

## MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

### Draft Maharashtra Electricity Regulatory Commission (Specific Conditions of Distribution License applicable to AEML SEEPZ Ltd. for multi-product SEZ at SEEPZ SEZ, Mumbai) Regulations, 2023

#### ELECTRICITY ACT, 2003.

No. **MERC/TEC/Licence Conditions/ASL SEEPZ SEZ/2023/\_\_\_\_\_**: In exercise of the powers under clause (d) of sub-section (2) of Section 181 read with Section 16 and clause (b) of Section 14 of the Electricity Act, 2003, the Maharashtra Electricity Regulatory Commission hereby makes the following regulations namely :—

#### 1. Short Title, and Commencement

- 1.1** These Regulations may be called the Maharashtra Electricity Regulatory Commission (Specific Conditions of Distribution License applicable to AEML SEEPZ Ltd. for multi-product SEZ at SEEPZ SEZ, Mumbai) Regulations, 2023.
- 1.2** These Regulations shall extend to 103 acres of area leased by Maharashtra Industrial Development Corporation (**MIDC**) vide the Lease Deeds dated 20 January 1975 and 28 June 2005 respectively and as specified in the Co-Developer Agreement dated 8 September 2021 executed between Santacruz Electronic Export Processing Zone (**SEEPZ**) SEZ Authority and AEML SEEPZ Limited (**ASL**).

Sr. No.	Details of Agreement/ Deed	Dated
1	Lease Deed between MIDC and SEEPZ SEZ for Plot No. F-1 admeasuring approximately <b>92 Acres</b>	20 January 1975
	Lease Deed between MIDC and SEEPZ SEZ for additional area known as SEEPZ ++ admeasuring <b>11 Acres</b>	28 June 2005
2	Co-Developer Agreement between SEEPZ SEZ Authority and AEML SEEPZ Limited (ASL)	8 September 2021
<b>TOTAL Area of SEEPZ SEZ</b>		<b>103 Acres</b>

- 1.3** These Regulations shall come into force from the date of their publication in the Official Gazette.

#### 2. Definitions

- 2.1** In these Regulations, unless the context otherwise requires: -

(a) “**Act**” means the Electricity Act, 2003, (36 of 2003);

- (b) “**ASL**” means M/s AEML SEEPZ Limited, registered under the Companies Act, 1956 and approved as a Co-Developer for SEZ at Santacruz Electronic Export Processing Zone, Andheri (East), Mumbai vide Co-Developer Agreement dated 8 September 2021 with SEEPZ SEZ Authority and vide letter of approval dated the 26 October 2021 issued by the Government of India, Ministry of Commerce and Industry, Department of Commerce (SEZ Section) Udyog Bhavan, New Delhi ;
- (c) “**Co-Developer**” shall have the same meaning as defined under sub-section (f) of Section 2 of the Special Economic Zone Act, 2005;
- (d) “**Developer**” shall have the same meaning as defined under sub-section (g) of Section 2 of the Special Economic Zone Act, 2005;
- (e) “**Deemed Distribution Licensee**” means the Co-Developer, namely, ASL, which has been authorized under clause (b) of Section 14 of the Act by virtue of the Notification No. S. O. 528 (E), dated the 3rd March, 2010 issued by the Government of India under Section 49 of the Special Economic Zones Act, 2005, to operate and maintain a power distribution system for supplying electricity to the consumers in its area of supply as specified in the Lease Deeds and Co- Developer Agreement referred at Clause 1.2 above;
- (f) “**General Conditions**” means the General Conditions as specified in the Maharashtra Electricity Regulatory Commission (General Conditions of Distribution Licence) Regulations, 2006 as in force from time to time;
- (g) “**SEZ Act**” means the Special Economic Zones Act, 2005;
- (h) “**Special Economic Zone**” or “**SEZ**” means each Special Economic Zone notified under the proviso to sub-section (4) of section 3 and proviso to sub-section (1) of section 4 (including Free Trade and Warehousing Zone) and includes an existing Special Economic Zone under the SEZ Act.
- (i) “**SEZ Rules**” means the Special Economic Zones Rules, 2006 as in force from time to time;

**2.2** Words and expressions used in these Regulations and not defined shall have the same meaning assigned to them in the Electricity Act, 2003 and SEZ Act, 2005 or Rules and Regulations made thereunder.

### **3. Applicability**

These Specific Conditions with respect to ASL and the General Conditions of Distribution Licence as notified by the Commission shall be deemed to be the conditions of Licence of ASL and shall govern its operations of distribution and retail supply of electricity in the area specified herein.

### **4. “Area of Distribution” or “Area of Supply”**

- 4.1** The Area within which the Deemed Distribution Licensee is authorized to supply electricity shall be the 103 acres of area Santacruz Electronic Export Processing Zone, Andheri (East) leased out by MIDC vide the Lease Deed dated 20 January 1975 and 28 June 2005 and as considered in the Co-Developer Agreement dated 8 September 2021 subject to such conditions and exclusions as specified in the afore-mentioned deeds/agreements, summarized in the following table:

<b>Sr. No.</b>	<b>Details of Agreement/ Deed</b>	<b>Dated</b>
1	Lease Deed between MIDC and SEEPZ SEZ for Plot No. F-1 admeasuring approximately <b>92 Acres</b>	20 January 1975
	Lease Deed between MIDC and SEEPZ SEZ for additional area known as SEEPZ++ admeasuring <b>11 Acres</b>	28 June 2005
2	Co-Developer Agreement between SEEPZ SEZ Authority and AEML SEEPZ Limited (ASL)	8 September 2021
<b>TOTAL Area of SEEPZ SEZ</b>		<b>103 Acres</b>

The said area is more particularly delineated upon the map of the area of supply and deposited by the Deemed Distribution Licensee with the Commission. The map is annexed at **Schedule I**.

- 4.2** The deemed licensee status of ASL shall be co-terminus with the approval of the developer of the SEZ i.e. if the SEZ area gets de-notified either partially or fully, ASL shall lose its status as a Deemed Distribution Licensee for the corresponding area from the date of such notification.
- 4.3** Similarly, in case of events such as suspension /termination of ASL as the co-developer for the SEZ or expiry of the lease period etc., ASL shall lose its status as a deemed licensee status from date of such event.
- 4.4** In the event of future SEZ notifications or de-notifications by the Ministry of Commerce and Industry, Government of India, resulting into change in the SEZ area, or in case of events such as suspension /termination of ASL as the co-developer for the SEZ or expiry of the lease period etc, the Deemed Distribution Licensee shall approach the Commission within 15 days of such event for seeking amendment of these Specific Conditions with respect to ASL and seeking directions from the Commission regarding an interim arrangement of supply in the interest of the consumers in the said area.

## **5. Term of Licence**

Subject to the provisions of the Act, the Licence shall remain in force for a period of Twenty-Five (25) years with effect from 6 June 2022, (i.e. the date of the Order in Case No.

2 of 2022 issued by the Commission taking on record the deemed Distribution Licensee status of ASL for the above mentioned SEZ), till 5 June 2047 or until and unless such Licence is revoked, whichever is earlier.

**6. Inspection of Specific Conditions and Licence**

The Deemed Distribution Licensee shall make provision for public inspection of these Specific Conditions and its Licence, clearance or approval, immediately after the date of notification of these Regulations.

**7. Un-interrupted power supply**

The Deemed Distribution Licensee shall make provisions for uninterrupted power supply for twenty-four hours within the area of supply.

**8. Power to amend**

The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

**9. Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific Order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

Mumbai,  
dated the \_\_\_February 2023

ABHIJIT DESHPANDE,  
Secretary,  
Maharashtra Electricity Regulatory Commission

# Schedule I

