**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:

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/regulations/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 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/regulation/policies from time to time.
8. 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.
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/regulations 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 cross-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.

 **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’l 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.

1. 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.
2. 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……………….
3. 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.
4. 1/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.
5. 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.
6. 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.
7. 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.

1. 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 II

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

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

“CERTIFICATE ON “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 .......................... |
| SI.No. | ClassofEquityshares | No. ofEquityShares | Paid UpValueperEquityShare | Amountof PaidUpEquityShareCapital | Percentageholdingin PaidUpEquityShareCapital | No. ofVotingrights | Percentageholding inVotingRights | Percentageholding inPaid UpEquityShareCapital withvotingrights |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |

Table B

|  |
| --- |
| Break up of Captive user holding in Equity Share Capital with Voting rights as on......... |
| SI.No. | Class ofshare holder | No. ofEquity Share | Paid UpValue per Equity Share | Amountof Paid Up Equity Share Capital | Percentageholding in Equity Share Capital | No. ofVoting rights | Percentage holding in voting rights | Percentageholding in Paid Up Equity Share Capital with voting rights |
| 1 | CaptiveUser |  |  |  |  |  |  |  |
| 2 | Others |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |

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 ofthe generating station (in MW) | A |  |
| Out of the Total installedCapacity, unit and capacityidentified for Captive Use (in MW) | B |  |
| Proportion of Capacityidentified for‘ Captive use out of the overall installed capacity (in MW) | C=(B/A) |  |
| Paid *up* Equity share capitalwith voting rights to be maintained by Captive consumers in the generating station (%) | D=(26%\*C) |  |
| Actual paid-up Equityshareholding 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 clause3.1.2(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 leaving 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 GENRATING 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]**

**CERTIFTCATE 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 | Capital | % of capital | Profit | Whether | Remarks |
|  | the | contribution | contribution | sharing | Control | on control |
|  | partner |  |  | Ratio | Proportionate | pattern\* |
|  |  |  |  |  | to Capital |  |
|  |  |  |  |  | Contribution? |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| 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 theCaptive Generating Plant | Whether Control Proportionateto Proprietary interest? | Remarks on controlpattern\* |
| Captive User |  |  |  |
|  |  |  |  |
| Others |  |  |  |
|  |  |  |  |
| Total |  |  |  |

*\* PIease* 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:

Place: NAME in Block Letters

Date: 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 I3lock letters:

Name of the Firm:

UDIN No. (where applicable)

Place:

Date:

ANNEXURE VI

**[As required under clause 3.2.3]**

|  |  |  |
| --- | --- | --- |
| Sl. No. |  | Energy in Unit |
| 1 | Total Generated unit of a generating plant / Stationidentified for captive use |  |
| 2 | Less: Auxiliary Consumption in the above in unit |  |
| 3 | Net unit available for captive consumption (Aggregategeneration for captive use) |  |
| 4 | 5 l % of aggregateconsumption in unit | generation | available | tor | captive |  |
| 5 | Actual Adjusted / Consumed unit by the captive user |  |
| 6 | Percentage of actual adjusted/consumed unit by thecaptive user with respect to aggregate generation for captive use (SI.No.5 divided by Sl.No.3) |  |

If S1 No.6 is Not Less than 51%, then go to ANNEXURE VII.

 ANNEXURE - VII

 [As required undeclause3.2.3]

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Sr.No. | Name of share holder | No. of equity shares of value Rs | % of energy to be consumed on prorate basis | 100%generation in MUs (x) | Au.xi1iary Consumption in MUs (y) | Generation considered to verify consumption criteria{(x-y) \*51%}in MUs | Permitted consumption as per norms in MUs | Actual consumption in MUs | Whether consumption norms met |
| As pershare certifica tes as on 31March | % ofownership through shares of Company | With 0%variation | With --10%variation | With+10 %variation |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
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ANNEXURE- 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) |
|  |  |  |  |  |  |  |
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Signature & Seal of Signature and Seal of

Distribution Licensee Official CGP Owner or Authorized

 representative