

## **Annexure-1**

### **Procedure for verification of Captive Generating Plants (CGPs) and Captive Users status as per the provisions of Rule 3 of the Electricity Rules, 2005 as amended**

The Madhya Pradesh Electricity Regulatory Commission (hereinafter referred to as Commission) in exercise of the powers vested under Regulation 8 of Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Users) Regulations, 2023 (G-45 of 2023) hereby makes the following procedure for verification of Captive Generating Plants (CGPs) and Captive Users as per the provisions of Rule 3 of the Electricity Rules, 2005 as amended.

#### **1. Scope:**

- (i) This procedure is applicable to all Captive Generating Plants (CGPs) and the Captive Users.
- (ii) This procedure shall be applicable from Financial Year 2023-24 onwards.
- (iii) Words and expressions used in this procedure have the same meanings assigned to them under the Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Users) Regulations, 2023 (G-45 of 2023). Words and expressions used in this procedure but not defined in aforesaid regulations (G-45 of 2023) but defined in the Act or the Electricity Rules, 2005 or any other regulations specified by the Commission shall, unless the context otherwise requires, have the meanings assigned to them under the Act or the Electricity Rules, 2005 or any other regulations specified by the Commission, as the case may be.

#### **2. General Conditions:**

General provisions to verify compliance of conditions under Rule 3 of the Electricity Rules, 2005 shall be as under:

- (i) The Captive User shall ensure that at any point of time in a Year not less than 26% of the ownership with voting rights of the generating plant or the generating unit identified for captive use, as the case may be, is held by the Captive User throughout the Year and he consumes not less than net 51% of the electricity generated on annual basis;
- (ii) In case, if there is one Captive User, he shall hold not less than 26% of the equity share capital with voting rights throughout the Year and shall consume not less than net 51% of the electricity generated on annual basis for captive use;
- (iii) In case of two or more Captive Users or Association of Persons, the Captive Users shall hold in aggregate not less than 26% of ownership / paid up equity share capital with voting rights throughout the Year and consume not less than net 51% of the electricity generated on annual basis for captive use as per this procedure in proportion to their equity share in the CGP within the variation not exceeding 10%. The proportionality test shall be calculated for net 51% of aggregate generation and not for consumption beyond

net 51% by Captive User;

- (iv) In case of unit identified for captive use under clause (b) of sub- rule (1) of Rule 3 of the Electricity Rules, 2005 in a generating plant owned by a Company which is formed as a special purpose vehicle and has multiple generating units, the Captive User shall hold in aggregate not less than 26% of the proportionate paid up equity share capital with voting rights as per illustration at clause 3(1)(b) of the Electricity Rules, 2005 throughout the Year and consume not less than net 51% of energy generated on annual basis for captive use which shall be with reference to the generating unit identified for captive use and not the generating plant, as a whole;

Provided that in case of group captive users, captive users shall hold not less than 26% of the ownership in aggregate with voting rights of the generating unit identified for captive use throughout the year and consume not less than net 51% of the electricity generated in aggregate on annual basis in proportion to their paid-up equity share capital. The verification of the ownership based on proportionate principal as mentioned in second proviso to Rule 3(1)(a) of Electricity Rule, 2005 shall be done through a unitary qualifying ratio. The unitary qualifying ratio is the consumption requirement divided by the shareholding requirement, that is, 51% divided by 26%. This means that the owner of every 1 % shareholding of the CGP should have minimum consumption of 1.96% of the electricity generated by the CGP, with a variation of +/- 10%. The unitary ratio of captive user shall be provided by CGP at the end of financial year;

Provided further that in case of change in ownership or shareholding of group captive generating plant, the weighted average shareholding method will be applied by taking average shareholding held by particular shareholder for the year for the purpose of calculating proportionate electricity to be consumed by it in terms of the second proviso of Rule 3(1)(a) of Electricity Rule, 2005;

- (v) If the generating plant is owned by a Company which is a non-Special Purpose Vehicle, the Captive User shall hold not less than 26% of the equity share capital with voting rights throughout the Year and shall consume not less than net 51% of the electricity generated on annual basis for captive use;
- (vi) In the case of Co-operative Society, members of Society shall collectively satisfy not less than 26% of the ownership throughout the Year and collectively consume not less than net 51% of the electricity generated on annual basis for captive use;
- (vii) In the case of Partnership Firm / Limited Liability Partnership, ownership shall not be less than 26% proprietary interest and control over the CGP throughout the Year and the consumption shall not be less than net 51% of the energy generated on annual basis for captive use;
- (viii) Verification of ownership and consumption for any change in the captive use in a Year shall be for each corresponding period of change, i.e., by considering proportionate

generation and the energy consumed by the Captive Users for the corresponding period;

- (ix) The change in the shareholding to verify 26% ownership throughout the Year when there is change in ownership structure, shall be considered subject to the condition that such change of shareholding is intimated to the Distribution Licensee and the Designated Authority within 15 days of such change. Failure to intimate the change within the specified period will render the Designated Authority to conduct verifications based on available data.

Provided that in case of change in ownership or shareholding of the CGP which is SPV or association of persons, the weighted average shareholding method shall be applied by taking average shareholding held by particular shareholder for the Year for the purpose of calculating proportionate electricity required to be consumed by him in terms of the second proviso of Rule 3(1)(a).

- (x) The CGP and Captive Users shall submit necessary documents for verification of minimum equity share capital of 26% to Designated Authority before seeking Long-Term / Medium Term open access from State Transmission Utility (STU) and Short-Term open access from State Load Despatch Centre. In case the criteria of minimum equity share capital of 26% is not fulfilled at the time of seeking open access, it shall be considered as if the applicant is a non-captive generator/user.

### 3. Procedure for verification of CGP status:

#### 3.1 Verification of ownership of the CGP as per the condition in sub clause (i) of clause (a) of sub rule 1 of Rule 3:

3.1.1 The authorised signatory of CGP and Captive User as specified in Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Users) Regulations, 2023 (G-45 of 2023) shall identify the category of ownership with respect to the provisions contained in the Electricity Rules, 2005 and submit the undertaking as per ANNEXURE-I (A & B) duly notarized on stamp paper of suitable value as per the Indian Stamp Act 1899 as amended and as adopted in MP.

3.1.2 For verification of ownership, the documents as detailed below in reference to CGP and captive user/ users shall be furnished by the CGP owner /~~Captive User~~ for different compositions of ownership:

#### a) Where the generating plant is owned by a Company constituted under the Companies Act:

- (i) A certificate issued by the Registered Chartered Accountant, who signs the annual financial statement of the Company or practicing Company Secretary who files the annual return of the Company providing details of total equity, authorised, issued, subscribed and paid-up equity share capital of the CGP and the details of holding of equity share capital with voting rights of the CGP and that of the Captive User as per

FORM-I;

- (ii) Certified copy of Memorandum of Association and Articles of Association and amendments thereof issued from time to time, along with the certification that there is provision in Memorandum of Association and Articles of Association for taking up captive generation;
- (iii)Furnishing of relevant extract of latest annual return showing shareholding details filed by the CGP/Captive User with the Registrar of Companies, within 30 days of filing for the purpose of cross verification;
- (iv) A certificate regarding holding of equity share capital with voting rights in the CGP by the Captive User duly certified by the Registered Chartered Accountant who signs the annual financial statement of the Company or Practicing Company Secretary who files the annual return of the Company as per FORM II;
- (v) A copy of Board Resolution authorizing the signatory of the Company for which the authorized signatory shall be the Managing Director or Whole Time Director or Company Secretary;
- (vi) The authorized signatory shall furnish the documents (i) to (v) above;
- (vii) Any change in the authorized signatory and revocation for approval for captive generation by the Board by way of amendment to Memorandum of Association and Articles of Association shall be intimated by the Company Secretary within 30 days from the date of such change to the Distribution Licensee and the Designated Authority;

**b) Where the generating Company is a Partnership Firm/Limited Liability Partnership:**

- (i) A certificate issued by the Firm's/LLP's Registered Chartered Accountant, who signs the annual financial statement of the Firm/ LLP, showing breakup details of total capital of the Firm/LLP, capital held by the Captive User, percentage of proprietary interest and control over the CGP by the Captive User in the Form -III along with a certificate that there is provision in the partnership deed of the Firm/LLP for carrying on captive generation;
- (ii) A certificate regarding extent of 'ownership' in the CGP by the Captive User duly certified by the Registered Chartered Accountant who signs the annual financial statement of the Firm /LLP in Form -IV;
- (iii)Furnishing of relevant extract of latest annual financial statement of accounts/annual return/tax, audit return of the Firm/ LLP and the Captive User showing details of ownership for the purpose of cross verification;

- (iv) A copy of the agreement / nomination by all partners in a Firm / members in a LLP authorizing the signatory of the Firm/ LLP;
- (v) A certified copy of the partnership deed/agreement for a Firm/ LLP along with Form A issued by the Registrar of Firms for a Partnership Firm and by the Registrar of Companies in case of LLP and its amendments issued from time to time;
- (vi) The authorized signatory of the Firm / LLP shall furnish the documents in (i) to (v) above;
- (vii) Any revocation of approval for captive generation by the Firm/LLP or by way of amendment to partnership deed shall be informed duly within 15 days from such change to the Distribution Licensee and the Designated Authority.

**c) Where the generating plant is owned by Association of Persons:**

A certificate from a Registered Chartered Accountant who signs the annual financial statement of Association regarding ownership of generating plant by Association of Persons.

**d) Where the generating plant is owned by Special Purpose Vehicle:**

Documents as in (a), (b) and (c) above depending on whether the CGP is formed as special purpose vehicle by a Company /Partnership Firm / Limited Liability Partnership / Association of persons.

**e) Where the generating plant is owned by a Co-operative Society:**

- (i) A certificate from District Registrar of Co-operative Society / Chartered Accountant who signs the annual financial statement of the Co-operative Society regarding ownership of generating plant by the Co-operative Society;
- (ii) Certificate of incorporation of the Co-operative Society;
- (iii) Copy of bye laws of Co-operative Society and its amendments issued from time to time;
- (iv) A copy of the resolution passed by the general body of members of Co-operative Society authorizing the President / Chairman, Vice Chairman / Vice President, Managing Director, Chief Executive Officer, Registrar, or any member of the Committee as the authorized signatory with attested signature of such signatory;
- (v) Any revocation of sanction for taking up captive generation by the Co-operative Society shall be informed by the authorised signatory as per sub clause (iv) above within 15 days from the date of such change to the Distribution Licensee and the Designated Authority.

3.1.3 The documents listed above in Para 3.1.2 are to be furnished at the time of seeking open access by the CGP or Captive User. Approval for open access shall be granted under the captive category subject to furnishing of the documents. The requirement of furnishing documents as per Para 3.1.2 is shall also be applicable in case of any change in shareholding pattern / ownership throughout the Year;

Provided that if a CGP owner/user has been given Captive Status in the previous year then such CGP owner/Captive User shall continue to be treated under Captive Status provisionally till 31<sup>st</sup> May of current year. In case of non-submission of documents by 31<sup>st</sup> May of current year, the captive status of CGP owner/user for the current year shall become invalid and provisions of default under clause 5 of this procedure shall be applicable.

3.1.4 The verification of CGP status is an annual process. The documents in Para 3.1.2 shall also be furnished by the CGP Owner /Captive User to the Distribution Licensee and the Designated Authority at the time of annual verification of CGP status at the end of the Year.

3.1.5 Any change in shareholding pattern has to be intimated to the Distribution Licensee and the Designated Authority within 15 days of such change along with proof of documents.

### **3.2 Verification of condition of not less than net 51% consumption by Captive User:**

3.2.1 The net energy generated from the unit identified for captive use shall be the gross energy generated from the unit less aggregate auxiliary consumption during the 15 minutes time block. The net energy generation in all the time blocks of the Year shall be grossed up for determining gross net generation of the CGP unit.

3.2.2 The consumption of energy by the Captive User under open access for this purpose shall be considered as lower of net energy generated by CGP or actual / scheduled energy drawn through open access in 15-minutes time blocks. The total consumption by the Captive User from the CGP shall be determined by grossing up consumption in each time block of the month and provided to Designated Authority after completion of month as per Form V. Every applicant whether availing open access or not, shall submit the information as per Form V, after duly certified by the concerned Distribution Licensee to the Designated Authority within 7 days of the end of the month through E-mail and in hard copy also. The above information shall be submitted on a monthly as well as on an annual basis. The Distribution Licensee shall verify the information not later than 3 days from the date of receipt of Form V from the Applicant.

3.2.3 The applicant shall submit the details of actual generation from the power plant, auxiliary consumption and the actual consumption made by the Captive User on annual basis as per Form VI and VII to the Designated Authority and the Distribution Licensee latest by 15<sup>th</sup> May each year through email and in hard copy also.

3.2.4 The period of Year shall be as defined in the Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Users) Regulations, 2023 (G-45 of 2023) for determining the captive status of the CGP/Captive Users. However, for the first Year of declaring

the plant under captive status, the date of commencement of open access shall be considered as start date of the Year for determining the generation of the plant under captive status and period of Year shall be worked out on prorata basis.

3.2.5 Where the shareholding pattern/ownership is maintained throughout the Year, verification of consumption criteria of not less than net 51% of aggregate electricity generated and the test of proportionate consumption shall be for the Year subject to the condition that where the shareholding pattern has changed during the Year, verification of consumption criteria shall be made on the energy generated and consumed in the corresponding period against the revised shareholding pattern.

### **3.3 Review of disputes and dispute resolution**

3.3.1 The Commission shall constitute a Committee, to be known as the ‘CGP Status Dispute Resolution Committee’ (hereinafter referred to as “CGP Status Committee”).

3.3.2 Any CGP or Captive User or Distribution Licensee aggrieved by a decision of the Designated Authority may upon discovery of new and important material or evidence or otherwise, which after exercise of due diligence was not within his/ its knowledge or could not be produced by him/ it at the time when the decision was passed or on account of some mistake or error apparent from the face of the record, or for any other sufficient reason, may apply for a review of such decision, within thirty (30) days of the date of the decision, to the Designated Authority.

3.3.3 The Designated Authority, depending on whether or not there is sufficient ground for review, shall either accept or reject request for such review within a period of 30 days from the date of receipt of such review application through a reasoned order.

3.3.4 The CGP or Captive User or Distribution Licensee aggrieved by the decision of Designated Authority may represent before the CGP Status Committee within a period of 30 days from the date of order of Designated Authority, if any provisions of Regulations or this procedure is not complied by the Designated Authority.

3.3.5 The CGP Status Committee on receipt of the representation made by CGP or Captive User or Distribution Licensee shall examine and resolve the same preferably within a period of 45 days.

3.3.6 The CGP or Captive User or Distribution Licensee may file a petition before the Commission if they are not satisfied with the decision of the CGP Status Committee within a period of 30 days of such decision in accordance with the provisions of Regulation 9.7 of the Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2016.

### **4. Metering:**

4.1 Every CGP located in Madhya Pradesh shall install energy meters for recording the Gross and Auxiliary consumption and provide Automatic Meter Reading (AMR) facility for transmitting meter data to Distribution Licensee. The type, standards, location, accuracy class, installation, operation and testing etc. for correct accounting of energy of Gross and Auxiliary consumption shall be as specified in M.P. Electricity Grid Code (Revision-II), 2019 and in the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulation, 2006 as amended

from time to time;

Provided that for recording of auxiliary consumption of CGP, multiple meters can be installed in accordance with the provisions of M.P. Electricity Grid Code (Revision-II), 2019 and Central Electricity Authority (Installation and Operation of meters) Regulations 2006 as amended from time to time.

- 4.2 The Captive Generating Plants selling/ wheeling generated power within or outside the State under open access shall also provide real time data communication system to telemeter power system parameters such as flow, voltages and status of switches etc. as per the guidelines made available by SLDC.
- 4.3 The above metering and telemetry requirement is mandatory for commissioning of new CGP. The existing CGP's shall comply the above requirements at the earliest, but not exceeding six (6) months from the date of publication of this procedure;

Provided that in case of non-compliance of above provisions, the Discoms shall not certify the generation and consumption data of CGPs / Users and Designated Authority shall not verify the captive status for that year.

- 4.4 Prior to installation of Special Energy Meters (SEM) for recording the Gross Generation and Auxiliary Consumption, Captive Generating Plant shall submit the single line diagram, metering scheme and meter details to concerned Distribution Licensee for verification and approval and on receipt of such details, verification shall be carried out by the Distribution Licensee not later than 7 days from the date of receipt of such details;

Provided that approval shall not be denied except in case of non-compliance of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 as amended from time to time and / or Central Electricity Authority (Installation and Operation of meters) Regulations 2006 as amended from time to time;

Provided further that for recording of auxiliary consumption, multiple meters can also be installed by the captive generating plant

## **5. Default by CGP/ Captive User:**

- 5.1 If the CGP or Captive User fails to meet the criteria of ownership and consumption, prescribed in Rule 3 of Electricity Rule 2005, as amended from time to time, by the end of the Year, such CGP or Captive User shall lose its captive status for that Year only leading to imposition of cross subsidy surcharge and additional surcharge and such other charges as may be applicable on open access consumer and a non-captive generating plant for that Year.
- 5.2 In case of failure to meet the captive status criterion as specified in clause 3.1 and 3.2, concerned Distribution Licensee shall be entitled to raise demand of applicable cross subsidy surcharge, additional surcharge and all other applicable charges for each month along with delayed payment surcharge @ 1.25 % per month from the date of such demand becoming due.



5.3 The Distribution Licensee on default in payment may also discontinue open access under captive use after giving consumer an advance notice of 15 days without prejudice to its right to recover such charges as per applicable laws.

## **6. Repeal**

6.1 The detailed procedure for verification of captive status of Captive Generating Plants and Captive Users issued by the Commission as Annexure-1 of the order dated 13.06.2023 is hereby repealed.

**ANNEXURE-I (A)**  
**UNDERTAKING FROM CGP**  
**(As required under clause 3.1.1)**

I/WE .....having registered office at .....do hereby solemnly declare and undertake as follows:

- a) I/We declare that I/We am/are the owners operating/intend to operate, a generating plant under captive category [hereinafter referred as 'CGP'] namely [name of the generating plant] within the meaning of Section 2(8) and Section 9 of the Electricity Act, 2003 [hereinafter referred as 'Act'] read with the Electricity Rules, 2005, as amended [hereinafter referred as 'Rules'] having a total installed capacity of \_\_\_MW located at ..... and maintain the above-mentioned generating plant as per the Articles of Association /Memorandum of Association of the Company.
- b) I/We declare that I/we have obtained all the necessary approvals as per applicable Laws/Rules/Regulations/Orders, to operate and maintain such generating plant.
- c) I/We declare that the CGP is/is not, an Association of Person/Special Purpose Vehicle.
- d) I/We declare and confirm that CGP meets/shall meet all criteria to qualify it as a CGP in accordance with the Act read with Electricity Rules, 2005 as amended.
- e) I/WE declare my/our Captive User M/s.....[name of the user utilizing power from Captive Generating Plant] is located at..... [address] is a consumer of the..... (Name of Distribution Licensee). connected at.....KV having service connection number.....[hereinafter referred as 'Captive User' or 'Consumer'] .
- f) I/We undertake and confirm that I/we shall provide all necessary information/documents/data and seek prior approval for wheeling under captive category. I/we also undertake to provide all necessary information/documents/data for verifying the qualifying requirements of CGP status as per the procedure and any subsequent order/direction issued in this regard.
- g) I/We submit that the above CGP is desirous to wheel power under captive category through Open Access. I/We undertake to make payment of all applicable Open Access Charges for such consumption of power through such Open Access arrangement in accordance with applicable Law/Rules/Regulation/Orders from time to time.  
(Note: - this clause is only applicable to open access customers availing open access under captive category)
- h) I/We declare and confirm that Captive User(s) is / are having -----% ownership in the CGP and qualified to wheel under captive category. I/We hereby undertake that the holding of Equity Share Capital with voting rights /proprietary interest and control and consumption by the Captive User will be as per the provisions the Electricity Rules, 2005 as amended.
- i) I/We undertake that there will not be any bogus/fraudulent injection/drawl of energy by the generating Company and Captive User and in the occurrence of any such event, I/we undertake to pay the charges to Distribution Licensee as applicable as per the orders/regulations in force along with late payment surcharge and penal charges, if any.
- j) I/We undertake to the effect that in case of holding of Equity Share Capital with voting rights/proprietary interest and control and consumption by the Captive User(s) are not as per the requirements of Rule 3 of the Electricity Rules, 2005, as amended, during the period of wheeling under captive category, the CGP status will be disqualified and cross subsidy surcharge and additional surcharge alongwith delayed payment surcharge as may be applicable will be paid to the Distribution Licensee for the energy consumed from the above generating plant.
- k) Certificate of a qualified Chartered Accountant/Company Secretary with regard to ownership is enclosed.

**Dated Signature of authorized signatory**

Encl.:

1. Resolution/Agreement/Nomination for authorization of signatory for furnishing undertaking
2. Certificate of a Registered Chartered Accountant A/Company Secretary certifying the ownership (Forms I to IV as may be applicable)
3. Copy of Memorandum of Articles & Articles of Association.

**ANNEXURE-I (B)**

**UNDERTAKING FROM CAPTIVE USER**

**(As required under clause 3.1.1)**

I/WE .....having registered office at .....do hereby solemnly declare and undertake as follows:

1. I/We declare that I/We are the owners operating/intend to operate, a generating plant under captive category [hereinafter referred as 'CGP'] namely ..... [name of the generating plant] within the meaning of Section 2(8) and Section 9 of the Electricity Act, 2003 [hereinafter referred as 'Act'] read with the Electricity Rules, 2005, as amended [hereinafter referred as 'Rules'] having a total installed capacity of ..... MW located at ..... and maintain the above mentioned generating plant as per the Articles of Association /Memorandum of Association of the Company.
2. I/We declare that I/We have obtained all the necessary approvals as per applicable Laws/Rules/Regulations/Orders, to operate and maintain such generating plant.
3. I/We declare that the CGP is/is not, an Association of Person/Special Purpose Vehicle.
4. I/We declare and confirm that CGP meets/shall meet all criteria to qualify it as a CGP in accordance with the Act read with Electricity Rules, 2005 as amended.
5. I/WE declare that I/We .....is located at \_\_\_\_\_ [address] is a consumer of the \_\_\_\_\_ Distribution Licensee connected at .....KV having service connection number .....[hereinafter referred as 'Captive User' or 'Consumer'] at \_\_\_\_\_.
6. I/We undertake and confirm that I/We shall provide all necessary information/documents/data and seek prior approval for wheeling under captive category. I/We also undertake to provide all necessary information/documents/data for verifying the qualifying requirements of CGP status as per the procedure and any subsequent order/direction issued in this regard.
7. I/We submit that the above captive generating plant is desirous to wheel power under captive category through Open Access. We undertake to make payment of all applicable Open Access Charges for such consumption of power through such Open Access arrangement in accordance with applicable Law/Rules/Regulation/Orders from time to time.  
(Note: - this clause is only applicable to open access customers availing open access under captive category)
8. I/We declare and confirm that Captive User(s) is / are having-----% ownership in the CGP and qualified to wheel under captive category. I/We hereby undertake that the holding of Equity Share Capital with voting rights /proprietary interest and control and consumption by the Captive User will be as per the provisions of & Electricity Rules, 2005 as amended.
9. I/We undertake that there will not be any bogus/fraudulent injection/drawl of energy by the generating Company and Captive User and in the occurrence of any such event, I/We undertake to pay the charges to Distribution Licensee as applicable as per the orders in force along with late payment surcharge and penal charges, if any as per applicable Regulations.
10. I/We undertake to the effect that in case of holding of Equity Share Capital with voting rights/proprietary interest and control and consumption by the Captive User(s) are not as per the requirements of Rule 3 of the Electricity Rules, 2005 as amended during the period of wheeling under captive category, the CGP status will be disqualified and cross subsidy surcharge and additional surcharge alongwith delayed payment surcharge as may be applicable will be paid to the Distribution Licensee for the energy consumed from the above generating plant.
11. Certificate of a qualified Chartered Accountant/Company Secretary with regard to ownership is enclosed.

**Dated Signature of authorized signatory**

Encl.:

1. Resolution/Agreement/Nomination for authorization of signatory for furnishing undertaking
2. Certificate of a Registered Chartered Accountant A/Company Secretary certifying the ownership (Forms I to IV as may be applicable)
3. Copy of Memorandum of Articles & Articles of Association.

**FORM –I**

**[As required under clause 3.1.2(a)(i)]**

[TO BE SUBMITTED BY THE GENERATOR WHICH IS A CORPORATE BODY]

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

We hereby certify that the Equity Share Capital with voting rights of -----having its registered office at \_\_\_\_\_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 user has been tabulated below in Table B. The details of total installed capacity, aggregate capacity of unit identified for captive use and its equity share capital to be held by Captive User to satisfy the requirements under Rule 3 of the Electricity Rules 2005 for qualifying as a Captive Generation Plant is shown in Table C.

Table A

| 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 | Per-centage 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   |                        |                      |                                |  |   |                      |                                     |   |

Table B

| Break up of Captive User holding in Equity Share Capital with Voting rights as on..... |                       |                     |                                |  |  |                      |                                     |   |   |
|--|-----------------------|---------------------|--------------------------------|--|--|----------------------|-------------------------------------|---|---|
| Sl. No.  | Class of share holder | No. of Equity Share | 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 | Percentage of Generation in Total Generation of Plant in proportion to paid up equity share capital (in case of changes in shareholding pattern, weighted average of paid up equity share capital). |
| 1  | Captive User          |                     |                                |  |  |                      |                                     |   |   |
| 2  | Others                |                     |                                |  |  |                      |                                     |   |   |
| Total  |                       |                     |                                |  |  |                      |                                     |   |   |

**Footnote to Form 1, Table B-** Only Generating Plants owned by a company which is formed as a Special Purpose Vehicle (SPVs) has to provide the information sought in the last column as “Percentage of Generation in Total Generation of Plant in proportion to paid up equity share capital (in case of changes in shareholding pattern, weighted average of paid up equity share capital).

Table C

| Verification of Equity share capital with voting rights proportionate to the unit identified for Captive Use as per Electricity Rules. |              |  |
|--|--------------|--|
| Total installed Capacity of the generating plant (in MW)   | A            |  |
| Out of the Total installed Capacity, unit identified for Captive Use (in MW)   | B            |  |
| Proportion of Capacity identified for Captive use out of the overall installed capacity (in MW)  | $C=(B/A)$    |  |
| Paid up Equity share capital with voting rights to be maintained by Captive Users in the generating plant (%)                          | $D=(26\%*C)$ |  |
| Actual paid-up Equity shareholding with voting rights held by Captive Users (%)  | E            |  |

Note:

- (i) As the actual paid up equity shareholding with voting rights held by the captive users in (E) is not less than 26% (or proportionate, as the case may be), the plant satisfies the ownership criterion for CGP as required under Rule 3 read with Explanation of Electricity Rules 2005.
- (ii) Captive Generating Plant shall submit the Table-C, Captive User wise separately.

**Place:**  
**Date:**

**Signature of Chartered Accountant/Company Secretary:**  
**Name in Block letters:**  
**Membership No.:**  
**Name of firm:**  
**UDIN No. (where applicable)**

**FORM –II**

**[As required under clause 3.1.2(a)(iv)]**

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

**Auditor’s Certificate**

I hereby certify that Captive Username, a Company incorporated under Companies Act 2013 (or under the erstwhile Act) and having its registered office at ----- is holding \_\_\_ number of Equity Shares of Rs. \_\_\_\_\_ each amounting to Rs. \_\_\_ as Equity Share Capital and with \_\_\_ voting rights per Equity Share in Captive Power Generator Company Name which owns a Generating Plant with a Capacity of \_\_\_\_\_MW as on date.

**Signature of Chartered Accountant:**  
**Name in Block letters:**  
**Membership No.:**  
**Name of the Firm:**  
**UDIN No. (where applicable)**

**Place:**

**Date:**

**FORM-III**  
**[As required under clause 3.1.2(b)(i)]**

[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/ LLP having its principal office at-----satisfy the requirements under Rule 3 of Electricity Rules 2005 for qualifying as a CGP with reference to "Ownership" criteria as per the Partnership Deed dated \_ . We confirm that the captive users are holding proprietary interests and control over the CGP.

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

TABLE A

| Ownership of the CGP of the Partnership Firm/LLP as on ..... |                     |                      |                           |                      |   |
|--|---------------------|----------------------|---------------------------|----------------------|---|
| S. No.   | Name of the partner | Capital contribution | % of capital contribution | Profit sharing Ratio | Whether Control is proportionate to Capital Contribution? |
|  |                     |                      |                           |                      |   |
|  |                     |                      |                           |                      |   |
| Total  |                     |                      |                           |                      |   |

TABLE B

| Ownership of the CGP of the Partnership Firm/ LLP as on ..... |   |                                    |                         |
|---|---|------------------------------------|-------------------------|
| Type of Owner   | % of proprietary interest in the Captive Generating Plant | Whether Proportionate to interest? | Control is Proprietary? |
| Captive User  |   |                                    |                         |
| Others  |   |                                    |                         |
|   |   |                                    |                         |
| Total   |   |                                    |                         |

**Signature of Chartered Accountant:**

**Place:**

**NAME in Block letters:**

**Date:**

**Name of Firm:**

**Membership Number:**

**UDIN No. (where applicable)**

**FORM-IV**

**[As required under clause 3.1.2(B)(ii)]**

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

**Auditor's Certificate**

I hereby certify that Captive User Name, having its registered office at \_\_\_\_\_ 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 \_\_\_\_\_ MW as on date.

**Signature of Chartered Accountant:**

**Name in Block letters:**

**Name of the Firm:**

**UDIN No. (where applicable):**

**Place:**

**Date:**



**FORM V** [Monthly Statement]

(As required under clause 3.2.2)

| Sl. No. | Month | Gross Actual Energy generated by CGP in 'MUs' | Auxiliary Consumption by CGP in 'MUs' | Net Energy Generated by CGP in 'MUs' | Actual / Scheduled energy drawal by CGP Users or credit of energy given by Distribution Licensees or <b>consumed through Co-located CGP.</b> | Qualification of actual consumption for captive purpose |
|---------|-------|---|---------------------------------------|--------------------------------------|--|---|
| 'A'     | 'B'   | 'C'   | 'D'                                   | 'E=(C-D)'                            | 'F'  | 'G=Lower of (E & F)'                                    |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |
|         |       |   |                                       |                                      |  |   |

**Signature & Seal of  
Distribution Licensee Official**

**Signature and Seal of  
Authorized Signatory of CGP Owner**

**FORM VI**  
**[As required under clause 3.2.3] [Annual Statement]**

| Sl. No. | Particulars   | Energy in Unit (kWh) |
|---------|---|----------------------|
| 1       | Total Generated unit of a generating Unit / Plant identified for captive use  |                      |
| 2       | Less: auxiliary consumption in the above Unit/ Plant  |                      |
| 3       | Net unit available for captive consumption (Aggregate generation for captive use)   |                      |
| 4       | 51% of aggregate generation available for captive consumption   |                      |
| 5       | Actual adjusted / consumed unit by the captive user   |                      |
| 6       | Percentage of actual adjusted/consumed energy by the captive user with respect to aggregate generation for captive use (Sl.No.5 divided by Sl.No.3) |                      |

**If Sl.No.6 is less than 51%, then go to FORM VII.**

**Signature & Seal of the  
Authorized Signatory of  
the CGP owner**

**FORM VII [Annual Statement]  
[As required under clause 3.1.3]**

| Sr. No. | Name of share holder | No. of equity shares of value Rs         |   | % of energy to be consumed on prorated basis | 100% generation in kWh (x) | Auxiliary Consumption in kWh (y) | Generation considered to verify consumption criteria $\{(x-y)*51\%$ in MUs | Permitted consumption as per norms in kWh |                    |                      | Actual consumption in kWh | Whether consumption norms met |
|---------|----------------------|--|---|--|----------------------------|----------------------------------|--|---|--------------------|----------------------|---------------------------|-------------------------------|
|         |                      | As per share certificates as on 31 March | % of Owner ship through shares of Company |  |                            |                                  |  | With 0% variation                         | With 10% variation | With +10 % variation |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |
|         |                      |  |   |  |                            |                                  |  |   |                    |                      |                           |                               |

**Signature & Seal of the  
Authorized Signatory of  
the CGP owner**