

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

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Maharashtra Electricity Regulatory Commission (Specific Conditions of Distribution License applicable to M/s SEZ Bio-Tech Services Pvt. Ltd. for the sector specific SEZ for the Poonawalla Biotechnology Park at Village Manjari Budruk, District Pune) Regulations, 2024

And

Maharashtra Electricity Regulatory Commission (Specific Conditions of Distribution License applicable to M/s SEZ Bio-Tech Services Pvt. Ltd. for the sector specific SEZ for Biotech and Pharmaceuticals Sectors at Hadapsar Village, District Pune) Regulations, 2024

STATEMENT OF REASONS

Date: 23 July, 2024

The Ministry of Commerce and Industry, Government of India (the Ministry) had approved M/s. SEZ Bio-Tech Services Pvt. Ltd. (**M/s. SEZ Bio-Tech**) as Co-Developer for a sector specific SEZ for Biotechnology at Manjari, Taluka Haveli, District Pune and for the sector specific SEZ for Biotech and Pharmaceuticals Sectors at Hadapsar Village, District Pune.

The Electricity Act, 2003 has been amended through Notification dated 3 March, 2010 and as per the amendment, the SEZ developer is the deemed Distribution Licensee for the respective notified SEZ area. Further, as per the definition in Section 2(g) of the SEZ Act 2005, the term 'Developer' also includes the Co-Developer.

On the Petitions filed by M/s. SEZ Bio-Tech, the Commission, vide its common Order dated 8 December 2023 in Case No. 179 of 2023 and Case No. 180 of 2023, had taken on record the Deemed Distribution Licensee status of M/s. SEZ Bio-Tech for 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 Specific Conditions of Distribution Licence applicable to M/s. SEZ Bio-Tech for Manjari SEZ and for Hadapsar SEZ would be undertaken separately.

Accordingly, the Draft MERC (Specific Conditions of Distribution License applicable to M/s SEZ Bio-Tech for the sector specific SEZ for the Poonawalla Biotechnology Park at Manjari Village, District Pune) Regulations, 2024 and draft MERC (Specific Conditions of Distribution License applicable to M/s SEZ Bio-Tech for the sector specific SEZ for Biotech and Pharmaceuticals Sectors at Hadapsar Village, District Pune) Regulations, 2024 were prepared specifying the draft Licence Conditions applicable to M/s. SEZ Bio-Tech such as the term of Licence, area of Licence and other conditions. A Public Notice inviting suggestions and objections on the draft Regulations was published in four daily newspapers (Times of India, Indian Express, Maharashtra Times and Loksatta) on 22 April 2024, and the draft Regulations were made available on the Commission's website. The last date for receipt of comments was 21 May 2024.

In response to this, no suggestion/objection from the public has been received except the suggestions from the Petitioner, M/s. SEZ Bio-Tech Services Pvt. Ltd. (**M/s. SEZ Bio-Tech**). The suggestions and the Commission’s decision on the same are as under:

A. Suggestion for including full name of the Licensee in the draft Regulations:

- i. M/s SEZ Bio-Tech has suggested to mention its full name whenever its name is reflected in the draft Regulations i.e. it has suggested to mention “*M/s SEZ Bio-Tech Services Pvt. Ltd.*” wherever “*M/s. SEZ Biotech*” is appearing in the draft Regulations. M/s. SEZ Biotech has suggested to mention its full name for better understanding of the nature of its business.
- ii. In this context, it is observed that in the draft Regulations, “*M/s SEZ Bio-Tech*” has been defined at clause no. 2.1(f) which is as under:

“M/s SEZ Bio-Tech” means M/s SEZ Bio-Tech Services Pvt. Ltd. registered under the provisions of the Companies Act, 1956 and approved as Developer for a sector specific SEZ for Biotechnology at Manjari, Taluka Haveli, District Pune vide Notification dated 29 March 2012 issued by the Government of India, Ministry of Commerce and Industry, Department of Commerce (SEZ Section), New Delhi.

- iii. In view of the above definition specified in the Regulations, the Commission does not find any need to include full name of the Licensee “*M/s SEZ Bio-Tech Services Pvt. Ltd.*” wherever “*M/s. SEZ Biotech*” is appearing in the draft Regulations which will unnecessarily increase the length of the draft Regulations. However, the Commission deems it appropriate to include the full name of the Licensee “*M/s SEZ Bio-Tech Services Pvt. Ltd.*” in the name of the Regulations in place of “*M/s. SEZ Biotech*” since the definition at clause no. 2.1(f) mentioned above would cover the subsequent clauses of the Regulations and not the name of the Regulations. Thus, the suggestion of M/s. SEZ Bio-Tech on this issue, has been partially accepted.

B. Suggestion for indicating cumulative area of SEZ in the draft Regulations:

- i. Further, in case of Manjari SEZ (Case No. 179 of 2023) , there are total four SEZ notifications for M/s. SEZ Bio-Tech with some additional area being notified and added as SEZ through each notification. The details are given below:

Sr. No.	Details of Gazette Notification	Date of Notification issued by GoI	Area of SEZ in Hectares
1.	Gazette Notification No. S.O. 651 (E)	29 March 2012	11.50675
2.	Gazette Notification No. S.O. 341 (E)	7 February 2013	4.613355
3.	Gazette Notification No. S.O. 1399 (E)	2 May 2017	0.97
4.	Gazette Notification No. S.O. 3872 (E)	1 August 2018	4.1925
5.	Gazette Notification No. S.O. 2380 (E)	24 May 2022	1.1400
Total Area			22.4226

- ii. M/s. SEZ Bio-Tech has suggested to add a column for cumulative area of SEZ after each SEZ notification in the following manner:

Sr. No.	Details of Gazette Notification	Date of Notification	Addition of Area of SEZ in Hectares	Resultant Area of SEZ in Hectares
1.	Gazette Notification No. S.O. 651 (E)	29 March 2012	11.50675	11.506750
2.	Gazette Notification No. S.O. 341 (E)	7 February 2013	4.613355	16.120105
3.	Gazette Notification No. S.O. 1399 (E)	2 May 2017	0.97	17.090105
4.	Gazette Notification No. S.O. 3872 (E)	1 August 2018	4.1925	21.282605
5.	Gazette Notification No. S.O. 2380 (E)	24 May 2022	1.1400	22.422605
Total Area				22.422605

iii. In this context, the Commission notes that in the above-mentioned SEZ notifications issued by the Government of India (GoI), the resultant area (i.e. cumulative area) after each new notification has been mentioned. In order to have consistency in the representation, the Commission accepts the Petitioner's aforesaid suggestion to add a column for cumulative area of SEZ after each SEZ notification. Accordingly, the revised table of SEZ Notifications as suggested by the Petitioner has been included in the Final Specific conditions.

C. Suggestion for adding the word 'Hadapsar' in the Title of the draft Regulations for Hadapsar SEZ:

- i. M/s. SEZ Bio-Tech, in Case No. 180 of 2023, has also suggested adding the word 'Hadapsar' in the Title of the Specific Conditions Regulations applicable to Hadapsar SEZ.
- ii. The Commissions accepts this minor suggestion as the word "Manjari" has been mentioned in the Title of the Specific Conditions Regulations applicable to Manjari SEZ and accepting the suggestion of M/s. SEZ Bio-Tech on this issue for Hadapsar SEZ will ensure consistency in both these Regulations.

It is also observed that the name of "Manjari Village" has been mentioned as "Village Manjari Budruk" in the SEZ Notifications issued by the GoI. Hence, the word "Manjari Village" has been replaced by "Village Manjari Budruk" in the final Regulations to have consistency with the SEZ Notifications.

Except for the above few changes, no change is required in the English and Marathi version of the Draft Regulations. While finalizing the draft Regulations, the above changes have been incorporated.

Thereafter, both the draft specific conditions Regulations for M/s SEZ Bio-Tech (for Manjari and Hadapsar area) are finalized accordingly.

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson