



**MADHYA PRADESH POWER TRANSMISSION COMPANY LIMITED**

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**STATE LOAD DESPATCH CENTRE, Nayagaon, Rampur, Jabalpur**

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आजादी का  
अमृत महोत्सव

No.07-05/SG-11/ CPP/671

Jabalpur, dtd – 26.05.2023

✓ To

**As per Distribution list.**

Sub: Regarding verification of captive status of Generating Plants and their Users in accordance with MPERC (Verification of Captive Generating Plants and Captive Users) Regulations 2023.

Ref: Hon'ble MPERC order dated 24.03.2023.

....

Hon'ble M.P. Electricity Regulatory Commission vide order cited above has authorized Chief Engineer (SLDC), MPPTCL, Jabalpur as the "Designated Authority" under Regulation 5.1 of the Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Users) Regulations 2023 for determination of the captive status of Captive Generating Plants and Captive Users. The Hon'ble Commission vide above referred order has also directed that Designated Authority shall intimate the fulfillment of condition in regard to the captive status to the Captive Generating Plant / Captive Users and the Distribution Licensee by 15<sup>th</sup> July 2023 and also issued draft procedure vide order No. MPERC/D(L&R)/2022/984 dated 04.05.2023 in this regard.

It may be mentioned here that prior to above order of Hon'ble MPERC the CPP status verification was carried out by concerned Discom's and CPP might be well aware of the rules & procedures in this regard.

In view of above directives of Hon'ble MPERC, the following informations are required by SLDC for verification of captive status of Generator and Users for the period FY-2022-23:

1. As specified in Madhya Pradesh Electricity Regulatory Commission (Verification of Captive Generating Plants and Captive Consumers) Regulations, 2023 (G-45 of 2023), the authorized signatory of Captive Generating Plant (CGP) shall identify the category of ownership with respect to the provisions contained in the Electricity Rules, 2005. Accordingly, they are required to submit the undertaking as per **Annexure-I**.

2. For verification of ownership, the documents as detailed below 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 providing details of total equity, authorized, issued, subscribed and paid-up equity share capital with voting rights of the CGP and that of the Captive User as per **Annexure-II**.
- ii. 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 as per **Annexure-III**.

***b. Where the Generating Company is a Partnership Firm / Limited Liability Partnership:***

- i. A certificate issued by the Registered Chartered Accountant who signs the annual financial statement of the Firm / LLP, showing breakup details of the total capital of the Firm/LLP, the capital held by the captive user, the percentage of proprietary interest and control over the CGP by the captive user in the **Annexure-IV** 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 **Annexure-V**.
- iii. 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.

***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 Associations.

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:**

Authorized signatory shall furnish a certificate from District Registrar of Co-operative Society / Chartered Accountant who signs the annual financial statement of the Co-operative Society, Certificate of incorporation of Co-operative Society and copy of bye laws of Co-operative Society.

3. For verification of condition of not less than net 51% consumption by captive user, the following documents are required to be furnished:

The Authorized signatory shall furnish the details of actual gross generation, auxiliary consumption and net generation by the CGP and actual consumption made by the captive users as per **Annexure VI, VII and VIII** duly certified by the commercial sections of Discoms.

You are advised to submit the above information on priority basis not later than 15<sup>th</sup> June 2023 in any case so that verification of status of Captive Generating Plant and their Users is done by SLDC.

Encl: as above.

  
**Chief Engineer (LD)**  
**SLDC, MPPTCL, Jabalpur.**

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## ANNEXURE- I

(As required under clause 3.1.1)

### UNDERTAKING FROM CGP

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

- a) 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.
- b) I/We declare that 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 captive generating plant/station 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.
- e) I/WE declare our captive user M/s.....[name of the user utilizing power from Captive Generating Plant is located at ..... [address] is a consumer of the Distribution Licensee..... connected at voltage .....KV having service connection number number.....[hereinafter..... referred as 'Captive User 'or Consumer'] at .....
- f) I/We undertake and confirm that we shall provide all necessary information/documents/data and seek prior approval for wheeling under captive category. 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/instruction issued in this regard.
- g) 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/policies from time to time.
- h) I/We declare and confirm that Captive Use(s) is / are having % ownership in the CGP and qualify 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 the Act & Rule-3 of the Electricity Rules, 2005.
- 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 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 during the period of wheeling under captive category, the Captive Generating Plant will be disqualified and cross subsidy surcharge and additional surcharge will be paid to the Distribution Licensee for the energy consumed from the above generating plant. I/We undertake that failure to make payment within the due date, the Distribution Licensee shall recover the cross-subsidy surcharge and additional surcharge as per Law.
- k) Certificate of a qualified Chartered Accountant 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 CA/Co. Secy certifying the Ownership (Formats I to IV, as applicable)
3. Copy of MoA/AoA.

ANNEXURE I (User)

UNDER TAKING FROM CGP — 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 we have obtained all the necessary approvals as per applicable laws/rules/resolutions/orders, to operate and maintain such generating plant.
3. I/We declare that captive generating plant station 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.
5. I/WE declare our captive user M/s.....[name of the user utilizing power from Captive Generating Plant is located at\_\_\_\_\_[address] is a consumer of the Distribution Licensee.....connected at voltage .....KV having service connection number .....[hereinafter referred as 'Captive User' or 'Consumer'] at.....
6. I/We undertake and confirm that we shall provide all necessary information/documents/data and seek prior approval for wheeling under captive category. 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/instruction 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/resolution/policies from time to time.
8. I/We declare and confirm that Captive User(s) is / are having % ownership in the CGP and qualify 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 the Act & Rule-3 of the Electricity Rules, 2005.
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 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.
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 during the period of wheeling under captive category, the Captive Generating Plant will be disqualified and cross subsidy surcharge and additional surcharge will be paid to the Distribution Licensee for the energy consumed from the above generating plant. I/We undertake that failure to make payment within the due date, the Distribution Licensee shall recover the crcss-subsidy surcharge and additional surcharge as per Law.
11. Certificate of a qualified Chartered Accountant 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 CA/Co. Secy certifying the Ownership (Formats I to IV, as applicable)
3. Copy of MoA/AoA.



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 station (in MW)	A	
Out of the Total installed Capacity, unit and capacity 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 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 CGP as required under Rule 3 read with Explanation of Electricity Rules 2005.

Place:

Date:

Signature of Chartered Accountant/Company Secretary:

Name in Block letters:

Membership No.:

Name of firm:

UDIN No. (where applicable)



**ANNEXURE III**

[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 -----  
-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 CAPTIVE POWER GENERATING NAME which owns a Generating Plant with a Capacity \_\_\_\_\_ as given in the annexure as on date.

Signature of Chartered Accountant:

Name in Block letters:

Membership No.:

Name of the Firm:

UDIN No. (where applicable)

Place:

Date:

**ANNEXURE IV**

[As required under clause 3.1.2(b)(i)]

[TO BE SUBMITTED BY THE GENERATOR WHICH IS A FIRM/LLP]

**CERTIFICATE ON 'OWNERSHIP' AS PER RULE 3 OF ELECTRICITY RULES 2005 FOR WHEELING**

**UNDER CAPTIVE CATEGORY**

We hereby Certify that M/s..... a Partnership Firm having a principal office at.....satisfy the requirements under Rule 3 of Electricity Rule 2005 for qualifying as a Captive Generation Plant with reference to "Ownership" criteria as per the Partnership Deed dated..... 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 vice versa other user 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	Profit sharing Ratio	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.

TABLE B

Ownership of the Captive Generation Plant of the Partnership Firm as on .....			
Type of Owner	% of proprietary interest in the Captive Generating Plant	Whether Control Proportionate to Proprietary interest?	Remarks on control pattern*
Captive User			
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.

Place:  
Date:

Signature of Chartered Accountant:  
NAME in Block Letters  
Name of Firm:  
Membership Number:  
UDIN No. (where applicable)

ANNEXURE-V

[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 username, having its registered office at \_\_\_\_\_ 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 \_\_\_\_\_ as given in the annexure as on date.

Signature of Chartered  
Accountant: Name in Block  
letters:

Name of the Firm:

UDIN No. (where applicable)

Place:

Date:

ANNEXURE VI  
[As required under clause 3.2.3]

Sl. No.	Particulars	Energy in Unit
1	Total Generated unit of a generating plant / Station identified for captive use	
2	Less: Auxiliary Consumption in the above in unit	
3	Net unit available for captive consumption (Aggregate generation for captive use)	
4	51% of aggregate generation available for captive consumption in unit	
5	Actual Adjusted / Consumed unit by the captive user	
6	Percentage of actual adjusted/consumed unit 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 Not Less than 51%, then go to ANNEXURE VII.



## FORM VIII

(As required under clause 3.2.2 & 3.2.3)

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 Users or credit of energy given by Discoms.	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  
CGP Owner or Authorized  
representative