

# **The M.P. Electricity Reforms First Transfer Scheme Rules, 2003**

MADHYA PRADESH

India

## **The M.P. Electricity Reforms First Transfer Scheme Rules, 2003**

### **Rule**

### **THE-M-P-ELECTRICITY-REFORMS-FIRST-TRANSFER-SCHEME-RULE of 2003**

- Published on 30 September 2003
- Commenced on 30 September 2003
- [This is the version of this document from 30 September 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Electricity Reforms First Transfer Scheme Rules, 2003 Published vide Notification No. 6259/FRS/17/13/2002, dated the 30th September, 2003, in M.P. Rajpatra (Asadharan) Notification No. 6259/FRS/17/13/2002, dated the 30th September, 2003. - In exercise of powers conferred by sub-sections (1), (2), (5) (6) and (7) of Section 131 and Section 133 of the Electricity Act, 2003 (36 of 2003) read with sub-sections (1), (2), and (3) of Section 23, 24 and sub-section (2) of Section 56 of the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001), the State Government hereby makes the following Rules for regulating the transfer and vesting of functions, properties and interests, rights and liabilities of the Madhya Pradesh State Electricity Board in the State Government and re-transfer and re-vesting thereof by the State Government in any other company or body corporate or authority and also for the transfer of personnel of the Madhya Pradesh State Electricity Board to any other company or body corporate or authority and for determining the terms and conditions on which such transfer and vesting shall be made, namely :-

### **1. Short title, extent and commencement.**

(1) These Rules may be called the Madhya Pradesh Electricity Reforms First Transfer Scheme Rules, 2003. (2) They extend to the whole of the State of Madhya Pradesh. (3) They shall come into force from such date as the State Government may, by notification appoint and different dates may be appointed for different provisions and different transfer as may be notified.

### **2. Application of Rule to the Assets and Liabilities.**

- They shall apply to the assets, properties, interests, rights and liabilities, proceedings and personnel of the Board within and outside the State.

### 3. Definitions.

- In these Rules, unless the context otherwise requires-(a)"Act" for the purpose of these Scheme Rules means the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001);(b)"Board" means Madhya Pradesh State Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948 (54 of 1948);(c)"Central Act" means the Electricity Act, 2003 (36 of 2003);(d)"Company" means the company formed and registered under the Companies Act, 1956 (1 of 1956);(e)"Commission" means the Madhya Pradesh Electricity Regulatory Commission, constituted under Section 3 of the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001) and recognized under Section 82 of the Central Act;(f)"Date of the transfer" means the date notified by the State Government rue118 transfer of factions, properties, interest, rights and liabilities proceedings or personnel of the Board to the relevant Transferee in accordance with the Act and these Scheme Rules;(g)"Distribution Companies" means Discom 1, Discom 2 and Discom 3 for distribution and retail supply of electricity;(h)"Discom 1" means Madhya Pradesh Poorv Kshetra Vidyut Vitaran Company Limited, a company incorporated with the main object of undertaking electricity distribution and retail supply in the Commissioneries of Jabalpur, Rewa, and Sagar of the State of Madhya Pradesh;(i)"Discom 2" means Madhya Pradesh Madhya Kshetra Vidvut Vitaran Company Limited, a company incorporated with the main object of undertaking electricity distribution and retail supply in the Commissioneries of Bhopal, Chambal and Gwalior of the State of Madhya Pradesh;(j)"Discom 3" means Madhya Pradesh Paschim Kshetra Vidyut Vitaran Company Limited, a company incorporated with the main object of undertaking electricity distribution and retail supply in the Commissioneries of Indore and Ujjain of the State of Madhya Pradesh;(k)"Genco" means the Madhya Pradesh Power Generating Company Limited, a company incorporated with the main object of generation of electricity in the State of Madhya Pradesh;(l)"Liabilities" include all liabilities, debts duties, obligations and other outgoing including statutory liabilities and Government levies of whatever nature and contingent liabilities which may arise in regard to the dealings before the date of the transfer in respect of the undertaking transferred under the Rules;(m)"Personnel" means workmen employees, staff and officers of the Board by whatever name called and includes trainees, if any of the recruitment in the Board and those on deputation from the Board to other organizations or institutions;(n)"Proceeding" means the proceedings of whatever nature including suits, appeals, complaints, petitions, applications, conciliatory, arbitration whether civil or criminal or otherwise;(o)"Properly" means all assets includes power systems, plant, machinery, land, building, offices, stores furnitures, fixtures, vehicles, residential quarters and guest houses and amenities and installations pertaining and attached thereto and other movable an immovable assets, cash in hand, cash at bank, investments, book debts-corporeal and incorporeal, tangible and intangible assets, benefits, licenses, consents, authorities, registrations, patents, trade marks and powers of every kind, nature and description whatsoever, privileges, liberties, easements, advantages, benefits and approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest of whatever nature and wherever, situate;(p)"Schedule" means the Schedule appended to these Scheme Rules;(q)"Shite" means the State of Madhya Pradesh;(r)"Transco" means the Madhya Pradesh Power Transmission Company Limited, a company incorporated with the main object of undertaking the transmission of electricity in the State of Madhya Pradesh;(s)"Transferee" means TRANSCO or GENCO or DISCOM-1, or D1SCOM-2 or DISCOM-3, as the case may be in whom the functions and undertakings of the Board

are vested in terms of the provisions of the Act read with these Scheme Rules;(t)"Undertaking" means the functions of the Board and a block or blocks of properties, interest, rights and liabilities to the extent and in the manner specified as a part of the undertakings and such other properties, interest, rights and liabilities as specified in these Scheme Rules relevant to the functions;(u)Words and expressions used in this Scheme rules and defined in the Act and Central Act but not specifically defined in these scheme rules shall have the same meaning as assigned to them in the Act and Central Act.

#### **4. Classification of Undertakings of the Board.**

(1)The undertakings of the Board are classified in the following Schedules :(a)General Undertakings as set out in Schedule-'A';(b)Transmission Undertakings as set out in Schedule-'B';(c)For DISCOM 1, the Distribution Undertakings as set out in Schedule-'C';(d)For DISCOM 2, the Distribution Undertakings as set out in Schedule-'D';(e)For DISCOM 3, the Distribution Undertakings as set out in Schedule-'E'; and(f)The Undertaking as set out in Schedule-'F'.(2)If the assets of the Undertaking under sub-rule (1) one subject to security documents or arrangements in favour of third parties for the financial assistance or obligation taken by the Board and the liabilities in respect thereof are to be classified in different Undertakings, the State Government, may by order to be issued for the purpose, provide for the apportionment of the liabilities secured by such properties, assets and rights between the different Undertakings and upon such apportionment, the security shall be applicable to the extent of apportioned liability.

#### **5. Transfer of property to the State.**

(1)On and from the date of transfer to be notified by the State Government the properties and all interests, rights and liabilities of the Board as specified in Schedule 'A' to 'E' shall stand transferred to and vested in the State Government for the purposes of the Transfer Schemes under these Scheme Rules.(2)Nothing in sub-rule (1) shall apply to rights, responsibilities, liabilities and obligations in respect of the personnel and personnel related matters including statutory dues such as salary, wages, gratuity, pension, provident fund, compensation terminal and retirement benefits and the same shall be dealt in the manner provided under Rule 7 of these Scheme Rules.

#### **6. Transfer of Undertakings by the State.**

(1)The Undertakings forming part of Generation Undertakings as set out in Schedule-'A' shall stand transferred to and vested in GENCO on and from the date of the transfer to be notified by the State Government subject to the terms and conditions specified in the Act and these Scheme Rules.(2)The Undertakings forming part of Transmission Undertakings as set out in Schedule-'B' shall stand transferred to and vested in TRANSCO on and from the date of the transfer to be notified by the State Government subject to the terms and conditions specified in the Act and these Scheme Rules.(3)The Undertakings forming part of Distribution Undertaking as set out in Schedule-'C' shall stand transferred to and vested in DISCOM-1 on and from the date of the transfer to be notified by the State Government subject to the terms and conditions specified in the Act and these Scheme Rules.(4)The Undertakings forming part of Distribution Undertakings as set out in Schedule-'D'

shall stand transferred to and vested in DISCOM-2 on and from the date of the transfer to be notified by the State Government subject to the terms and conditions specified in the Act and these Scheme Rules.(5)The Undertakings forming part of Distribution Undertakings as set out in Schedule-'E' shall stand transferred to and vested in DISCOM-3 on and from the date of the transfer to be notified by the State Government subject to the terms and conditions specified in the Act and these Scheme Rules.(6)The Undertakings or the Properties and Liabilities as set out in Schedule 'F' shall be retained by the Board till further orders of the State Government.(7)On such transfer and vesting of the Undertakings in terms of sub-rules (1) to (5) of these Scheme Rules and except as otherwise provided, the respective transferee, shall be responsible for all functions, contracts, rights, deeds, schemes, bounds, agreements and other instruments of whatever nature relating to the respective Undertakings transferred to it to which the Board was as a party, subsisting or having effect on the date of the transfer, in the same manner as the Board was liable immediately before the date of the transfer, and the same shall remain in force and effect against or in favour of the respective transferee and may be enforced effectively as if the respective transferee has been a party thereto instead of the Board.(8)(a)The transfer to and vesting of the Undertakings to the transferees in terms of these Scheme Rules shall take effect immediately on the date of the transfer as may be notified by the State Government for the purpose notwithstanding that the value of such Undertakings have not been determined and shall be determined at a later date.(b)The value of the assets to be transferred to the Transferees shall be the fair value determined in any one or more of the following basis.(i)Revenue earning potential, or(j)Depreciated replacement value, or(k)Book value(c)The opening balance-sheet of the Transferees may be finalised and notified by the State Government at any time during the provisional period mentioned in Rule 10 of these Scheme Rules.(9)The State Government may by an order to be issued for the purpose amend, vary, modify, add, delete or otherwise change the terms and conditions specified in the Schedules at any time during the provisional period mentioned in Rule 10 of these Scheme Rules.

## **7. Transfer of Personnel.**

(1)The transfer of personnel shall be subject to the terms and conditions contained in Section 133 of the Central Act and Section 24 of the Act.(2)(a)On the Date of Transfer, notified by the State Government for transfer or the specific Undertakings under Rule 6, the personnel of the Board shall stand assigned to the services of the Genco, Transco, Discom-1, Discom-2 and Discom-3, as the case may be, on as is where is basis, namely, that they will continue to serve in the place where they are posted on the date of the transfer, till further orders of the State Government.(b)The State Government may issue orders from time to time directing the personnel rendering services in the Board relating to Undertakings classified in two or more of the Schedules, to be assigned to the Undertakings classified under a specified schedule and thereupon such personnel shall be deemed to have assigned to the services of such Undertakings for all intent and purposes.(3)The assignment under sub-rules (1) and (2) above to the transferees shall continue till the personnel are absorbed in the services of the specific Transferee, in accordance with the provisions of the Act, the Scheme Rules, and orders to be issued by the State Government under these Scheme Rules.(4)The State Government shall in consultation with the Genco, Transco, Discoms and the Board finalise the transfer to and permanent absorption of the Personnel in a Transferee taking into account the suitability, ability and experience of the personnel, number and nature of the vacancies and other

relevant factors and issue appropriate orders, as it may think fit for such permanent absorption within the provisional period mentioned in Rule 10.(5)For the purpose of sub-rule (4) above the State Government shall, in consultation with Genco, Transco, Discoms and the Board, constitute a Committee as the State Government may consider appropriate to (a) receive representations from the Personnel in regard to their transfer and absorption in the transferee, and (b) to make recommendation on such transfer and absorption, within such time as State Government may by notification specify for the purpose.(6)The State Government shall take a decision on the transfer and permanent absorption of the Personnel in the Transferee after considering the recommendation of the Committee appointed for the purpose and shall issue order for such transfer and permanent absorption of the Personnel.(7)Upon the finalization and issue of orders in terms of the sub-rule (6), the personnel shall form part of the service of the Transferee concerned, in the post, scale of pay of seniority in accordance with the orders that may be issued for this purpose, without any further act, deed or thing to be done by the State Government or the Board or the Transferee or any other including the personnel.(8)Subject to the provisions of the Act and these Scheme Rules, the transferee shall be entitled to modify or frame new regulations governing the conditions of service of personnel transferred to the transferee under these Scheme Rules, but their rank, scale of pay, salary, allowances and other pecuniary benefits including terminal benefits etc. after the effective date of transfer shall not in any way be inferior to those applicable to them immediately before the transfer.(9)In respect of all statutory and other schemes and employment related matters including the provident fund, gratuity fund, pension and any other superannuation fund or any other special fund created or existing for the benefit of the personnel, the relevant transferee shall stand substituted for the Board for all purposes and all the rights, powers and obligations of the Board in relation to any and all such matters shall become those of the transferee concerned and the services of the personnel shall be treated as having been continuous for the purpose of the application of these Scheme Rules.(10)The State Government shall notify appropriate arrangements in regard to the funding of the pension funds and other personnel related funds by the transferees to the extent they are not funded on the date of the transfer of the personnel from the Board including for the due payment of the amounts to personnel who retire after the date of the transfer, by the respective transferees to which these personnel are transferred and till such time such payments shall be duly made by the Board.(11)The State Government shall notify appropriate arrangements in regard to the funding and due payment of the terminal benefits to the existing pensioners of the Board as on the date of the transfer and till such time such payment shall be duly made by the Board.For the purpose of this sub-clause the term,-(i)"Existing Pensioner" means all the persons eligible for the pension as on the date of the transfer from the Board and shall include family members of the personnel, and(ii)"Terminal Benefits" means the gratuity, pension, dearness and other applicable relief, medical benefit, and other applicable benefits including the right to have the appropriate revisions in the above benefits consistent with the practice that were prevalent in the Board.(12)The provisions of sub-rules (9), (10) and (11) above shall not apply to any personnel, other than the existing personnel and existing pensioner of the Board, as on the date of transfer. All personnel recruited and appointed by the transferee shall be governed by, Contributory Provident Fund Scheme or any other appropriate scheme, which the transferee concerned may establish, for the purpose, and not by the pension schemes of the existing personnel and existing pensioners, under sub-rules (9), (10) and (11) above.(13)All proceedings including disciplinary proceedings pending against the personnel prior to the date of the transfer from the Board to the transferee or from such

transferee to another transferee as the case may be, or which may relate to misconduct, lapses or acts of commission or omission committed before the date of transfer, shall not abate and may be continued by the relevant transferee.(14)The personnel transferred to the transferees, shall be deemed to have entered into an agreement with the transferee concerned to repay loans, advances and other sums due or otherwise perform obligations undertaken by them to the Board which remain outstanding as on the date of the transfer, on the same terms and conditions as contained in the arrangement with the Board.(15)Nothing contained in these Scheme Rules shall apply to personnel of the State Government or the Central Government or other organization on deputation to Board as on the date of the transfer but such personnel shall continue on deputation to the concerned transferee(s), to whose services they are assigned on as is where is basis or otherwise as per the orders of the State Government from time to time, issued in this behalf.

## **8. Rights and obligations of third parties restricted.**

- Upon the transfer being effected in accordance with the provisions of the Act and these Scheme Rules, the rights and obligations of all persons (including body corporate, financial institutions, lenders, etc.) shall be restricted to the Transferee to whom they are transferred to and notwithstanding anything to the contrary contained in any deed, documents, instruments agreements or arrangements which such person has with the Board, he shall not claim any right or interest against the State Government, Board or any other transferee.

## **9. Pending suits, proceedings, etc.**

(a)All proceedings of whatever nature by or against the Board pending on the date of the transfer shall not abate or discontinue or otherwise in any way prejudicially be affected by reason of the transfer under these Scheme Rules and the proceedings may be continued, prosecuted and enforced by or against the transferee to whom the same are assigned in accordance with these Scheme Rules and orders issued thereunder.(b)Such proceedings may be continued in the same manner and to the same extent as it would or might have been continued, prosecuted and enforced by or against the Board if the transfers specified in these Scheme Rules had not been made.

## **10. Classifications and transfer of property, rights, liabilities and proceedings to be provisional in the first instance.**

(1)The classification and transfer of Undertakings including personnel under these Scheme Rules, unless otherwise specified in any order made by the State Government, shall be provisional and shall be final upon the expiry of twelve months from the date of the transfer.(2)At any time within a period of twelve months from the date of the transfer, the State Government may by order to be notified amend, vary, modify, add, reduce, delete or otherwise change terms and conditions of the transfer including items included in the transfer, and transfer such properties, interests, rights, liabilities, personnel and proceedings and forming part of an Undertaking of one transferee to that of any other transferee or the Board or to the State Government in such manner and on such terms and conditions as the State Government may consider appropriate.(3)On the expiry of the period of

twelve months from the date of the transfer and subject to any directions given by the State Government, the transfer of Undertakings, properties, interests, rights, liabilities, personnel and proceedings made in accordance with the Scheme Rules shall become final.

## **11. Transfer by operation of law.**

- The transfer under these Scheme Rules shall be operated and be effective pursuant to action of the State Government by publishing these Scheme Rules and Orders issued in terms of these Scheme Rules and without any further act, deed or thing to be done by the State Government, Board, transferees or any other person, subject to the terms and conditions of these Scheme Rules.

## **12. Rights and Powers of the Transferees during the provisional period.**

(1)The transferees shall continue to function and undertake business activities assigned to them on behalf of and as agents of the Board till such time the State Government issues a Notification authorising the transferees to undertake such functions and activities on their own and independent of the Board.(2)The State Government may issue such notification from time to time in respect of one or more of the transferees, but all such notifications shall be before the end of the provisional period as specified in Rule 10.

## **13. Decision of State Government to be final.**

(1)If any doubt, dispute, difference or issue shall arise in regard to the transfers under these Scheme Rules subject to the provisions of the Act, the decision of State Government thereon shall be final and binding on all parties.(2)The State Government may, be order published in the Official Gazette, amend these Scheme Rules and make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulties arising in implementing the transfers under these Scheme Rules.

## **'A'**

Generation UndertakingsThe Generation Undertakings shall comprise of the Assets, Liabilities and proceeding, including the following but not limited to them, belonging to the Madhya Pradesh State Electricity Board, concerning the Generation of electricity :-I. Existing Power Stations :Thermal :A. Satpura Station wit PH II 1 x 200 MW plus 1 x 210 MW and PH III 2 x 210 MW generating units and with all associated and related equipment such as generators, turbines, boilers, condensers, electrostatic precipitators, controls and instrumentation, Railway Sidings, coal handling system, ash handling system, ash pond, raw water supply and treatment system, DM water plant, secondary fuel oil storage facilities and its handling system, switch yard including step up transformers, service transformers, auxiliary unit transformers circuit breakers, HT & LT switchgears, control and protection system, overhead cranes, chimney, Stores, spare parts, consumables, raw materials etc. and works in progress.B. Birsingpur Station with 4 generating units of 210 MW capacity each with all associated and related equipment such as generators, turbines, boilers, condensers, electrostatic

precipitators, controls and instrumentation, Railway Sidings, coal handling system, ash handling system, ash pond, raw water supply and treatment system, DM water plant, secondary fuel oil storage facilities and its handling system, switch yard including step up transformers service transformers, auxiliary unit transformers circuit breakers, HT & LT switchgears, control and protection system, overhead cranes, chimney, Stores, spare parts, consumables, raw materials etc, and works in progress.

**C. Amarkantak Station with 1 x 30 MW, 1 x 20 MW and 2 x 120 MW and with all associated and related equipment such as generators, turbines, boilers, condensers, electrostatic precipitators, controls and instrumentation, Railway Sidings, coal handling system, ash handling system, ash pond, raw water supply and treatment system, DM water plant, secondary fuel oil storage facilities and its handling system, switch yard including step up transformers, service transformers, auxiliary unit transformers circuit breakers, HT & LT Switchgears, control and protection system, overhead cranes, chimney, Stores, spare parts, consumables, raw materials etc, and works in progress.**

**Hydel Power Stations :**

**(a) Bansagar-PH-II (Silpara Station) :** Penstocks at the intake structure, penstock gates, draft tube gate, tail race channel, power house with 2 units of 15 MW capacity each along with generators turbines, and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.

**(b) Bargi Station :** Penstock at the intake structure, penstock gates, draft tube gate, tail race channel, power house with 2 units of 45 MW capacity each along with generators, turbines and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.

**(c) Bansagar PH I and PH III Station ;** Penstocks at the intake structure, penstock gates, draft tube gate, tail race channel, power house with 3 units of 105 MW capacity each (Bansagar PH-I, Tons Hydel Power Station) and 3 units of 20 MW each (Bansagar PH-III, Deolond) along with generators, turbines and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.

**(d) Birsinghpur Station :** Penstocks at the intake structure, penstock gates, draft tube gate, tail race channel, power house with 1 unit of 20 MW capacity each along with generators, turbines and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.

**Shared Generating Stations :**

**(a) Satpura Thermal Power Station ;** (an interstate project shared between Madhya Pradesh and Rajasthan) with 60% share of Madhya Pradesh having five units of 62.5 MW capacity each along with all associated and related equipment such as generators, turbines, boilers auxiliary units with controls and instrumentation, Railway sidings social handling system, ash handling system, ash pond, raw water supply and treatment system, cooling towers, secondary fuel oil storage facilities and its handling system and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, overhead cranes, stores, spare parts, consumables, raw materials etc. and, works in progress.

**(b) Chambal Complex :** (an interstate project shared between Madhya Pradesh and Rajasthan) with 50% share of Madhya Pradesh, with 50% share of Rajasthan, on cost and benefits with 5 unit of 23 MW of Gandhi Sagar, 4 units of 43 MW of



Rana Pratap Sagar and 3 units of 33 MW of Jawahar Sagar. All assets are owned by both the Electricity Boards in the same ratio O & M expenses are being met by both the Electricity Boards and reaping the power benefits based on their share.(c)[Pench Station] [This plant is located in Maharashtra and 2/3rd share belongs to MPSEB, which shall be transferred to the Generating Company.] : Penstocks at the intake structure, penstock gates, draft tube gate, tail race channel, power house with 2 units of 80 MW capacity each along with generators, turbines and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, pen stock and draft tube gates, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.(d)[Rajghat Station] [This plant is located in Uttar Pradesh and 50% share belongs to MPSEB, which shall be transferred to the Generating Company.] : Penstocks at the intake structure, penstock, gates, draft tube gate, tail race channel, power house with 3 units of 15 MW capacity each along with generators, turbines and all associated and related equipment and switch yard including step up transformers, step down transformers, circuit breakers, control and protection system, pen stock and draft tube gates, overhead cranes, gantry cranes, hydraulic hoists, power house stores, spare parts, consumables, raw materials etc. and works in progress.II. Power Projects Under Construction :(a)Bansagar Hydel Power Station PH-IV (2 x 10 MW)(b)Madikheda Hydel Power Station (2 x 20 + 1 x 20 MW)(c)Proposed SGTPS, Birsinghpur Extention (500 MW)III. General Assets :(a)The following, if they exclusively or primarily pertain to the generating stations or projects referred to in Paras I and II above or activities related to such generating stations or projects :Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, land and civil works installations including dams, barrages, canals roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, training centres, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete.(b)The office establishment and other buildings and lands, not covered elsewhere in this schedule, which are predominantly occupied/ used for the activities of Generation Undertakings as on the effective date of transfer.IV. Miscellaneous:(1)Contracts, agreements, interest and arrangements to the extent they are associated with or related to Generation activities or to the Undertakings or assets referred to in Paras I to III above.(2)Loans, secured and unsecured to the extent they are associated with or related to Generation activities or to the Undertakings or assets referred to in Paras I to III above.(3)Other current assets to the extent they are associated with or related to Generation activities or to the Undertakings or assets referred to in Paras I to III above.(4)Other current liabilities and provisions to the extent they are associated with or related to Generation activities or to the Undertakings or Assets referred to in Paras I to III above.(5)Contingent liabilities to the extent they are recognised and are associated with or related to Generation activities or to the undertakings or Assets referred to in Paras I to III above.(6)Other liabilities to the extent they are associated with or related to Generation activities or to the Undertakings or Assets referred to in Paras I to III above.(7)Proceedings to the extent they are associated with or related to Generation activities or to the Undertakings or Assets referred to in Paras I to III above.V. General:(1)The assets of the generating Undertaking shall vest in GENCO.(2)The State Government shall before the end of the provisional period mentioned in Rule 10 allocate the liabilities of MP SEB to GENCO to the extent

and in such manner, as the State Government may deem proper.(3)in consideration of the transfer mentioned above, the State Government may, direct GENCO to issue instruments such as equity shares, preference shares, debentures and other securities in favour of the State Government or in other Company as the State Government may direct taking into account the assets and liabilities transferred from MESEB to GENCO.

## **'B'**

**Transmission Undertaking**The transmission Undertaking shall comprise of all Assets, Liabilities and proceedings, including the following but not limited to them, belonging to the Madhya Pradesh State Electricity Board, concerning the transmission of electricity :-I. Transmission Assets :All the transmission lines having the capacity to carry electricity at voltages of 66 KV and above (notwithstanding the same are presently charged at voltages below 66 KV) on double circuit/single circuit/single circuit on double circuit towers with Grid sub-stations of various capacities with all associated and related equipment, including step up, step-down transformers, circuit breakers, metering arrangements and other protective devices with power-line communication system, allied control rooms, load dispatch center, lands (including right of way), buildings, roads and other auxiliary assets spread over within and outside the territory of the State including such assets under construction and assets acquired, transferred or rights or which were vested with the Board by transfer, sale, lease or otherwise, but excluding such constructions or installations lawfully owned and operated by others.In addition to the above, the 33 KV and below distribution system which are in the 66 KV and above Grid Sub-stations and are integral part of the transformation from 66 KV and above voltages to 33 KV and below voltages shall be part of the transmission system and they shall not form part of the distribution Undertakings notwithstanding anything contained in any other schedule.II. General Assets :(a)The following, if they exclusively or primarily pertain to the above mentioned transmission systems properties or projects or activities related to such transmission systems, properties or projects :Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, lands and civil works installations including roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, training centers, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete.(b)The following pertaining to the shared Sub-stations to the extent of rights which vested in the Board.Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, lands and civil works installations including roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, training centers, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete.(c)All independent and stand-alone Rest houses, which are not part of sub-stations/installations of the Board.(d)The office establishment and other buildings and lands, not covered elsewhere in this schedule, which are predominantly occupied/ used for the activities of Generation Undertakings as on the effective date of transfer.III. Miscellaneous :(1)Contracts, agreements, interest and arrangements to the extent they are associated with or related to transmission activities or to the

Undertakings or Assets referred to in Paras I and II above.(2)Loans, secured and unsecured to the extent they are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.(3)Other Current Assets to the extent they are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.(4)Other Current liabilities and provisions to the extent they are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.(5)Contingent liabilities to the extent they are recognised and are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.(6)Other liabilities to the extent they are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.(7)Proceedings to the extent they are associated with or related to transmission activities or to the Undertakings or Assets referred to in Paras I and II above.IV. General :(1)The assets of the transmission Undertaking shall vest in TRANSCO.(2)The State Government shall before the end of the provisional period mentioned in Rule 10 allocate the liabilities of MPSEB to TRANSCO to the extent and in such a manner, as the State Government may deem proper.(3)In consideration of the transfer mentioned above, the State Government may, direct TRANSCO to issue instruments such as equity shares, preference shares, debentures and other securities in favour of the State Government or in other Company as the State Government may direct taking into account the assets and liabilities transferred from MPSEB to TRANSCO.

## 'C'

Distribution Undertaking of Discom 1The Distribution Undertaking of DISCOM 1 shall comprise generally of all the Assets, Liabilities and proceedings, including the following but not limited to them, belonging to the Board, concerning the distribution of electricity in the area of supply consisting of Commissioners of Jabalpur, Rewa and Sagar of the State of Madhya Pradesh :-I. Distribution Assets :All 33 KV, 11 KV, LT. (Single phase 2 wire to 3 phase 5 wire) lines (with overhead lines, Aerial Bunched cables and underground cables) and Sub-stations on different types of supports with various sizes of conductors and step up/step down transformers, breakers, protective and metering devices and control rooms, testing laboratories, lands (including right of way), buildings, roads, diesel generating sets or other conventional and non- conventional generating units, service connections and installations inside consumer's premises, street and signal systems owned by or leased to the Board but excluding fittings, fixtures and installations owned, by private persons or local authorities, including any of the above assets under construction as on effective date of transfer.II. General Assets :The following, if they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects :Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, lands and civil works installations including roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, training centers, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete.The office establishment and other buildings and lands, not covered elsewhere in this schedule, which are predominantly occupied/used for the activities of Distribution Undertaking of Discom 1 as on the effective date of

transfer.III. Miscellaneous :(1)Contracts, agreements, interest and arrangements to the extent they are associated with or related to distribution activities or to the Undertakings or assets referred to in Paras I and II above.(2)Loans, secured and unsecured to the extent they are associated with or related to distribution activities or to the Undertakings or assets referred to in Paras I and II above.(3)Other Current Assets to the extent they are associated with or related to distribution activities or to the Undertakings or assets referred to in Paras I and II above.(4)Other current liabilities and provisions to the extent they are associated with or related to distribution activities of the Undertakings or Assets referred to in Paras I and II above.(5)Contingent liabilities to the extent they are recognised and are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.(6)Other liabilities to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.(7)Proceedings to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.IV. General :(1)The assets of the distribution Undertaking shall vest in DISCOM 1.(2)The State Government shall before the end of the provisional period mentioned in Rule 10 allocate the liabilities of MPSEB to DISCOM 1 to the extent and in such a manner, as the State Government may deem proper.(3)In consideration of the transfer mentioned above, the State Government may, direct DISCOM 1 to issue instruments such as equity shares, preference shares, debentures and other securities in favour of the State Government or in other Company as the State Government may direct taking into account the assets and liabilities transferred from MPSEB to DISCOM 1.

## **'D'**

Distribution Undertaking of Discom 2The Distribution, Undertaking of DISCOM 2 shall comprise generally of all the Assets, Liabilities and proceedings, including the following but not limited to them, belonging to the Board, concerning the distribution of electricity in the area of supply consisting of Commissioners of Bhopal, Hoshangabad, Chambal and Gwalior of the State of Madhya Pradesh :-I. Distribution Assets :All 33 KV, 11 KV, L. (Single phase 2 wire to 3 phase 5 wire) lines (with overhead lines Aerial Bunched cables and underground cables) and Sub-stations on different types of supports with various sizes of conductors and step up/step down transformers, breakers, protective and metering devices and control rooms, testing laboratories, lands (including right of way), buildings, roads, diesel generating sets or other conventional and non-conventional generating units, service connections and installations inside consumer s premises, street lighting and signal systems owned by or leased to the Board but excluding fittings, fixtures and installations owned by private persons or local authorities, including any of the above assets under construction as on effective date of transfer.II. General Assets :The following, if they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects :Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, lands and civil works installations including roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing Laboratories and equipment, training centers, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete.The office establishment and other buildings and lands, not covered elsewhere in this schedule, which are predominantly

occupied/used for the activities of Distribution Undertakings of Discom 2 as on the effective date of transfer.

III. Miscellaneous: (1) Contracts, agreements, interest and arrangements to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above. (2) Loans, secured and unsecured to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above. (3) Other Current Assets to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above. (4) Other current liabilities and provisions to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras 1 and II above. (5) Contingent liabilities to the extent they are recognised and are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above. (6) Other liabilities to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above. (7) Proceedings to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.

IV. General : (1) The assets of the distribution Undertaking shall vest in DISCOM 2. (2) The State Government shall before the end of the provisional period mentioned in Rule 10 allocate the liabilities of MPSEB to DISCOM 2 to the extent and in such a manner as the State Government may deem proper. (3) In consideration of the transfer mentioned above, the State Government may, direct DISCOM 2 to issue instruments such as equity shares, preference shares, debentures and other securities in favour of the State Government or in other Company as the State Government may direct taking into account the assets and liabilities transferred from MPSEB to DISCOM 2.

## 'E'

Distribution Undertaking of Discom 3 The Distribution Undertaking of DISCOM 3 shall comprise generally of all the Assets, Liabilities and proceedings, including the following but not limited to them, belonging to the Board, concerning the distribution of electricity in the area of supply consisting of Commissioners of Indore and Ujjain of the State of Madhya Pradesh :-

I. Distribution Assets : All 33 KV, 11 KV, LT. (Single phase 2 wire to 3 phase 5 wire) lines (with overhead lines, Aerial Bunched cables and underground cables) and Sub-stations on different types of supports with various sizes of conductors and step up/step down transformers, breakers, protective and metering devices and control rooms, testing laboratories, lands (including right of way), buildings, roads, diesel generating sets or other conventional and non-conventional generating units, service connections and installations inside consumer's premises, street lighting and signal systems owned by or leased to the Board but excluding fittings, fixtures and installations owned, by private persons or local authorities, including any of the above assets under construction as on effective date of transfer.

II. General Assets : The following, if they exclusively or primarily pertain to the above mentioned distribution systems, properties or projects or activities related to such distribution systems, properties or projects : Special tools and equipment, material handling equipment, earth movers, bulldozers, concrete mixtures, cranes, trailers, heavy and light vehicles, furniture, fixtures, office equipment, air conditioners, refrigerators, computers and signal systems, spares, consumables, raw materials, lands and civil works installations including roads, buildings, staff quarters, rest houses, properties and structures and their associated buildings, schools, dispensaries, testing laboratories and equipment, training centers, workshops, works in progress, machinery and equipment sent for repairs, scraps and obsolete. The office establishment and other

buildings and lands, not covered elsewhere in this schedule, which are predominantly occupied/used for the activities of Distribution Undertakings of Discom 3 as on the effective date of transfer.

III. Miscellaneous :

- (1) Contracts, agreements, interest and arrangements to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (2) Loans, secured and unsecured to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (3) Other Current Assets to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (4) Other Current liabilities and provisions to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (5) Contingent liabilities to the extent they are recognized and are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (6) Other liabilities to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.
- (7) Proceedings to the extent they are associated with or related to distribution activities or to the Undertakings or Assets referred to in Paras I and II above.

IV. General :

- (1) The assets of the distribution undertaking shall vest in DISCOM 3.
- (2) The State Government shall before the end of the provisional period mentioned in Rule 10 allocate the liabilities of MPSEB to DISCOM 3 to the extent and in such a manner, as the State Government may deem proper.
- (3) In consideration of the transfer mentioned above, the State Government may, direct DISCOM 3 to issue instruments such as equity shares, preference shares, debentures and other securities in favour of the State Government or in other Company as the State Government may direct taking into account the assets and liabilities transferred from MPSEB to DISCOM 3.

## **'F'**

Functions and Undertakings Retained in MPSEB

- (1) The bulk purchase and bulk supply functions, namely, purchase of electricity in bulk from the generating companies including GENCO and supply of electricity in bulk to the DISCOMS. MPSEB will not, however, undertake the activity of supply of electricity to any consumer in the State of Madhya Pradesh from such date as the State Government may direct in this behalf.
- (2) The liabilities to the extent to be retained as per the direction the State Government may issue in this behalf.
- (3) The assets in the form of amounts, which the State Government may direct as payable by the transferee to MPSEB to the extent and in the manner as the State Government may consider appropriate to compensate MPSEB for the liabilities, retained as per clause (2) above.
- (4) Cash and Bank Balance to be retained and shall be given to the transferees to the extent they are associated with or related to them, or as per the direction the State Government may issue in this behalf.
- (5) Fixed Deposits lying with State Bank of India being the amount taken as security deposit from independent power producers.