

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400 005
Tel. 022 22163964/65/69
Email: mercindia@merc.gov.in
Website: www.merc.gov.in**

Dated: 7 October 2022

**Coram: I.M. Bohari, Member
Mukesh Khullar, Member**

Case Nos. 116 of 2022

Case of Imagicaa World Entertainment Ltd. seeking refund of wheeling and transmission charges levied for over-injected units for FY 2020-21 along with applicable interest and excess refund penalty of wheeling charges

Imagicaa World Entertainment Ltd. : Petitioner

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) : Respondent

Appearance:

For the Petitioner : Shri Mohan Borole (Rep.)

For the MSEDCL : Shri Rahul Sinha (Adv.)

Daily Order

Heard the Representative / Advocate of the Petitioner and Respondent.

1. Representative of Petitioner stated that as per the DOA Regulations, 2016, Open Access Practice Directions dated 7 March 2017 and DOA First Amendment Regulations 2019, the Transmission and Wheeling charges should be levied on the actual energy drawn at the consumption end and not on the entire injected generation. However, MSEDCL has wrongfully levied the transmission and wheeling charges on over injected units of FY

2020-2021 and sought that MSEDCL shall refund the excess transmission and wheeling charges recovered by the MSEDCL.

2. Representatives of the Petitioner further Stated MSEDCL has levied a double penalty (levy of wheeling charges) in the month of May 2020 on the Petitioner for alleged non-compliance of Regulation 3.2 of DOA First Amendment Regulations 2019 i.e for penalty of wheeling charges for not achieving Maximum Demand (**MD**) of more than 700 kVA in two consecutive months. The Petitioner has already paid such charges to MSEDCL.
3. Advocate of MSEDCL stated that it has levied the transmission and wheeling charges as per the illustrations provided by the Commission and as per the methodology provided in the Commission's Order dated 20 July 2018 in Case No. 206 of 2017 (Sridevi Trading Company v. MSEDCL). In the said order, the Commission noted that MSEDCL is levying the Wheeling Charges on the remaining units after due deduction of transmission loss and wheeling loss from the injected Units. Further, MSEDCL has levied the wheeling charges penalty on the Petitioner for not maintaining the MD of above 700kVA for the two consecutive months as per the 6th proviso to Regulation 3.2 of DOA First Amendment Regulations 2019.
4. The Commission directs the Petitioner to file its Rejoinder within 7 days and MSEDCL shall file its reply with detailed calculations of its Bills showing how wheeling and transmission charges for OA transactions levied on the Petitioner, within 7 days thereafter.

Next date of hearing will be communicated by the Secretariat of the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member