

DELHI ELECTRICITY REGULATORY COMMISSION

Subject: Procedure for verification of Captive Generating Plant (CGP) status in accordance to requirements in Rule 3 of the Electricity Rules, 2005

Draft Procedure

The Delhi Electricity Regulatory Commission in exercise of the powers vested under Regulation 12 and Regulation 17 of Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005 hereby makes the following Procedure for verification of Captive Generating Plant (CGP) status in accordance to requirements in Rule 3 of the Electricity Rules, 2005.

1. Scope:

This procedure is applicable to all power plants functioning as Captive Generating Plants in the State and the captive users.

2. Statutory provisions:

2.1 The Electricity Rules, 2005 notified vide Notification No. G.S.R 379(E) dated 8.6.2005 lays down the following requirements for a Captive Generating Plant:

"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 (ies) 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.

Explanation: (1) For the purpose of this rule.

a. "Annual Basis" shall be determined based on a financial year;

b. "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;

c. "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;

d. "Special Purpose Vehicle" 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."

2.2 The provisions in the Electricity Act, 2003 that relate to Captive Generation and the definitions of generating company, generating station are reproduced for ease of reference and understanding:

Section 2(8):

"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 cooperative society or association of persons for generating electricity primarily for use of members of such co-operative society or association;"

Section 2 (28):

"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;"

Section 2 (30):

"Generating station" or "station" means any station for generating electricity, including any building and plant with step-up transformer, switch-gear, 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 waterpower, 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."

Section 9: Captive Generation-

"(1) Notwithstanding anything contained in this Act, a person may construct, maintain or operate 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 license 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 there under and to any consumer subject to the regulations made under sub-section (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."

2.3 A generating plant declared as a Captive Generating Plant (CGP) is required to meet the provisions in the Electricity Act, 2003 and the Rule 3 of the Electricity Rules, 2005.

2.4 For a power plant to be qualified as a Captive Generating Plant (CGP), as per clause (a) of sub-rule (1) of Rule 3 of the Electricity Rules, 2005 extracted in Para 2.1 above, two basic conditions which are to be met are:

(i) the captive user(s) consuming the power generated from the captive generating plant for self-use must necessarily hold not less than 26% of the ownership in the captive generating company; and

(ii) not less than 51% of the aggregate electricity generated in such plant, determined on annual basis, should be consumed for the captive use.

2.5 The provisos under Rule 3(1) (a) provide certain exceptions and conditions that:

(i) in case of a power plant set up by registered Cooperative Society, the conditions in sub-clauses (i) and (ii) of clause (a) of sub-rule (1) of Rule 3

shall be satisfied collectively by the members of the Cooperative Society, and

(ii) in case of Association of Persons, the captive user(s) shall hold not less than 26% ownership of the plant in aggregate and such captive user(s) shall consume not less than 51% of electricity generated, determined on annual basis, in proportion to their shares in ownership of the plant within a variation not exceeding 10%.

2.6 As per clause (b) of sub-rule (1) of Rule 3, in case of a generating station owned by a company formed as a Special Purpose Vehicle, the units identified for captive use shall alone satisfy conditions in sub clause (i) and (ii) of clause (a) in sub-rule 1 of Rule 3, and the electricity required to be consumed by captive users shall be confined to the units in aggregate identified for captive use. The equity shares to be held by the captive users shall also be in proportion to the equity of the company related to generating units identified for captive use.

2.7 The explanation to the Rule 3 describes "Ownership" as having "equity share capital with voting rights" in relation to a generating station or power plant set up by a company or any other body corporate, and in other cases meaning "proprietary interest and control over the generating station or power plant".

2.8 The captive users have the obligation to consume not less than 51% of the aggregate electricity generated in a power plant determined on an annual basis, and failure to comply with minimum per cent of captive use in a year will entail in the CGP losing its captive status and the entire electricity generated from the CGP will be treated as supply of electricity by a generating company.

3. Based on the above premise and differences in treatment based on composition of ownership and consumption in proportion to shares owned by the captive users, following provisions to verify compliance of conditions under Rule 3 of the Electricity Rules, 2005 shall be considered:

- (i) The captive users shall be required to identify the unit/units intended for captive consumption at the time of induction of equity itself.
- (ii) The CGP users/owners shall ensure that at any point of time in a financial year not less than twenty-six per cent of the ownership of the generating plant/station or the units identified for captive use, as the case maybe, is held by the captive users.
- (iii) In case, if there is one captive user, the user shall hold minimum 26% of the equity share capital with voting rights throughout the year.
- (iv) In case of two or more captive users or Associations of persons, the captive users shall hold in aggregate minimum 26% of the equity share capital with voting rights throughout the year and consume 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%.
- (v) In the case of Cooperative Society, members of society shall collectively satisfy 26% of the ownership and consume 51% of the electricity generated on annual basis or captive basis.
- (vi) In the case of Partnership firm/LLP, ownership shall be with respect to proprietary interest and control over the generating station or power plant and the consumption shall be 51% of the energy generated on annual basis.

- (vii) In the case of CGPs identified for captive use as under clause (b) of sub-rule (1) of Rule 3(1) in a generating station owned by a Company which is formed as a Special Purpose Vehicle and has multiple generating units, the minimum equity share capital of 26% and 51% of consumption shall be with reference to the generating units identified for captive use and not generating station/company, as a whole.
- (viii) The Verifying Authority shall verify minimum equity share capital of 26% before the grant of permission for Open Access from the Captive Generating Plants. In case if the criteria of minimum equity share capital of 26% is not fulfilled at the time of seeking Open Access, the Open Access shall be considered as if the applicant is non-captive user.

4. Requirement of Bank Guarantee or Letter of Credit or Fixed Deposit:

4.1 Short Term Open Access Consumer, Medium Term Open Access and Long Term Open Consumer:

- (i) The applicant shall not be required to submit a Bank Guarantee (BG) or Letter of Credit (LC) or Fixed Deposit (FD) for an amount equivalent as a payment security mechanism towards cross subsidy surcharge and/or additional surcharge, as applicable.

5. METERING:

5.1 Each Captive Generating Plant (CGP) Unit shall have a separate Special Energy Meter (SEM) with real time communication facility with SLDC as per the specifications in the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.

5.2 In case of Embedded CGP generators, if such generators are selling power under bilateral transaction to third party consumers or having Energy Purchase Agreement (EPA) with any Distribution Licensee, it is necessary to access 51% 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 same premises.

5.3 The monthly reading data at the Generation Transformer EHV level, outgoing feeder level and that of auxiliary consumption shall be submitted by the captive generator or the captive user in hard and soft versions by 10th day of the next month in the Office of SLDC Delhi and the concerned distribution licensee. Downloading of monthly data of all these meters shall be jointly undertaken by the Generator or captive user and concerned distribution licensee, wherever possible.

6. Procedure for verification of Captive Generating Plant status:

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

6.1.1 For verification of ownership, the documents as detailed below shall be furnished by the CGP owners/captive users for different compositions of ownership:

(a) Where the generating plant is a Company under the Companies Act:

(i) The affidavit by the authorized signatory, providing details of the Authorized, Issued, Subscribed and Paid-up Equity Share Capital with voting rights and enclosing all the required documents mentioned at sr. no.(iii) to (x) of this clause.

(ii) The authorized signatory shall be the Managing Director or Whole Time Director or Company Secretary.

(iii) The authorization for signing the affidavit has to be approved by the Board by passing a Resolution and attesting the signature of the authorized signatory.

(iv) The Chartered Accountant Certificate for the detailed breakup of the Issued, Subscribed and Paid up Equity Share Capital of the Generators and the details of holding of Equity Share Capital with voting rights by the Captive users as per FORMAT-I along with the certification that there is provision in Memorandum of Association and Articles of Association for taking up captive generation.

(v) The copy of Form – SH4 or Demat Statement, whichever is applicable.

(vi) The copies of the Money Payment Receipts (Form V), for the payment of subscription towards Equity Share Capital by the Captive users.

(vii) The copies of the folio of Register of the Members in which the entries were made including the captive users as shareholder, as a proof of completion of share transfer process by the generator.

(viii) Latest Annual Return - MGT 7 filed by the generators with the Registrar of Companies.

(ix) Latest Annual Report of the Generators.

(x) The affidavit by the authorized signatory of the captive user regarding holding of Equity Share Capital with voting rights in the Captive Generating Company along with Chartered Accountant certificate as per FORMAT II.

(xi) Any change in the authorized signatory and revocation for approval for captive generation by the Board by way of amendment to MoA or AoA shall be duly intimated within a week to the Distribution Licensee.

(b) Where the generating company is a Partnership firm/LLP:

(i) The affidavit by the Managing Partner/Principal Partner providing all the details regarding the total Capital of the firm, the capital held by the Captive users, the percentage of proprietary interest and control over the Generating plant by the captive users at sr. no. (iii) to (v) of this clause.

(ii) The signatory to the affidavit shall be authorized by all the partners of the Firm/LLP and any change in the signatory shall be informed within a week to the Distribution Licensee.

(iii) The Chartered Accountant certificate for the breakup details of total capital of the firm/LLP, the capital held by the captive users, the percentage of proprietary interest and control over the generating plant by the captive users in the format enclosed as FORMAT –III along with a certificate that there is provision in the Partnership deed of the company for carrying on captive generation.

(iv) The affidavit by the authorized signatory of the captive user regarding holding of Capital with proprietary interest and control in the Captive Generating firm along with the Chartered Accountant Certificate as per FORMAT–IV.

(v) Latest Annual Financial Statement of Accounts of the Generating firm and the Captive User.

(vi) Any revocation of approval for captive generation by the firm or by way of amendment to Partnership Deed shall be informed duly within a week.

(c) Where the generating plant is owned by Association of persons:
Documents to be furnished as in (a) and (b) above depending on whether the AoP is a Partnership/Limited Partnership firm/Body corporate.

(d) Where the generating plant is owned by Special Purpose Vehicle (SPV):
Documents as in (a) and (b) above depending on whether the SPV is a Partnership/Limited Partnership firm/Body corporate

(e) Where the generating plant is owned by Cooperative society:

(i) The affidavit by the authorized signatory, providing details of the Authorized, Issued, Subscribed and Paid-up Equity Share Capital with voting rights and enclosing all the required documents mentioned at sr. no. (iii) to (viii) of this clause.

(ii) The authorized signatory shall be the President or the Secretary or the Chief Executive of the Co-operative Society.

(iii) The authorization for signing the affidavit has to be approved by the General Body by passing a Resolution and attesting the signature of such an authorized signatory.

(iv) Any change in the authorized signatory shall be intimated within 7 days after following due procedure. The Chartered Accountant Certificate for the detailed breakup of the Issued, Subscribed and Paid up Equity Share Capital of the Generators and the details of holding of Equity Share Capital with voting rights by the Captive users as per FORMAT–I along with a certificate that there is a provision in the byelaws of the society for carrying on the activity of captive generators and the same has been verified.

(v) The copies of the Money Payment Receipts – Form V, for the payment of subscription towards Equity Share Capital by the Captive users.

(vi) The copies of the folio of Register of the Members in which the entries were made including the captive users as shareholder, as a proof of completion of share transfer process by the generator.

(vii) Copy of byelaws of society.

(viii) Latest Annual Report of the Generators.

(ix) Any revocation of sanction for carrying on captive generation by the society shall be informed within seven days to the Distribution Licensee.

6.1.2 The documents listed above in Para 6.1.1 are to be furnished at the time of seeking open access by the generator or captive user. Approval for open access shall be granted under captive category subject to furnishing of the documents. This also applies to any change in shareholding pattern/ownership at the start of the financial year or within a financial year.

6.1.3 The verification of CGP status is an annual process. The documents in Para 6.1.1 shall also be furnished by the CGP owners/captive users to the distribution licensee at the time of annual verification of CGP status at the end of the financial year.

6.1.4 Any change in shareholding pattern, has to be intimated to the distribution licensee within 10 days furnishing proof of documents.

6.2 Verification of not less than 51% consumption by captive users:

6.2.1 The aggregate energy generated from CGP unit shall be the gross energy generated from the unit less aggregate auxiliary consumption during the time block. In the absence of measured data on auxiliary consumption, until metering as prescribed in para 5.2 of this procedure is completed, the normative auxiliary consumption and the losses specified in the Regulations of the Commission may be considered for the purpose of CGP verification status.

6.2.2 The consumption of energy by the captive users under open access for this purpose shall be considered as lower of actual energy generated by CGP 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 VI.

6.2.3 The applicant shall submit the details of actual generation from the power plant and the actual consumption made by the captive users on monthly basis as per format V and format VI to the 'Verifying Authority' and the Distribution Licensee, within 7 days of the end of the month.

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

6.2.4 Where the shareholding pattern/ownership is maintained throughout the financial year, verification of consumption criteria of not less than 51% of aggregate electricity generated and the test of proportional consumption shall be for the financial year. In cases where the shareholding pattern has changed within a financial year, verification of consumption criteria shall be made on the energy generated and consumed in the corresponding period.

6.3 Verifying Authority:

6.3.1 The Commission authorizes State Load Despatch Centre, Delhi to compute the captive status of the Generating station.

6.3.2 The verifying authority shall seek clarifications, if any, and confirm the CPP status or otherwise for the previous financial year by 10th May of next financial year based on conditions stipulated in this procedure:

Provided that the 'Verifying Authority' shall also inform the percentage of consumption of energy with respect to Aggregate electricity generated for the previous month on month basis and cumulative basis by the end of next month.

6.3.3 Failure to furnish data, documents for the purpose of verification of captive status within the time frame affixed in this procedure would empower the Verifying Authority to determine the status of the plant with the available data or documents if any.

6.3.4 The Verifying Authority may conduct cross verification of data furnished with the available downloaded data from the meter terminals of captive generators and their captive users.

6.3.5 The Verifying Authority shall intimate fulfillment of condition in regard to the captive status or otherwise to the CGPs/captive users and the distribution licensee.

6.4 Ceasing of Qualification of CGP:

If CGPs fails to meet the requisite conditions in a financial year, the generating plant will cease to be a Captive Generating Plant and the users will cease to be captive users and further liable to pay Cross Subsidy Surcharge and/or additional surcharge.

6.5 Default by a shareholder(s):

6.5.1 When a shareholder(s) defaults in fulfilling criteria of consumption in Rule 3, and when other captive users together comply with ownership criteria of 26%, the defaulting shareholder(s) alone shall forgo the concessions available to a captive user. The other captive users together who comply with criteria of 26% ownership and consumption of not less than 51% of aggregate electricity generated +/- 10% in proportion to their individual shareholdings shall retain the captive status.

6.5.2 When a shareholder(s) defaults in fulfilling the consumption criteria of Rule 3, and when other captive users together do not comply with ownership criteria of 26%, the CGP will lose its captive status, and all captive users shall forgo the concessions available to a captive user.

6.6 Recovery of Cross Subsidy Surcharge (CSS) and Additional Surcharge (AS):

6.6.1 On Month Basis

- (i) In case if the captive users are able to consume minimum of 51% of the aggregate energy generated on cumulative basis upto that month as per the proviso of clause 6.3.2, the distribution licensee shall not raise the bill for recovery of the Cross Subsidy Surcharge and Additional Surcharge upto the cumulative month.
- (ii) If the captive user(s) fails to consume minimum of 51% of the aggregate energy generated on cumulative basis upto a particular

month as per the proviso of clause 6.3.2, the distribution licensee shall raise the bill for recovery of the Cross Subsidy Surcharge and Additional Surcharge upto the cumulative month:

Provided further that in the subsequent months, if the captive user(s) consume minimum of 51% of the aggregate energy generated on cumulative basis upto that month as per the proviso of clause 6.3.2, the amount billed on the account of Cross Subsidy Surcharge and Additional Surcharge, shall be adjusted.

{Explanation: The recovery of charges under these provisions with respect to consumption pattern of the captive user(s) shall be as under:-

Month	Whether the captive users consume minimum of 51% of the aggregate energy generated		Bill to be raised by Distribution Licensee	Remark
	Month Basis	Cumulative Basis		
April	Yes	Yes	No	Captive users are meeting the requirement on cumulative basis
May	Yes	Yes	No	
June	Yes	Yes	No	
July	Yes	Yes	No	
August	No	Yes	No	
September	Yes	No	Yes	Charges to be billed upto the month of September
October	Yes	Yes	No	Adjustment of previously billed amount
November	Yes	Yes	No	Captive users are meeting the requirement on cumulative basis
December	No	Yes	No	
January	No	No	Yes	Charges to be billed upto the month of January
February	Yes	Yes	No	Adjustment of previously billed amount
March	Yes	Yes	No	Captive users are meeting the requirement on cumulative basis

}

6.6.2 On Annual Basis

- (i) If the Generator 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, it may approach the Commission by 15th June.

- (ii) If 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 Additional Surcharge shall also be adjusted/refunded within 30 days from the date of establishment of captive generating plant status:

Provided further that if the adjustment/refund is delayed beyond 30 days, an interest at the rate of 1.0% per month shall be payable by the distribution licensee for the period of delay beyond such 30 days.

- (iii) If at the end of financial year, in case the open access consumer is not able to establish that the generating plants meet the requirement of captive generating plant status and even if the distribution licensee has raised the bill for amount of Cross Subsidy Surcharge (CSS) and Additional Surcharge under clause 6.6.1, the distribution licensee shall raise the bill along with late payment surcharge after adjustment of payment received, if any. The late payment surcharge shall be levied as if the amount was part of regular bill raised by the licensee during the relevant period.

6.7 Default in Payment:

6.7.1 Non-payment of any charge or sum of money payable by the open access consumer shall be considered as non-compliance and shall be liable for action under the Electricity Act, 2003.

6.7.2 The distribution licensee may discontinue open access after giving consumer an advance notice of 15 days without prejudice to its right to recover such charges as per applicable laws.

FORMAT –I

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

"CERTIFICATE ON "OWNERSHIP" AS PER RULE 3 OF 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 users has been tabulated below in Table B.

Table A

Equity Share Capital with Voting rights as on								
Sl. No.	Class of Equity shares	No. of Equity Shares	Value per Equity Share	Amount of Equity Share Capital	Percentage holding in Equity Share Capital	No. of Voting rights	Percentage holding in voting rights	Percentage holding in 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	Value per Equity Share	Amount of Equity Share Capital	Percentage holding in Equity Share Capital	No. of Voting rights	Percentage holding in voting rights	Percentage holding in Equity Share Capital with voting rights
1	Captive User							
2	Others							
Total								

Signature of Chartered Accountant:
Name in Block letters:
Name of firm:
Firm Registration number:
Membership No.:

Place:
Date:

FORMAT –II

[To be submitted by the Captive users (also the owners) who are Corporate Bodies]

Auditor's Certificate

I hereby certify that **Captive User Name**, 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 _____ .

Please find attached the following:

- Annexure
1. Copy of the latest audited balance sheet of the Captive User.
 2. Copy of the Share Certificate for the above.
 3. Copy of the SH-4 Certificate.

Signature:

Name in Block letters:

Membership No.:

Name of the Firm:

Firm Registration No:

Name of the Partner:

Membership No:

FORMAT-III

[To be submitted by THE GENERATOR WHICH IS A FIRM]

**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 its registered office 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. 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	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. Further annex the Partnership Deed of the verification of above details.

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.

Signature of Chartered Accountant:

NAME in Block letters:

Firm Registration Number:

Membership Number:

Place :

Date:

FORMAT-IV

[To be submitted by the Captive users (also owners) of the Partnership Firm]

Auditor's Certificate

I hereby certify that **Captive User Name**, a company incorporated under Companies Act 2013 (or earlier Act) and having its registered office at _____ is a partner with capital contribution of Rs. _____ with controlling interest of _____ percentage in **Captive Power Generator Firm Name** which owns a Generating Plant with Capacity _____ as on date.

Please find attached the following:

- Annexure
1. Copy of the latest audited balance sheet of the Captive User.
 2. Copy of the latest partnership deed.

Signature:

Name in Block letters:

Membership No.

Name of the Firm:

Firm Registration No:

Name of the Partner:

Membership No:

