

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

13th Floor, Centre No.1, World Trade Centre,

Cuffe Parade, Mumbai – 400 005

Tel. 022 2216 3964/65/69

Email: mercindia@merc.gov.in

Website: www.merc.gov.in

Maharashtra Electricity Regulatory Commission (Specific Conditions of Distribution License applicable to P-One Techpark Pvt. Ltd. for IT & ITeS SEZ at Rajiv Gandhi Infotech Park, MIDC, Hinjewadi Phase III, Pune) Regulations, 2023

STATEMENT OF REASONS

Date: 12 June, 2023

The Ministry of Commerce and Industry, Government of India (**the Ministry**) has approved M/s P-One Techpark Pvt. Ltd. (P-One) as the Co-Developer for IT & ITeS SEZ at Rajiv Gandhi Infotech Park, MIDC, Hinjewadi Phase III, Pune, District of Maharashtra.

The Electricity Act, 2003 has been amended through Notification dated 3 March 2010 and as per the amendment, the SEZ developer (which also includes a co-developer for the SEZ) is the deemed Distribution Licensee for the respective notified SEZ area.

On a Petitions filed by P-One, the Commission, vide its Order dated 6 October 2022 in Case No. 91 of 2022 had taken on record its Deemed Distribution Licensee status in respect of the above SEZs in terms of the proviso to Section 14(b) of the Electricity Act, 2003, and stated that the process of specifying the Regulations for Specific Conditions of Distribution Licence applicable to P-One shall be undertaken separately.

Accordingly, the Draft (Specific Conditions of Distribution Licence applicable to P-One for IT & ITeS SEZ at Rajiv Gandhi Infotech Park, MIDC, Hinjewadi Phase III, Pune,) Regulations, 2023 were prepared specifying the Licence Conditions applicable to P-One such as the term of Licence, area of Licence and other conditions. A Public Notice inviting suggestions and objections on the draft Regulations were published in daily newspapers (Times of India, Indian Express, Maharashtra Times and Loksatta) on 28 February 2023, and the draft Regulations were made available on the Commission's websites. The last date for receipt of comments was 30 March 2023.

In response to this, no suggestion / objection has been received except for the suggestions from the Petitioner, M/s. P-One. While there was no comment on the English draft Regulations, M/s. P-One has highlighted an inadvertent error in the Marathi translated draft Regulations wherein the name of other Distribution Licensee was appearing in the definition clause. It was also pointed out

by the Petitioner, that incorrect map was appended to the Marathi Draft Regulations.

The Commission is of the view that no substantive change is required in the Marathi version of the Regulations except for the corrections as suggested by P-One. These suggestions have been incorporated in the Marathi version of the draft Regulations.

The Commission also notes that the Clause No. 4.3 of the draft Regulations reads as under:

“ 4.3 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 P-One 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 P-One and seeking directions from the Commission regarding an interim arrangement of supply in the interest of the consumers in the said area.”

When the draft Specific Conditions Regulations for P-One were published for seeking comments, at the same time draft Specific Conditions for AEMLSPEEZ Ltd. (ASL) were also published for seeking comments. As ASL is also a deemed Distribution licensee being the co-developer for its SEZ, the draft specific conditions Regulations for ASL has the identical clause 4.3 mentioned above. ASL, while submitting its comments on its draft Regulations, has raised a comment on the above Clause 4.3 of the Regulations and stated that if a deemed distribution licensee loses its deemed distribution licensee status on account of suspension/termination of its co-developer status, it cannot approach the Commission seeking amendment of the licence conditions Regulations. Hence, as per ASL, change is required in the draft Regulations.

In this context, the Commission notes that although in the event of suspension/termination of the co-developer status of the deemed distribution licensee, there cannot be an amendment to the Licence conditions Regulations for the Deemed Distribution licensee, however, as can be seen from the draft Regulations, the Regulation also states that deemed distribution licensee has to approach the Commission seeking directions from the Commission regarding an interim arrangement of supply in the interest of the consumers in the said area if such events happen. Therefore, there is already a clarity on this issue, however, for better clarity of the stakeholders, a word “revocation/peel” is being inserted in the draft Regulations which will clarify that in the event of suspension/termination of the co-developer status of the deemed distribution licensee, the licensee has to approach the Commission seeking revocation and repeal of the licence conditions Regulations and for seeking directions from the Commission regarding an interim arrangement of supply in the interest of the consumers in the said area.

The revised clause 4.3 is as under:

“ 4.3 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 P-One 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/revocation/peel of

these Specific Conditions with respect to P-One and seeking directions from the Commission regarding an interim arrangement of supply in the interest of the consumers in the said area.”

The Commission is of the view that the above minor change would bring more clarity. Except for the above change, no change is required in the English version of the Draft Regulations. There is also no substantive change in the Marathi version of the Regulations except for the corrections as suggested by P-One and incorporating the above minor change made in the English version. While finalizing the draft Regulations, these changes have been incorporated and the draft specific conditions Regulations for P-One are finalized accordingly.

**Sd/-
(Mukesh Khullar)
Member**

**Sd/-
(I. M. Bohari)
Member**

**Sd/-
(Sanjay Kumar)
Chairperson**