



Chhattisgarh State Electricity Regulatory Commission

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Petition No. 14/2009(M)

M/s. Lahari Power & Steel Ltd. Petitioner
V/s
Chhattisgarh State Power Distribution Co. Ltd. Respondent

Copy of order in order sheet dated 09.04.2009

Shri Radhakrishna, Consultant for petitioner.

2. Heard the petitioner on the point of admission of the case.
3. The petitioner is a generating plant based on biomass a renewable source of energy. He has entered into a long-term agreement with the then Chhattisgarh State Electricity Board for supply of his power to the latter. He wants the agreement to be kept in abeyance mainly on the ground that rice husk which is the biomass used in the plant has become expensive and has adversely affected his viability. He has prayed for the following relief in the petition:
 - (i) To permit him to sell power in the market in place of the Board at the tariff determined by the Commission, by keeping the existing power purchase agreement in abeyance till biomass is available.
 - (ii) There is a precedent in the case of R.R. Energy on the basis of which his case be considered.
 - (iii) Since biomass has become scarce and costly Chhattisgarh Government should allot land for development of energy forestation.
4. As already mentioned, the petitioner has a subsisting long-term power purchase agreement with the (the Chhattisgarh Power Distribution Co. Ltd., being the successor company), this Commission has no authority to interfere with an agreement entered into by the distribution utility with a generator. Admittedly, there is

no dispute with the licensee to invoke our jurisdiction under section 86(i)(f) of the Act. Also admittedly there is no provision in the agreement for keeping it in abeyance. This case is different from R.R. Energy in which the Commission has cancelled the agreement with the Board on the ground of the company having ceased to be a generating station based on renewable source of energy and on the recommendation of the then CSEB. The petitioner has not cited any provision of laws or regulations to this Commission under which the relief sought may be provided.

5. The second plea of the petitioner is for the State Government to consider and not for this Commission.

6. The issues raised in the petition are beyond the jurisdiction of this Commission. The petition is accordingly rejected at the admission stage.

Sd/-
Member

Sd/-
Chairman