a payment security mechanism towards cross subsidy surcharge and/or additional surcharge applicable for the period of financial year for which Open Access has been sought:

Provided that such payment security mechanism shall be valid till 30th September of the assessment year or till the captive generator status is ascertained, whichever is later :

Provided further that in such cases where a valid payment security mechanism has been submitted, the Distribution Licensee shall not recover cross subsidy surcharge and/or additional surcharge, as applicable.

- 10.2 The Captive Generating Plant or the Captive User(s) or the Distribution Licensee, as the case may be, is not satisfied with the status as determined by the Verifying Authority under this Procedure, it may approach the Commission through a Petition within 45 days from the date of determination of captive status, by the Verifying Authority, for determination of captive status :

Provided that the Distribution Licensee shall not recover cross subsidy surcharge and/or additional surcharge till the expiry of the timelines as specified above:

Provided further that in case the Captive Generating Plant or the Captive User(s) filed a petition before the Commission, the Distribution Licensee shall not recover cross subsidy surcharge and/or additional surcharge till the matter is under adjudication by the Commission or as may be directed by the Commission.

- 10.3 In case at the end of financial year, it is established that the generating plant meets the requirement of Captive Generating Plant status, the amount collected by the Distribution Licensee, if any, on account of

recovery of cross subsidy surcharge and/or additional surcharge shall also be adjusted / refunded within 30 days from the date of receipt of the report by the Distribution Licensee from the Verifying Authority:

Provided that if the adjustment/refund is delayed beyond 30 days, a simple interest at the rate of 12% per annum shall be payable by the Distribution Licensee for the period of delay beyond 30 days:

Provided further that in case the applicant has submitted a requisite payment security mechanism in the form of Bank Guarantee or Letter of Credit or Fixed Deposit, the Distribution Licensee shall return such payment security mechanism within 30 days from the date of receipt of report by the Distribution Licensee from the Verifying Authority:

Provided further that in case the Distribution Licensee has approached the Commission for determination of captive status under sub-para 10.2, the payment security mechanism shall not be returned and the Commission may direct the applicant to extend the validity of such payment security mechanism for the period of determination of captive status by the Commission.

10.4 In case at the end of financial year, the Open Access consumer is not able to establish that the generating plant meet the requirement of Captive Generating Plant status, as intimated by Verifying Authority, the Distribution Licensee shall raise the bill along with late payment surcharge after adjustment of advance payment received, if any. In such case, the late payment surcharge shall be levied as if the amount was part of regular bill raised by the licensee during the relevant period.

11 **Default in Payment:**

11.1 Non-payment of any surcharge or arrears payable by such Open Access consumer under captive use shall be considered as non-compliance of the provisions of this Procedure and shall be liable for action under Section 142 of the Act.

11.2 The Distribution Licensee may discontinue Open Access under captive use after giving consumer an advance notice of 15 days without prejudice to its right to recover such surcharges as determined under relevant Regulations / Orders of the Commission.

FORMAT –I

[To be submitted by THE GENERATOR WHICH IS A COMPANY/CORPORATE BODY]

“CERTIFICATE ON “OWNERSHIP” AS PER RULE 3 OF ELECTRICITY RULES, 2005
FOR WHEELING UNDER CAPTIVE CATEGORY

We hereby certify that Captive User Name having its registered office at _____ with Equity Share Capital with voting rights of _____ satisfy the requirements under Rule 3 of the Electricity Rules 2005 for qualifying as a Captive Generation Plant with reference to “Ownership” criteria. The detailed breakup of the issued, Subscribed and paid-up equity share capital, including percentage of holding in Equity Share Capital with voting rights of the Company have been tabulated below in Table A. Further, specific breakup of Equity Share Capital with voting rights held by Captive User vis-a-vis other users has been tabulated below in Table B. There has been/not been change in shareholding of existing users/change in ownership. The details of ownership where change in ownership/changes in shareholdings took place are tabulated in Table C. The details of total installed capacity, aggregate capacity of units identified for captive use and its equity share capital to be held by Captive Users to satisfy the requirements under Rule 3 of the Electricity Rules 2005 for qualifying as a Captive Generation Plant is shown in Table D.

i. Table A (Equity details)

Equity Share Capital with Voting rights as on								
Sl. No.	Class of Equity shares	No. of Equity Shares	Paid Up Value per Equity Share	Amount of Paid Up Equity Share Capital	Percentage holding in Paid Up Equity Share Capital	No. of Voting rights	Percentage holding in voting rights	Percentage holding in Paid Up Equity Share Capital with voting rights
Total								

ii. Table B(Break up details)

Break up of Captive User holding in Equity Share Capital with Voting rights as on								
Sl. No.	Class of share holder	No. of Equity Shares	Paid Up Value per Equity Share	Amount of Paid Up Equity Share Capital	Percentage holding in Equity Share Capital	No. of Voting rights	Percentage holding in voting rights	Percentage holding in Paid Up Equity Share Capital with voting rights
1	Captive User							
2	Others							
Total								

iii. Table C (Change in ownership/shareholding)

Break up of Captive User holding in Equity Share Capital with Voting rights as on										
Sl. No.	Name of Share holder s / Captive Users	Class of share holder	No. of Equity Shares	Paid Up Value per Equity Share	Amount of Paid Up Equity Share Capital	Percentage holding in Equity Share Capital	No. of Voting rights	Percentage holding in voting rights	Percentage holding in Paid Up Equity Share Capital with voting rights	Date of change in shareholding/ incorporation of incoming & outgoing new owner
1		Captive User								
2		Others								
Total										

iv. Table D(SPV- applicable for cases of Captive Generating Plant and third party combined)

Verification of Equity share capital with voting rights proportionate to the units identified for Captive Use as per Electricity Rules.		
Total installed Capacity of the generating station (in MW)	A	
Of the Total installed Capacity, units and capacity identified for Captive Use (in MW)	B	
Proportion of Capacity identified for Captive use on the overall installed capacity (in %)	$C=(B/A)$	

Paid up Equity share capital with voting rights to be maintained by Captive consumers in the generating station (%)	D=(26%*c)	
Actual paid up Equity shareholding with voting rights held by Captive consumers (%)	E	

Note: As the actual paid up equity shareholding with voting rights held by the captive consumers in (E) is not less than 26%(or proportionate, as the case may be) , the plant satisfies the Ownership criteria for **Captive Generating Plant** as required under Rule 3 read with Explanation of Electricity Rules 2005.

Signature of Practicing or Appointed Chartered
Accountant/
Cost& Management Accountant/
Company Secretary

Place

Name in Block letters

Date

Name of firm with membership no.

UDIN No.(where applicable)

FORMAT -II

[To be submitted by the Captive Users (also the owners) who are
Company/Corporate Body]

Auditor's Certificate

I / We hereby certify that **Captive User Name**, a company incorporated under Companies Act 2013 (or under the erstwhile Act) and having its registered office at _____ with HT. SC.No. _____ at _____ EDC as given in the annexure is holding _____ number of Equity Shares of Rs. _____ each amounting to Rs. _____ as Equity Share Capital and with _____ voting rights per Equity Share in **Name of** _____ Captive Generating Plant _____ HT.SC.No. _____ at _____ EDC.

Signature of Practicing or Appointed
Chartered Accountant/
Cost & Management
Accountant/ Company
Secretary

Place

Name in Block letters

Date

Name of firm with membership no.

UDIN No.(where applicable)

FORMAT –III

[To be submitted by the generator which is a firm / LLP]

CERTIFICATE OF 'OWNERSHIP' AS PER RULE 3 OF ELECTRICITY RULES, 2005 FOR WHEELING UNDER CAPTIVE CATEGORY

We hereby certify that M/s. _____, a Partnership Firm having its place of business at _____ satisfy the requirements under Rule 3 of Electricity Rules 2005 for qualifying as a Captive Generation Plant with reference to "Ownership" criteria as per the Partnership Deed dated _____ with HT.SCNo. _____ of Electricity Distribution Circle as given in the annexure. We confirm that the captive consumers are holding proprietary interests and control over the Captive Generation Plant.

The detailed breakup of the ownership of each partner in the Partnership Firm has been tabulated below in Table A. Further, specific breakup of the proprietary interest and control in relation to Captive Generation Plant held by Captive User vis-à-vis other users has been tabulated below in Table B.

TABLE A:

Ownership of the Captive Generation Plant of the Partnership Firm as on					
S.No	Name of the partner	Capital contribution	% of capital contribution	Whether Control Proportionate to Capital Contribution?	Remarks on control pattern*
	TOTAL				

* Please provide remarks in the relevant column whether control is proportionate to the capital contribution.

Contd.

TABLE B:

Ownership of the Captive Generation Plant of the Partnership Firm as on					
Type of Owner			% of proprietary interest and control in the Captive Generating Plant	Whether Control is Proportionate to Proprietary interest?	Remarks on control pattern*
Captive User	HT. SC.NO	EDC			
Others					
TOTAL					

* Please provide remarks in the relevant column whether control is proportionate to the Proprietary interest, with specific reasons as to how the ownership threshold under Rule 3 of the Electricity Rules 2005 is being satisfied.

Signature of Practicing or Appointed Chartered Accountant/
Cost & Management Accountant/
Company Secretary

Place

Name in Block letters

Date

Name of firm with membership no.

UDIN No.(where applicable)

FORMAT -IV

[To be submitted by the Captive Users (also owners) of the Partnership Firm/LLP]

Auditor's Certificate

I hereby certify that **Captive User Name,** and having its registered office at _____ with HT. SC.No. _____ at _____ EDC as given in the annexure is a partner/member with capital contribution of Rs. _____ with controlling interest of __percentage in **Captive Power Generator Firm Name** which owns a Generating Plant with Capacity _____ under HT.SC. No. _____ at _____ EDC as given in the annexure as on date.

Signature of Practicing or Appointed
Chartered Accountant/
Cost & Management
Accountant/ Company
Secretary

Place

Name in Block letters

Date

Name of firm with membership no.

UDIN No.(where applicable)

FORMAT V

[To be submitted by Captive User / generator]

Sl. No.	Particulars	Energy in Units
1	Total generated units of a generating plant /Station identified for captive use	
2	Less : Auxiliary Consumption in the above in units	
3	Net units available for captive consumption (Aggregate generation for captive use)	
4	51% of aggregate generation available for captive consumption in units	
5	Actual Adjusted / Consumed units by the Captive Users	
6	Percentage of actual adjusted/consumed units by the Captive Users with respect to aggregate generation for captive use (Sl.No.5 divided by Sl.No.3)	

If Sr.No.6 is Not Less than 51%, then go to FORMAT VI.

Place

Name in Block letters

Date

(Authorized Signatory)

FORMAT VI

[To be submitted by captive generator]

Sl. No.	Name of share holder	No. of equity shares of value Rs.		% to be consumed on pro rata basis	100% generation in MUs(x)	Auxiliary consumption in MUs(y)	Generation considered to verify consumption criteria in MUs {(x-y)*51%}	Permitted consumption as per norms in MUs			Actual consumption in MUs	Whether consumption norms met
		As per share certificates as on 31st March	% of ownership through shares of company					with 0% variation	-10%	-10%		

Signature:

Name of CAPTIVE GENERATING PLANT owner:

(Authorized Signatory)

