

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 120 of 2024

And

Case No. 121 of 2024 & IA 61 of 2024

And

Case No. 153 of 2024

Case No. 120 of 2024

**Case of M/s Saarloha Advanced Materials Pvt. Ltd. and M/s ReNew Sun
Renewables Pvt. Ltd. challenging the levy of wheeling charges and losses by
MSEDCL**

And

Case No. 121 of 2024 & IA 61 of 2024

**Case of M/s CIE Automotive India Ltd. and M/s Renew Surya Alok Pvt. Ltd.
challenging the levy of wheeling charges and losses by MSEDCL**

And

Interlocutory Application (IA) for urgent listing of Case No. 121 of 2024

And

Case No. 153 of 2024

**Case of M/s Mahindra and Mahindra Ltd. and M/s Renew Sunlight Energy Pvt.
Ltd. challenging the levy of wheeling charges and losses by MSEDCL**

M/s Saarloha Advanced Materials Pvt. Ltd.

M/s ReNew Sun Renewables Pvt. Ltd.**Petitioners in Case No.120 of 2024**

M/s CIE Automotive India Ltd.

M/s Renew Surya Alok Pvt. Ltd.**Petitioners in Case No.121 of 2024&IA**

M/s Mahindra and Mahindra Ltd

M/s Renew Sunlight Energy Pvt. Ltd.**Petitioners in Case No.153 of 2024**

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL)

Respondent in all three cases

Coram

Sanjay Kumar, Chairperson

Anand M. Limaye, Member

Surendra J. Biyani, Member

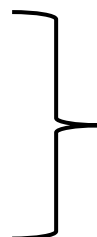
Appearance

For Petitioners in

Case No.120 of 2024

Case No. 121 of 2024 And

Case No. 153 of 2024



Shri Vishrov Mukerjee (Adv.)

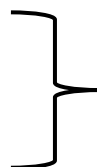
Shri Pratyush Singh (Adv.)

For Respondents in

Case No. 120 of 2024

Case No. 121 of 2024 And

Case No. 153 of 2024



Shri Harinder Toor (Adv.)

COMMON ORDER

Date:4 April 2025

1. Petitioners, i.e., Renewable Energy (Solar) Generators and Open Access consumers have filed the three cases for challenging the levy of wheeling charges and losses by MSEDCL. These Petitions have been filed under Sections 86(1)(b) and (c) of the Electricity Act (**EA/ Act**) 2003 read with Regulation 32 of MERC (Distribution Open Access) Regulations, 2016 (**DOA Regulations 2016**).
2. The details of Petitioners and their filing of Petitions and IAs are tabulated in the following table:

Table No.1: Details of Petitioners and filing of Petitions

S. N.	Case Nos and IAs	Name of Petitioner	Date of filing Petition
1	Case No. 120 of 2024	M/s Saarloha Advanced Materials Pvt. Ltd. (SAMPL) and M/s ReNew Sun Renewables Pvt. Ltd (RSRPL)	12 July 2024
2	Case No. 121 of 2024	M/s CIE Automotive India Ltd. (CAIL) and M/s Renew Surya Alok Pvt. Ltd. (RSAPL)	24 July 2024
3	Case No. 153 of 2024	M/s Mahindra and Mahindra Ltd.(MAML / M & M) and M/s Renew Sunlight Energy Pvt. Ltd. (RSEPL)	10 September 2024

3. Details of the Prayers of these three Petitions:

3.1. The Prayers of the Petition in Case No. 120 of 2023 (M/s Saarloha Advanced Materials Pvt. Ltd. and M/s ReNew Sun Renewables Pvt. Ltd.) are as follows:

“

- (a) *Quash and set aside the Impugned Invoices issued by MSEDCL to the extent of imposition of wheeling charges and wheeling losses on Petitioner No. 1 i.e., Saarloha;*
- (b) *Hold and declare that MSEDCL is not entitled to levy wheeling charges and wheeling losses on Saarloha for transmission of power from the Project to Saarloha's premises;*
- (c) *Direct MSEDCL to refund Rs. 1,91,33,854.49/- paid by Saarloha (under protest) towards wheeling charges levied by MSEDCL and provide credit for 26,29,891 units of wheeling losses for the period March 2023 to April 2024 along with applicable interest of 18%.*
- (d) *In the interim and pending final disposal of the present Petition: -*
- (i) *Stay the operation of the Impugned Invoices and direct that no coercive steps shall be initiated by MSEDCL pursuant to the Impugned Invoices.*
- (ii) *Direct MSEDCL to not levy any wheeling charges and wheeling losses on Saarloha in the Open Access bills for the future months;*
- (e) *Direct MSEDCL to not levy wheeling charges and wheeling losses in future on any forthcoming project governed by the same arrangement;”*

3.2. The Prayers of the Petition in Case No. 121 of 2024 (M/s CIE Automotive India Ltd. and M/s Renew Surya Alok Pvt. Ltd.) are as follows:

“

- (a) *Quash and set aside the Impugned Invoices issued by MSEDCL to the extent of imposition of wheeling charges and wheeling losses on Petitioner No.1 i.e., Mahindra CIE Automotive Ltd;*

- (b) *Hold and declare that MSEDCL is not entitled to levy wheeling charges and wheeling losses on Mahindra CIE Automotive Ltd. for transmission of power from the Project to Mahindra's premises;*
- (c) *Direct MSEDCL to refund Rs. 3,19,52,516/- paid by CIE India (under protest) towards wheeling charges levied by MSEDCL and provide credit for 37,26,602 units of wheeling losses for the period April 2023 to April 2024 along with applicable interest of 18%.*
- (d) *In the interim and pending final disposal of the present Petition: -*
- (i) *Stay the operation of the Impugned Invoices and direct that no coercive steps shall be initiated by MSEDCL pursuant to the Impugned Invoices.*
- (ii) *Direct MSEDCL to not levy any wheeling charges and wheeling losses on Mahindra in the Open Access bills for the future months;*
- (e) *Direct MSEDCL to not levy wheeling charges and wheeling losses in future on any forthcoming project governed by the same arrangement;*

3.3. Petitioners in Case No. 121 of 2024 (M/s CIE Automotive India Limited and M/s Renew Surya Alok Pvt. Ltd.) have filed an Interlocutory Application (IA) IA 61 of 2024 for urgent listing of Case No. 121 of 2024 with the following prayers:

“

- (a) *Urgently list the accompanying Petition bearing Petition No. 121/AD/2024 along with the present Application for hearing;*
- (b) *Direct MSEDCL to not levy wheeling charges in the Open Access Invoices for future months till pendency of the Petition.”*

3.4. The Prayers of the Petition in Case No. 153 of 2024 (M/s Mahindra and Mahindra Ltd. and M/s Renew Sunlight Energy Pvt. Ltd.) are as follows:

“

- (a) *Quash and set aside the Impugned Invoices issued by MSEDCL to the extent of imposition of wheeling charges and wheeling losses on Mahindra and Mahindra Ltd. (Chakan) and Mahindra and Mahindra Ltd. (Nashik);*
- (b) *Hold and declare that MSEDCL is not entitled to levy wheeling charges and losses on Mahindra and Mahindra Ltd. (Chakan) and Mahindra and Mahindra Ltd. (Nashik) for transmission of power from the Project to Mahindra's premises;*
- (c) *Direct MSEDCL to refund Rs. 1,62,08,420/- paid by Mahindra and Mahindra Ltd. (Chakan) and Rs. 1,53,15,765.1/- paid by Mahindra and Mahindra Ltd. (Nashik) (under protest) towards wheeling charges levied by MSEDCL and provide credit for 23,33,334.78 Kwh of Nashik unit and 20,26,052 Kwh of Chakan units of wheeling losses along with applicable interest of 18%.*

(d) *In the interim and pending final disposal of the present Petition: -*

(i) *Stay the operation of the Impugned Invoices and direct that no coercive steps shall be initiated by MSEDCL pursuant to the Impugned Invoices.*

(ii) *Direct MSEDCL to not levy any wheeling charges and wheeling losses on Mahindra and Mahindra Ltd. (Chakan) and Mahindra and Mahindra Ltd. (Nashik) in the Open Access bills for the future months;*

(e) *Direct MSEDCL to not levy wheeling charges and wheeling losses in future on any forthcoming project governed by the same arrangement.”*

Submissions of the Parties:

4. The Commission notes that the Parties in the present three Petitions i.e., Petitioners and MSEDCL, have made multiple submissions (including IAs). The Commission has taken on record the following submissions relevant to the parties:

Table No.2: Details of Submission by Parties

S.N.	Party	Details of submission
1	Petitioners (Saarloha Advanced and M/s ReNew Sun Renewables (Case No. 120 of 2024)	a. Affidavit dated 12 July 2024
2	Petitioners (CIE Automotive and Renew Surya Alok) (Case No. 121 of 2024)	a. Affidavit dated 24 July 2023 b. IA No. 61 of 2024 filed on 16 October 2024
3	Petitioners (Mahindra and Mahindra and Renew Sunlight Energy) (Case No. 153 of 2024)	a. Affidavit dated 10 September 2024
4	MSEDCL	a. Case No. 120 of 2024: Payment of penalty of Rs. 1,00,000 /- on 12 November 2024 (IB Reference Nos. 243173302044; UTR No. MAHBH24317315354) b. Case No. 120 of 2024, Case No. 121 of 2024 and Case No.153 of 2024- common compliance affidavit dated 18 November 2024 c. Case No. 121 of 2024: Reply dated 18 November 2024 d. Case No. 120 of 2024 and 153 of 2024: Reply dated 25 November 2024

5. The arguments of Parties made through submissions, as noted above, are recorded in this Order's subsequent paragraphs for brevity.
6. The Commission notes that the submissions and prayers in all three Cases are similar in nature except for the difference in the names of the Petitioners and the amount of levy of wheeling charges and losses. Petitioners have sought to challenge the levy of wheeling charges and losses by MSEDCL for different periods. Since the grounds raised and issues involved are similar in nature, these three Cases are being dealt with by the Commission in a combined manner and these Cases are being disposed through a common Order.

Details of Proceedings / Hearings:

7. At the E-hearing held on 22 October 2024 for IA 61 of 2024 in Case No. 121 of 2024 (for urgent listing)

7.1. Advocate of the Petitioners stated that:

- (i) As per the Commission's directions in earlier similar cases and the Distribution Open Access Regulations 2016 and its amendments, MSEDCL is not entitled to levy wheeling charges and losses when the Open Access (OA) Consumer is directly connected to the transmission system, and no distribution system is used.
- (ii) The Petitioners requested a refund of wheeling charges imposed by MSEDCL and the credit for wheeling losses from April 2023 to April 2024, including applicable interest. He further stated that there are other similar cases wherein MSEDCL has levied wheeling charges and losses when no distribution system of MSEDCL is used.

7.2. The advocate for MSEDCL stated that while opposing the Petitioners' contentions regarding the levy of wheeling charges and wheeling losses, similar arguments have been made in similar cases.

7.3. The Commission observed that MSEDCL is repeatedly non-compliant with directions given in similar matters regarding the non-levying of wheeling charges and wheeling losses as per the provisions of the Open Access Regulations and its amendments. Hence, it has expressed its displeasure with MSEDCL's non-compliance approach. Accordingly, the Commission thinks it fit to direct MSEDCL as follows:

- (i) To refund wheeling charges levied by MSEDCL and to provide credit for wheeling losses from April 2023 to April 2024.
- (ii) Not to levy wheeling charges and losses in the Open Access bills for the future months when the distribution system is not used as per directions issued vide Order dated 27 December 2023 in Case No. 151 of 2023 & others and dated 1 February 2024 in Case No. 162 of 2023 & others.

(iii) To refund wheeling charges levied by MSEDCL, provide credit for wheeling losses, and not impose any wheeling charges and losses for the other similar Open Access consumers.

(iv) Due to multiple disputes that have arisen on the same issues and MSEDCL's repeated non-complaints on this issue, the Commission imposed a penalty of Rs 1,00,000/- (Rs. One Lakh Only) on the concerned responsible officer, which shall be deposited within seven (7) days.

7.4. The Commission directed MSEDCL to submit compliance with the above directives within seven (7) days, failing which compensation/ cost will be imposed.

7.5. The Commission directed the Secretariat to schedule the present case and other similar cases filed before the Commission after seven days.

7.6. With the above, IA No. 61 of 2024 for urgent listing stands disposed of.

8. At the E-hearing held on 12 November 2024 ;

8.1. As consented by the Parties, all three Cases, i.e. Case Nos. 120 of 2024, 121 of 2024 and 153 of 2024 were heard together.

8.2. Advocate of Petitioners re-iterated its submissions as made out in all three Petitions and further stated that the MSEDCL has not refunded the amount of wheeling charges to the Petitioners/OA consumers.

8.3. Advocate of MSEDCL stated that it has paid the penalty of Rs. 1,00,000 /- (Rs. One Lakh Only) on 12 November 2024. He further stated that the compliance in all three cases will be done within weeks' time.

8.4. The Commission directed MSEDCL to file full compliance in these cases within (7) days. MSEDCL is also directed to refund the wheeling charges when it is not entitled to charge, as per the provisions of the DOA Regulations & its amendments.

9. Petitioner in its Petition in Case No.120 of 2024 (Saarloha Advanced Materials) stated as under:

9.1. The present Petition has been filed by M/s Saarloha Advanced Materials Pvt. Ltd. (**Petitioner No. 1 / Saarloha**) and ReNew Sun Renewables Pvt. Ltd. (**ReNew/ Petitioner No. 2**) challenging the arbitrary and illegal levy of wheeling charges by MSEDCL.

9.2. Petitioner No.1 is M/s Saarloha Advanced Materials Pvt. Ltd., which is involved in the business of manufacturing steel and producing a wide variety of speciality steels for critical end-use applications and is a captive consumer of Renew.

9.3. Petitioner No. 2 is M/s ReNew Sun Renewables Pvt. Ltd., a Captive Generating Plant

(CGP) having an installed capacity of 15 MW situated in the 50 MW Solar Park of M/s. ReNew Green Energy Solutions Pvt. Ltd. (**Renew Green**) is located at Village Kekatpur, Taluka Nandgaon Khandeshwar, District Amravati.

- 9.4. The connectivity for the entire Solar Park including the Project has been granted to the Solar Park Developer (SPD) i.e., ReNew Green at 132 kV level on MSETCL 220/132/33 kV Nandgaon Peth Substation (MSETCL SS).
- 9.5. Further, the entire power evacuation infrastructure inside the solar park is constructed and owned by the SPD. ReNew uses the SPD's infrastructure for the evacuation of power from the Project up to MSETCL's SS.
- 9.6. The power supply arrangement from the Project to Saarloha's premises is as under:-
 - b) The Project is connected to the Pooling Sub-Station (PSS) through 33 kV power evacuation line. The PSS is connected to MSETCL's SS through 132 kV power evacuation line. (The 33 kV power evacuation line and 132 kV power evacuation line are collectively referred to as **ReNew Green Power Evacuation Lines**).
 - c) The PSS and the Power Evacuation Lines are developed, owned, and operated by the SPD i.e., ReNew Green. The SS is owned and operated by MSETCL. The PSS and the ReNew Green's Power Evacuation Lines are situated inside the Solar Park while MSETCL's SS is at the Solar Park periphery.
 - d) The connectivity for the entire Solar Park including the Project has been granted to the SPD at 132 kV MSETCL SS as evident from the connectivity letter dated 20 January 2023.
 - e) Further, in terms of the Ministry of New and Renewable Energy's (MNRE) Guidelines for Development of Solar Park dated October 2015, issued under Jawaharlal Nehru National Solar Mission and Government of Maharashtra's Methodology for the Installation of Renewable Projects dated 09 September 2015, it is the responsibility of the SPD to set up power evacuation infrastructure for evacuation of power from the Project to MSETCL SS.
 - f) The entire power evacuation infrastructure from the Project up to MSETCL SS is owned by SPD and used by ReNew.
 - g) Power is being transmitted from the Project up to MSETCL's SS via ReNew Green's Power Evacuation Lines and from MSETCL's SS to Saarloha's premises through MSETCL's Transmission System.
 - h) For transmission of power from MSETCL's SS to its premises, Saarloha has availed open access and is paying transmission charges to MSEDCL in terms of Regulation 14.1(v) of the MERC (Distribution Open Access) (First Amendment) Regulations, 2019 (**DOA First Open First Amendment Regulations 2019**) which provides that

Partial Open Access Consumer (such as Saarloha) shall pay transmission charges to the Distribution Licensee i.e., MSEDCL instead of the Transmission Licensee for using the transmission system, which shall then be passed on to the STU (MSETCL). This implies that MSEDCL is only acting on behalf of MSETCL vis-à-vis levy/collection of transmission charges.

- 9.7. In view of the above, it is evident that MSEDCL's Distribution System is not being used in the entire transaction of power supply from the Project to Saarloha's premises. However, by way of the Impugned Invoices, MSEDCL has arbitrarily levied wheeling charges and wheeling losses on Saarloha with effect from March 2023.
- 9.8. The issue raised in the present Petition is no longer *res integra* and stands settled by the Commission's Order dated 27 December 2023 in Case No. 151 of 2023 & Batch titled ***Jubilant Ingrevia Ltd. v. MSEDCL (Order dated 27 December 2023)***, wherein it was held that MSEDCL is not entitled to levy wheeling charges and losses on Open Access Consumers sourcing power from generating stations without any involvement of Distribution System
- 9.9. MSEDCL has issued letter dated 27 March 2023 stating that wheeling charges are being levied on Saarloha since the injecting feeder voltage at the generating station is 33 kV.
- 9.10. The invoices raised by MSEDCL levying wheeling charges for March 2023 to April 2024 amounting to Rs. 1,91,33,854.49/- and wheeling loss of 26,29,891 units.
- 9.11. The levy of wheeling charges and losses by MSEDCL on Saarloha is unlawful and in violation of the Electricity Act and DOA Regulations, since: -
- (a) In terms of Section 2(19) of the Act, 'Distribution System' means system of wires and associated facilities between delivery point on the transmission line or generating station and the point of connection to the installation of the consumer. In the present case, ReNew Green's Power Evacuation Lines are inside the Solar Park and are owned and operated by ReNew in its capacity as the SPD, and the Transmission Lines from MSETCL SS to Saarloha's premises are part of MSETCL's Transmission System. Hence, no part of MSEDCL's Distribution System is involved in the entire transaction of power supply from the Project to Saarloha's premises.
 - (b) In terms of the definition of 'Wheeling' under Section 2(76) of the Act and Regulations 14.1, 14.3 and 14.6 of DOA Regulations 2016, MSEDCL can levy wheeling charges and losses on a consumer only when its own distribution system is being used for wheeling of electricity. In the present case, no part of MSEDCL's Distribution system is being used for transmission of power from the Project to Saarloha's premises. Hence, wheeling charges cannot be levied on Saarloha.

(c) In terms of Regulation 14.6(b) of DOA First Amendment Regulation 2019, wheeling charges and wheeling losses shall not be applicable in case a consumer or generating station is connected to the transmission system directly or wheeling of power from the generating station to the load centre is without any interconnection with the distribution system

9.12. The Hon'ble Appellate Tribunal for Electricity (ATE) in Judgment dated 12.09.2014 passed in Appeal No. 245 of 2012 & Batch titled *Steel Furnace Association of India Limited vs PSERC & Anr* [Para 36-37] held that an EHT consumer directly connected to the transmission system for availing power supply through open access and who is physically not using the distribution system of the distribution licensee is not liable to pay wheeling charges.

10. **Other Petitioners in Case No.121 of 2024 and Case No. 153 of 2024 re-iterated a similar submission and ground for seeking relief as mentioned in Para. 9 above in Case No. 120 of 2024 and the same are not repeated here for the sake of brevity. The prayers of these Petitioners are already stated in the preceding paras. of this Order. The details of three cases (Open Access Consumers / Solar Generators/ Solar Park Developers), along with the Period/Amount of Wheeling charges levied by MSEDCL, are as below:**

Table No.3: Details of Petitioners/ OA consumers along with Period/Amount of Wheeling charges levied by MSEDCL

Sr. No.	Case No.	Details of OA consumer	Details of OA Generator	Details of Solar Park Developer	OA permission sought by	Period/Amount of Wheeling charges levied by MSEDCL
1	120 of 2024	Saarloha Advanced Mundhwa Pune; connected at 132 kV	Renew Sun Renewables Nandgaon Khandeshwar, Dist: Amravati (15 MW-Captive Solar generator)	50 MW Solar park At M/s ReNew Green Energy Solutions Pvt. Ltd. (Renew) At Kektapur , Taluka: Nandgaon Khandeshwar, Dist: Amravati	OA consumer – Saarloha Advanced	March 2023 to April 2024: Rs. 1,91,33,854 /-
2	121 of 2024	Mahindra CIE Pune connected at 220 kV	Renew Surya Alok – 20 MW, Dist- Beed-Captive Solar Generator	100 MW Solar Park of M/s. Renew Power located in Village Khandke	OA Consumer – Mahindra CIE	May 2023 to May 2024 Rs. 3,19,52,516 /-

Sr. No.	Case No.	Details of OA consumer	Details of OA Generator	Details of Solar Park Developer	OA permission sought by	Period/Amount of Wheeling charges levied by MSEDCL
				Dist: Beed		
3	153 of 2024	Mahindra & Mahindra Dist- Nashik Plant connected at 132 kV and Chajan Pune Plant connected at 220 kV	Renew Sunlight Energy Pvt. Ltd. -43 MW located at Dist- Parbhani (Captive Solar Generator)	50 MW Solar Park of ReNew Power Pvt. Ltd located in village Bandarwada, Taluka Pathri, Dist. Parbhani.	OA Consumer – Mahindra & Mahindra	May 2023 to April 2024 of Rs. 1,62,08,420/- for Mahindra and Mahindra Ltd. (Chakan) and May 2023 to April 2024 of Rs. 1,53,15,765.1/- for Nashik Plant

11. **The Commission notes that MSEDCL paid the penalty of Rs. 1,00,000 /- on 12 November 2024 (IB Reference No. 243173302044; UTR No. MAHBH24317315354) as per Daily Order dated 22 October 2024. The imposition of the penalty was on account of MSEDCL’s repeated non-compliance on this issue.**

12. **MSEDCL, in its common compliance/reply in all three cases dated 18 November 2024, stated as follows:**

12.1. MSEDCL has reviewed the Wheeling charges levied and collected during the concerned period as claimed in the subject Petitions.

12.2. After detailed verification and computation, MSEDCL has determined the refundable amount as reflected in the table below and the same has been refunded to the Petitioners in the subject Petitions.

12.3. The details of the claims raised by the Petitioners and the amount refunded by MSEDCL to the respective Petitioners in the subject Petitions are provided in the table below:

Table No.4: Details of claims of Petitioners/ OA consumers and the amount refunded by MSEDCL to the respective Petitioners

S. N.	Details of Petitioners	Details of Consumer Nos.	Claim Period	Amount refunded by MSEDCL	Remark
	Saarloha Advanced Materials Pvt. Ltd. & ReNew Sun Renewables Pvt. Ltd.	170019002848	May-23 To Apr-24	₹ 3,62,51,835	Energy bill with bill revision effect generated on 14 November 2024

S. N.	Details of Petitioners	Details of Consumer Nos.	Claim Period	Amount refunded by MSEDCL	Remark
	CIE Automotive India Ltd. & Renew Surya Alok Pvt. Ltd.	181209030548	Apr-23 To Sep-24	₹ 6,74,19,777	Energy bill with bill revision effect generated on 13 November 2024
	Mahindra and Mahindra Ltd.	176029043730	Dec-22 To Sep-24	₹ 11,68,58,020	Energy bill with bill revision effect generated on 15 November 2024
	And Renew Sunlight Energy Pvt. Ltd.	49069000702	Mar-23 To Sep-24	₹ 4,76,49,504	Energy bill with bill revision effect will be generated on 19 November 2024

Claim of the other similarly situated Generators:

12.4. The claim of the other similarly situated Generators has also been reviewed and has been refunded accordingly and MSEDCL is making all the endeavours to approach all the other remaining Generators whose claims are yet to be received.

12.5. MSEDCL undertakes to adhere to the directives issued by the Commission in the future and to take all necessary steps to ensure compliance with the applicable Regulations.

13. **MSEDCL in its reply dated 25 November 2024 (in all three cases) stated as follows: (MSEDCL has made separate submissions in each of these cases, however as most of the submissions are in similar in nature, MSEDCL reply is captured as single submissions in order to avoid repetition of submissions):**

13.1. The relevant factual matrix of Case No. 120 of 2024 is as follows:

- a. Petitioner No.1 / SAMPL is a partial open-access Consumer of MSEDCL. Also, through open access [particularly, short-term open access (STOA)], SAMPL is a captive Consumer of RSRPL through its Captive Power Project (CPP).
- b. RSRPL is a CPP, having a 15 MW Solar PV Power Generating Station / Solar Power Project situated in 50 MW Solar Power Park of ReNew Green Energy Solutions Private Limited (RGESPL).
- c. This 50 MW Solar Power Park has been developed and is owned by RGESPL, and is located at Village Kekatpur, Taluka Nandgaon Khandeshwar, District Amravati.

- d. To evacuate the generated Solar Power, RGESPL has installed a power evacuation system of 33 / 132 kV Pooling Sub-station and 33 / 132 kV line, which is connected to 220 / 132 / 33 kV Nandgaon Peth Sub-station of MSETCL.
- e. This power evacuation system is developed and owned by RGESPL, which has licensed its user to the 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL situated in said 50 MW Solar Power Park of RGESPL.
- f. Apparently, SAMPL has been availing 15 MW power supply from the 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL for self-consumption under captive mode through STOA (which was applied to and allowed by MSEDCL).
- g. RGESPL had applied to MSETCL, for Grid connectivity of said 50 MW Solar Power Park to the 220 / 132 / 33 kV Nandgaon Peth Substation of MSETCL. By letter dated 20 January 2023 to RGESPL, MSETCL has granted final grid connectivity to said 50 MW Solar Power Park at 132 kV level of the 220 / 132 / 33 kV Nandgaon Peth Sub-station of MSETCL.
- h. RSRPL applied to MSEDCL for grant of auxiliary/start-up power supply connection. MSEDCL sanctioned the auxiliary / start-up power supply connection to the 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL on 33 kV level in said 50 MW Solar Power Park RGESPL.
- i. RSRPL also applied to MSEDCL for SEM Metering Installation at the generator end at 33 kV level for its 15 MW Solar PV Power Generating Station / Solar Power Project.
- j. MSEDCL installed the SEM Metering Installation at the generator end at 33 kV level for 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL.
- k. Then, the main and check metering and the complete system was commissioned by MSEDCL for said 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL on 33 kV level.
- l. In this regard, MSEDCL issued Commissioning Certificate dated 21 February 2023 to RSRPL, which stated *inter-alia* that RSRPL has commissioned capacity of 15 MW (Auxiliary power on 33 kV and evacuation at 132 kV voltage level) on 09 February 2023 of their Solar PV Power Generating Station.
- m. Subsequently, SAMPL applied to MSEDCL for STOA for the months of May 2023, June 2023, July 2023, August 2023, September 2023, October 2023, November 2023, December 2023, January 2024, February 2024, March 2024 and April 2024 for 15 MW power capacity for self-consumption on captive mode from its CPP (i.e. said 15 MW Solar PV Power Generating Station / Solar Power Project of RSRPL).
- n. SAMPL had stated in these STOA applications that power was injected at 33 kV level into the 132 / 33 kV NandgaonPeth Sub-station of MSETCL. The said STOA applications of SAMPL, were allowed by MSEDCL.

- o. MSEDCL has prepared a block diagram of connectivity between said 50 MW Solar Power Park of RGESPL and said 220 / 132 / 33 kV Nandgaon Peth Sub-station of MSETCL.
- 13.2. It is significant that in addition to said SEM metering facility, MSEDCL is providing (i) auxiliary and start-up power supply, and (ii) banking facility, to RSRPL through said common power evacuation system of RGESPL.
- 13.3. The basic defence of MSEDCL in the above Case is founded on the plain meaning and definition *inter alia* of ‘distribution system’ under Section 2 (19) of EA, 2003. The said definition of ‘distribution system’ is not limited to the system of wires (or network), but also includes associated facilities (i.e., provision of additional functions or services other than said system of wires). The underlying objective of both said system of wires and said associated facilities is to enable the distribution or supply of electricity.
- 13.4. MSEDCL is providing of (i) auxiliary power supply, (ii) energy metering of such auxiliary power supply, and (iii) banking facility, which are associated facilities under Section 2 (19) of EA, 2003, and as such extend *de jure* [i.e., in law (whether in fact or not)] the distribution system of MSEDCL to the Point of Supply for provision of said auxiliary power and said banking facility.
- 13.5. Thus, in law, the distribution system of MSEDCL (particularly, the associated facilities of its distribution network) are used by the Open Access Consumer(s) and / or Solar PV Power Generating Station(s) / Solar Power Project(s) for the conveyance of electricity / renewable energy.
- 13.6. In light of this legal position, the Open Access Consumer(s) is due and liable to pay the Wheeling Charges under Regulation 14.6 (a) of the DOA Regulations, 2016.
- 13.7. The following definitions of EA, 2003, are highlighted and relied upon by MSEDCL in support of its defence:

“2. **Definitions.** – In this Act, unless the context otherwise requires, -

...

(19) "distribution system" **means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;**

...

(47) “open access” **means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission;**

...

(76) "wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62;"

13.8. Section 2 (19) of EA, 2003 envisages the distribution system:

- (a) comprising of system of wires as well as associated facilities thereof.
- (b) the associated facilities are relatable and/or allied to the system of wires.
- (c) the function or service of both system of wires and associated facilities is enabling the distribution or supply of electricity.
- (d) the system of wires and associated facilities are between the delivery point on the transmission lines and the point of connection to the installation of the consumers.
- (e) the system of wires and associated facilities are between the generation system connection and the point of connection to the installation of the consumers.

13.9. MSEDCL is providing auxiliary power supply on 33 kV level to groups of Solar PV Power Generating Station(s) / solar power project(s) situated in the relevant Solar Power Park / Renewable Power Project. MSEDCL also provides energy metering specification (through special energy meter [SEM]) for (i) evacuation and (ii) auxiliary power supply at single point connectivity to said groups of solar power projects.

13.10. Its Point of Supply for such auxiliary power supply is encompassed by the First Proviso to Regulation 2.2.2 (mm) of MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulation, 2021. The First Proviso to said Regulation 2.2.2 (mm) provides that in case of HT and EHV Consumers, the Point of Supply means the point at the outgoing terminals of the Distribution Licensee's metering cubicle placed before such HT and EHV Consumer's apparatus.

13.11. Banking facility is being provided by MSEDCL to the Solar Power Project / CPP Project / Solar PV Power Generating Station, under Regulations 2.1 (4) and 20 of the DOA Regulations, 2016 [as amended by DOA First Amendment Regulations, 2019]. The said Regulation 2.1 (4) defines "Banking" as under: -

"Banking" means the surplus Renewable Energy injected in the grid and credited with the Distribution Licensee after set off with consumption in the same Time of Day slot as specified in Regulation 20;

13.12. Although the said 33 kV lines are owned by the Solar Park Developer / Renewable Power Project, the provision through the said 33 kV lines by MSEDCL of (i) auxiliary power supply, (ii) energy metering of such auxiliary power supply, and (iii) banking facility, are associated facilities under Section 2 (19) of EA, 2003, and as such extend de jure [i.e., in law (whether in fact or not)] the distribution system of MSEDCL to the Point of Supply for provision of said auxiliary power and said banking facility.

- 13.13. Thus, in law, the distribution system of MSEDCL (particularly, the associated facilities of its distribution network) are used by the Open Access Consumer(s) and/or Solar Power Project(s) for the conveyance of electricity/renewable energy.
- 13.14. The clear legal position is that banking facility (i) is not at all available under the MERC (Transmission Open Access) Regulations, 2016 (**TOA Regulations 2016**), but (ii) is available under Regulations 2.1 (4) and 20 of the DOA Regulations, 2016. It is submitted that allowing of banking facility by MSEDCL in above Case, clarifies and entails the applicability of MERC (Distribution Open Access) Regulations, 2016. DOA Regulations, 2016 are applicable in the above Case, under Regulation 1.2 thereof. TOA Regulations, 2016 are not applicable in the above Case, as the same would have been applicable under Regulation 28 of the DOA Regulations, 2016, only if the Distribution System of the Distribution Licensee is not used.
- 13.15. SAMPL and RSRPL have incorrectly referred to said common power evacuation system of RGESPL as Dedicated Transmission Line (as defined under Section 2(16) of EA, 2003). SAMPL and RSRPL have failed to appreciate that under the Statement of Reasons for DOA First Amendment Regulations, 2019 and TOA First Amendment Regulations, 2019, the Commission at Para 15.3 and internal page 34 have analysed and explained *inter alia* as follows:

“Regarding ambiguity of applicability of wheeling charges, it is clarified that exemption in wheeling charge is only in case of use of point to point Dedicated transmission lines or in case where generator and consumer in the OA transaction are both directly connected to the transmission system.”

- 13.16. SAMPL and RSRPL have failed to appreciate that Section 2(16) of the EA, 2003 defines dedicated transmission lines, as follows:

(16) “dedicated transmission lines” means any electric supply-line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations, or the load centre, as the case may be;

- 13.17. Under Regulation 14.6 (a) of the DOA Regulations, 2016, an Open Access Consumer or Generating Station using a Distribution System is required to pay Wheeling Charges to the Distribution Licensee. It is pertinent that Regulation 14.6 (b) of the MERC (DOA) Regulations, 2016 [as amended by DOA First Amendment Regulations, 2019], provides as follows:

“14.6 Wheeling Charge:

...

b. “Wheeling Charges shall not be applicable in case a Consumer or Generating Station is connected to the Transmission System directly or using dedicated lines owned by the Consumer or Generating Station only if such dedicated lines are used for point to point transmission or wheeling of power from Generating station to load centre without any interconnection with distribution system.”

13.18. Open Access Consumer(s) is using the Distribution System of MSEDCL in law for conveyance of electricity/renewable energy, and as such is due and liable to pay the Wheeling Charges to MSEDCL under Regulation 14.6 (a) of the MERC (DOA) Regulations, 2016. Wheeling Charges are not excluded under Regulation 14.6 (b) of the DOA Regulations, 2016 [as amended by DOA First Amendment Regulations, 2019] because,

- (i) there is no direct connection of the Consumer or Generating Station to the Transmission System,
- (ii) the Consumer or Generating Station do not own the lines connecting to the Transmission System,
- (iii) the lines connecting to the Transmission System are not dedicated transmission lines (particularly, as they are not used for point-to-point transmission)
- (iv) there is interconnection with the Distribution System of MSEDCL in law, between the wheeling of power from Generating Station to Load Centre.

13.19. Generating Station or the Consumer in the OA transaction are both not directly (i.e., indirectly) connected to the transmission system.

13.20. Open Access Consumer(s) are liable to bear the distribution system losses / Wheeling losses, under Regulation 18.2 of DOA Regulations, 2016. The said Regulation 18.2 provides as follows:

“18.2 Distribution System losses:

The buyer of electricity shall bear the approved wheeling losses of the Distribution System and not any part of the commercial losses as may be determined by the Commission from time to time.”

13.21. Further, Regulation 14.6 (A) of the DOA Regulations, 2016 [as amended by the MERC (DOA) (First Amendment) Regulations, 2019] clearly provides for applicability of *inter-alia* Wheeling charges and Wheeling losses for various combinations of Open Access Transactions. Therefore, Open Access Consumer(s) in above Case, are liable to bear Wheeling Charges and Wheeling Losses, as specified under said Regulations.

13.22. The Hon’ble Supreme Court by its Judgment dated 29 November 2019 passed in the case of (*Transmission Corporation of Andhra Pradesh Limited v/s Rain Calcining Limited & Ors.*) reported as **(2021) 13 SCC 674**, has held *inter-alia* that all persons using the distribution system should bear the system losses.

13.23. The citation of 2006 SCC OnLine APTEL 19 (*Kalyani Steels Limited v/s Karnataka Power Transmission Corporation Limited*) relied upon by the SAMPL and RSRPL in above Case, actually supports the above defense of MSEDCL. In that regard, MSEDCL is also relying upon Paras 39 & 40 of said citation, which have been relied upon by the Petitioners. The relevant paras 39 & 40 of said citation are reproduced herein below: -

“39. *Wheeling is defined in Section 2(76) and it reads thus:*

“(76) “*wheeling*” means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62”

On careful analysis, it is clear that liability to pay wheeling charges arises only when distribution system and associated facilities of a transmission licensee or distribution licensee are used by another person for the conveyance of electricity on payment of charges to be determined under Section 62 and not when the consumer uses its dedicated lines of its own.

40. *In the present case and on the admitted facts, no part of the distribution system and associated facilities of the first Respondent transmission licensee or the second Respondent distribution licensee is sought to be used by the appellant for the transmission of power from Grid Corporation, from injecting point (sub-station) to appellant's plant. Therefore, the definition as it stands, the appellant is not liable to pay wheeling charges”*

[Emphasis Added]

13.24. The citation of 2014 SCC OnLine APTEL 146 (*Steel Furnace Association of India v/s PSERC & Ors.*) relied upon by SAMPL and RSRPL in above Case, actually supports the above defense of MSEDCL. In that regard, MSEDCL is also relying upon certain paras of said citation, which have been relied upon by SAMPL and RSRPL. The relevant paras of said citation are reproduced herein below:

“20. “*Wheeling*” is defined u/s 2(76) as operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62.”

21. *Thus, wheeling is use of distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, for conveyance of electricity by another person on payment of applicable charges.*

.....
34. The scheme of open access and levy of the charges for the same under the Electricity Act, 2003, National Electricity Policy and Tariff Policy is as under:

- (i) The Act enables competing generating companies and licensees other than the area distribution licensee besides the area distribution licensee to sell electricity to consumers when such open access is introduced by the State Commission.
- (ii) Wheeling is use of distribution system and associated facilities of transmission licensee or distribution licensee, as the case may be, for conveyance of electricity on payment of charges.

.....
36. In 2007 ELR (APTEL) 985, Kalyani Steels Limited vs. Karnataka Power Transmission Corporation Limited, this Tribunal held as under:
On careful analysis, it is clear that liability to pay wheeling charges arises only when distribution system and associated facilities of a transmission licensee or distribution licensee are used by another person for the conveyance of electricity on payment of charges to be determined under Section 62 and not when the consumer uses its dedicated lines of its own.

37. In Kalyani Steel case, it was seen that the consumer was an EHT consumer directly connected to the transmission system for availing power supply. Even though it was a consumer of the distribution licensee it was physically not using the distribution system of the Distribution Licensee. The Tribunal held that the consumer was not liable to pay wheeling charges when it was availing power through open access...

.....
50. The above Regulations provide as under:

- (i) An open access customer could be a licensee, generating company, Captive Power Plant or a consumer.
- (ii) Wheeling is defined as the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for conveyance of electricity on payment of wheeling charges. Thus, wheeling takes place when the distribution system is used for conveyance of electricity by another person."

[Emphasis Added]

13.25. The associated facilities is clearly encompassed by the definition of 'distribution system' under Section 2 (19) of the EA, 2003. Further, as held hereinabove in extracted portion of said Judgement of Hon'ble APTEL, there is a liability to pay Wheeling Charges when

the associated facilities (which are part of distribution system) of a Distribution Licensee are used by another person for the conveyance of electricity.

- 13.26. Insofar as the Common Order dated 27 December 2023 passed by Commission in Case No. 151, 177, 186, 187 & 196 of 2023 [Jubilant Ingrevia Limited and Ors. Vs MSEDCL and Ors.] referred to and relied upon by SAMPL and RSRPL in the above Case, it is submitted that MSEDCL has filed Case No. 79 of 2024 before the Commission for Review of said Common Order dated 27 December 2023. Likewise, with respect to the Common Order dated 01 February 2024 passed by the Commission in Case No. 162, 163 & 166 of 2023 [CIE Automotive India Limited and Ors. Vs. MSEDCL and Ors.], MSEDCL had filed Case No. 80 of 2024 before the Commission for Review of said Common Order dated 01.02.2024. Both the Cases, i.e. Case No. 79 & 80 of 2024, has been finally heard and reserved for Order on 11 October 2024.

Commission's Analysis and Rulings:

14. The above mentioned three Petitioners have filed the present cases for not to levy of wheeling charge and wheeling losses by MSEDCL as the MSEDCL's Distribution System is not being used for sourcing power from their CPP through Open Access. Further, the three Petitioners sought to refund the respective amounts levied upon OA consumers towards wheeling charges for the respective period, as mentioned in their prayers along with applicable interest. In the present three cases, the Petitioners are the Solar Generators and OA consumers.
15. Upon perusal of the above submissions from the Parties, the details of all the above Petitions i.e., details of OA consumers, generators, period of OA and period/amount of levy of wheeling charges are mentioned in para. 10 Table No. 3 above.
16. The Commission notes the submission of the Petitioners and MSEDCL in the matter.
17. The Commission has disposed of the Petitions on similar issues vide its common Order dated 27 December 2023 in Case No. 151 of 2023, 177 of 2023, 186 of 2023, 187 of 2023 and 196 of 2023 of 2023. The relevant para. of the common Order dated 27 December 2023 are read as under:

“

36.As regards to the issue raised by MSEDCL that MSEDCL has granted permission for charging of SEM to Solar Generators installed at 33 kV level i.e., between generating station and PSS. Further, the said 33KV line was used by MSEDCL to provide start-up power and OA permission to the generator and the reading of which was recorded by SEM connected on the said line. As a result, said 33KV line was part of MSEDCL's distribution system. In this context, the Commission notes that the Hon'ble APTEL in the Judgment, dated 24 May 2011 in Appeal No. 166 of 2010 (Chhatisgarh State Power Transmission Co. Ltd Vs. Chhatisgarh

ERC) held that a generating station requiring 'startup up power' from the grid cannot be termed as a consumer. The relevant para. of the APTEL Judgment are reproduced as under:

“44 Startup Power has not been defined in the Electricity Act 2003 or in the Rules and Regulations framed there under. It has also not been defined in the repealed Acts viz., Indian Electricity Act 1910, Electricity (Supply) Act 1948 and Electricity Regulatory Commission Act 1998. Thus we have to go by its general meaning. In general parlance, word 'Startup' means to start any machine or motor. In terms of electricity, Startup Power is power required to start any machine. Thus Startup Power is power required to start a generator. Next question is why it is required. Thermal generating units, (to some extent large hydro generating units also) have many auxiliaries, such as water feed pump, coal milling units, draft pumps etc.,. These auxiliaries operate on electrical power and are essentially required to run before generating unit starts producing power of its own. These auxiliaries would draw power from grid till unit start producing power and is synchronized with the grid. Once unit is synchronized, requirement of 'startup power' vanishes. Thus 'startup power' is required only when all the generating units in a generating station are under shutdown and first unit is required to startup. Once any one unit in a generating station is synchronized, power generated by the running unit is used to startup other units. Period of requirement of startup would vary from few minutes to few hours depending upon the size of unit.

45 Above discussion shows that requirement of startup power is essential for every generating station and is very limited both in quantum (MW) and duration terms.....

48 Further, consumer as defined in the Act is a person who is supplied with electricity for his own use. Here startup power is supplied to Respondent -1 to startup its generating unit. Once generating unit is synchronized with the grid, the power so generated is supplied to Appellant. Without startup power, generators cannot start and produce power. Thus, in way, startup power is supplied for the benefit of Appellant only. From this point of view, a generator taking startup power from distribution licensee and supply power to same licensee on startup, cannot be termed as a consumer.

49 In light of above discussions a generator requiring 'startup up power' from the grid cannot be termed as a consumer.”

37. From the above APTEL Judgment, the Commission notes that the requirement of startup power is essential for every generating station and is very limited both in quantum (MW) and duration terms. Further, in terms of Section 2(15) of the Electricity Act, a 'consumer' means any person who is supplied with electricity by the licensee for his own use and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee.

The Commission further notes that the Generating Stations cannot be considered "consumers" under the EA merely because they obtain start-up power from MSEDCL via the 33 kV distribution line. The Commission further notes that the wheeling charges should be based on the use of the system for conveyance of electricity to the consumer taking power under open access and same shall be in accordance with the Open Access Regulations specified by the Commission. Moreover, the connection with MSEDCL's Distribution System is not the determining criteria for levy of wheeling charges. The pre-requisite for levy of wheeling charges is the use of MSEDCL's Distribution System, which is not being used in the present cases.

38. The Commission further notes that SoR to TOA and DOA First Amendment Regulations 2019 also clarified on the applicability of wheeling charges for various Open Access transactions. The relevant para. of the SoR to TOA and DOA First Amendment Regulations 2019 is reproduced as below:

“15.3

.....

Regarding ambiguity of applicability of wheeling charges, it is clarified that exemption in wheeling charge is only in case of use of point to point Dedicated transmission lines or in case where generator and consumer in the OA transaction are both directly connected to the transmission system.

Dedicated transmission lines or transmission system are not part of distribution network. As wheeling charges are paid for using distribution network, consumers or generators who are directly connected to transmission system which is not maintained by Distribution Licensee or point to point dedicated transmission lines are not required to pay wheeling charges.

Above relaxation of non-applicability of wheeling charges is not available for the cases where such high voltage network (of transmission stature) of Distribution Licensees is involved. In this context, reference to APTEL Judgement 84 of 2018 is made where the said EHV line is being maintained by the distribution licensee itself and whose tariff is being determined by the Commission under the Retail Tariff Order. As per APTEL ruling, (Judgement 84 of 2018) consumer connected to such EHV line is mandated to pay Wheeling Charges determined for EHV lines. The relevant extract of the Order is as following:

“In view of the findings and analysis brought out in the above mentioned paras, we are of the considered view that the reference 110 kV HPCL Feeders are part of the distribution network of the TPC-D. Further, to arrive at a balanced decision and evolving judicious principles for safeguarding interests of all stakeholders, the wheeling charges are required to be determined at EHT (110 kV) level also along with determination of other wheeling charges at LT/HT levels in accordance with law. Accordingly, we hold that the instant Appeal deserves to be allowed to the extent mentioned as above. For the foregoing

reasons, we are of the considered opinion that the issues raised in the present appeal being Appeal No.84 of 2018 have merit. Hence, the Appeal is allowed and the impugned order dated 12.03.2018 passed by the Maharashtra Electricity Regulatory Commission in the Case No. 58 of 2017 is set aside to the extent, as stated in Para 11 above. The State Commission is directed to pass consequential orders as per the above findings, as expeditiously as possible within a period of three months from the receipt of a copy of the judgment. In view of the above, IA No.419 of 2018 stands disposed of, as having become infructuous.”

39,The above SoR to TOA and DOA First Amendment Regulations 2019 clarified that Dedicated transmission lines or transmission system are not part of distribution network. As wheeling charges are paid for using distribution network, consumers or generators who are directly connected to transmission system which is not maintained by Distribution Licensee or point to point dedicated transmission lines are not required to pay wheeling charges.

.....

49. In view of the above, the Commission does not find merit in the contentions of the MSEDCL that the said 33 kV line is part of MSEDCL distribution system. Accordingly, the Petitioners are entitled for banking dispensation as specified in DOA and TOA Regulations 2016 and its 2019 First Amendment.

.....

60. The Commission in the above Order noted the observation of Hon'ble ATE Order dated 6 October 2022 in Appeal No. 20 of 2019 that the wheeling charge cannot be levied beyond what is calculated as the actual energy drawal at the consumption end for which computation will necessarily have to take into account wheeling losses.

61. In view of the above, the Commission notes that Wheeling Charges are payable to the Distribution Licensee only when its Distribution System is used. In the present cases, however, it is clear from the factual matrix set out above that there is no 33kV MSEDCL's Distribution System is used.

.....

64.Considering the foregoing, the Commission concludes that MSEDCL is not entitled for levy of wheeling Charges and wheeling losses on the power sourced through Open Access in the present cases. Accordingly, the Commission think it fit to direct MSEDCL to refund the wheeling charges recovered from Petitioners/OA Consumers as prayed in these Cases, along with applicable interest, within one month of this Order. Accordingly, the prayer of the

Petitioners for setting aside the Impugned Invoices issued by MSEDCL to the extent of imposition of wheeling charges and wheeling losses are hereby set aside.

.....

66. Therefore, the above Regulations have clearly provided that STU is the Nodal Agency for grant of Connectivity, Long-term Open Access and Medium-term Open Access to the Intra-State Transmission System (InSTS). But by failing to approach/apply the appropriate Nodal Agency, the Petitioners are the ones who brought these circumstances upon themselves. Further, the Open Access Regulations of the Commission also demarcate and distinguish between the transmission and distribution boundaries by separately notifying Transmission Open and Distribution Open Access Regulations. Hence the DOA and TOA Regulations recognizes transmission and wheeling as two distinct activities pertaining to utilization of transmission and distribution assets, respectively.

67. Under such circumstance, the Commission notes that in the present cases when the Open Access consumers /solar generators connected to transmission system/InSTS then it is the responsibility of the Petitioners/ the Open Access Consumers /Solar Generators to approach the proper Nodal Agencies as specified in the DOA and TOA Regulations 2016 and its Amendment. However, the Petitioners are failed to do so and created this problem and issues.

.....

71. Hence, the following Order:

COMMON ORDER

1. Petition in Case Nos. 151 of 2023, 177 of 2023, 186 of 2023, 187 of 2023 and 196 of 2023 are partly allowed in terms of the Petitioners prayers as ruled at Para. 64 of this Order.
2. IA Nos. 45 of 2023, 55 of 2023, 57 of 2023 and 58 of 2023 are disposed of accordingly.
3. As ruled at para. 64 of this Order, Maharashtra State Electricity Distribution Co. Ltd. is directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present cases.
4. As ruled at para. 64 of this Order, Maharashtra State Electricity Distribution Co. Ltd is directed to refund the Wheeling Charges recovered from Petitioners /Open Access Consumers, along with applicable interest, within one month from the date of this Order.

5. *As ruled at para. 70 of this Order, State Transmission Utility to submit the Report on the entire compliances of the TOA Regulations 2016 and TOA First Amendment Regulations 2019 within one month of this Order. Upon receipt of the Report, the Commission would take appropriate steps/ actions in accordance with the provisions of the Electricity Act 2003.*”

[Emphasis Added]

18. The Commission further vide Order dated 1 February 2024 in Case Nos. 162, 163 & 166 of 2023 (CIE Automotive & Others Vs MSEDCL) have also provided similar observations. The relevant extract of the Order dated 1 February 2024 is as under:

“23. During the pendency of these matters, the Commission has disposed of the Petitions on the similar issues vide its common Order dated 27 December 2023 in Case No. 151 of 2023, 177 of 2023, 186 of 2023, 187 of 2023 and 196 of 2023 of 2023. The relevant para. of the common Order dated 27 December 2023 are reads as under:

.....

25. The above dispensations in the Order dated 27 December 2023 in Case No. 151 of 2023, 177 of 2023, 186 of 2023, 187 2023,3 and 196 of 2023 of 2023, are squarely applicable in the present cases also.

26. In view of the above, the Commission concludes that MSEDCL is not entitled for levy of Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present cases. Accordingly, the Commission think it fit to direct MSEDCL to refund the wheeling charges recovered from Petitioners/OA Consumers as prayed in these Cases, along with applicable interest, within one month from the date of this Order.

27. Hence, the following Order:

COMMON ORDER

- 1. The Petitions in Case Nos. 162 of 2023, 163 of 2023, and 166 of 2023 alongwith IA Nos. 62 of 2023, 63 of 2023 and 69 of 2023 are disposed of.*
- 2. As ruled at Para. 26 of this Order, Maharashtra State Electricity Distribution Co. Ltd. is directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present cases.*
- 3. As ruled at Para. 26 of this Order, Maharashtra State Electricity Distribution Co. Ltd is directed to refund the Wheeling Charges recovered from Petitioners /Open*

Access Consumers, along with applicable interest, within one month from the date of this Order.

[Emphasis Added]

19. The above dispensations in the Order dated 27 December 2023 and 1 February 2024 are also squarely applicable in the present cases.
20. It is also imperative to note that MSEDCL has raised various issues regarding the levy of wheeling charges and wheeling losses as below:
- (i) The definition of ‘distribution system’ is not limited to the system of wires (or network) but also includes associated facilities.
 - (ii) The Banking Facility is Applicable to the Distribution System as per DOA Regulations 2016.
 - (iii) Generating Station or the Consumer in the OA transaction are not directly connected to the transmission system.
 - (iv) Interpreting and relying upon the Judgement dated 24 May 2011 passed by Hon’ble APTEL in Appeal No. 166 of 2010 (*Chhatisgarh State Power Transmission Co. Ltd Vs. Chhatisgarh ERC*)
 - (v) Interpreting and relying upon the Judgement dated 12 September 2014 passed by Hon’ble APTEL in Appeal No. 245 of 2012 & Batch (*Steel Furnace Association of India Limited vs PSERC & Anr.*)

21. In this context, the Commission further notes that MSEDCL has filed two review Petitions, i.e. Petition in Case No. 79 of 2024 for Review of the Common Order dated 27 December 2023 and Petition in Case No. 80 of 2024 for Review of the Common Order dated 01 February 2024 wherein MSEDCL had raised the above similar issues. The Commission vide common Order dated 10 March 2025 in Case No. 79 and 80 of 2024 (MSEDCL Vs Jubilant & Others) has addressed the above issues raised by MSEDCL and dismissed the review Petition. The relevant extract of the Order dated 10 March 2025 is as under:

“17.17.The Commission notes that during the earlier proceedings in the original cases, MSEDCL has also argued similar submissions (which are also raised in the present Review Petitions) that the Distribution system includes associated facilities used by OA consumers and hence OA consumers are liable for payment of wheeling charges. The relevant extract of the impugned common Order dated 27 December 2023 reads as follows:

“14.1

.....

a. *Point of Supply has been defined under Regulation 2.2.2 (mm) of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021.*

.....

b. *Further, Distribution System has been defined under Section 2(19) of the Act means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers.*

.....

24.3. Distribution system is not limited to the system of wires or network, but also includes additional functions or services without such system of wires. However, the underlying objective of both such system of wires and associated facilities thereof, is to enable distribution or supply of electricity.

24.4. MERC DOA Regulations, 2016, defines Banking means the surplus Renewable Energy injected in the grid and credited with the Distribution Licensee after setting off with consumption in the same Time of Day slot as specified in Regulation 20.

.....

24.6. The generation SEM meter is installed at 33 KV level (being an associated facility of MSEDCL) and accordingly, billing is carried out using said meter.”

17.18. It is imperative to note the Hon’ble Supreme Court Judgments dated 8 August 2013 in Review Petition (CRL.) NO. 453 OF 2012 in Writ Petition (CRL.) 135 OF 2008 [Kamlesh Verma v. Mayawati (2013) 8 SCC 320] which has provided the principals of review. The relevant extracts of the Hon’ble Supreme Court Judgment are as below:

“16. Error contemplated under the Rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view. The mere possibility of two views on the subject is not a ground for review. This Court, in Lily Thomas v. Union of India [(2000) 6 SCC 224: 2000 SCC (Cri) 1056] held as under: (SCC pp. 250-53, paras 54, 56 & 58)

“54. Article 137 empowers this Court to review its judgments subject to the provisions of any law made by Parliament or any rules made under Article 145 of the Constitution. The Supreme Court Rules made in exercise of the powers under Article 145 of the Constitution prescribe that in civil cases, review lies on any of the grounds specified in Order 47 Rule 1 of the Code

of Civil Procedure which provides:

'1. Application for review of judgment.—(1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the court which passed the decree or made the order.'

Under Order 40 Rule 1 of the Supreme Court Rules no review lies except on the ground of error apparent on the face of the record in criminal cases. Order 40 Rule 5 of the Supreme Court Rules provides that after an application for review has been disposed of no further application shall be entertained in the same matter.

56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised. However, this Court in exercise of its powers under Article 136 or Article 32 of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment.

17. In a review petition, it is not open to the Court to reappreciate the evidence and reach a different conclusion, even if that is possible. Conclusion arrived at on appreciation of evidence cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. This Court in Kerala SEB v. Hitech Electrothermics & Hydropower Ltd. [(2005) 6 SCC 651] held as under: (SCC p. 656, para 10)

18. Review is not rehearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. A repetition of old and overruled argument is not enough to reopen concluded adjudications. This Court in Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. [(2006) 5 SCC 501] , held as under: (SCC pp. 504-505, paras 11-12)

“11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.

12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. Such petition, in my opinion, is in the nature of ‘second innings’ which is impermissible and unwarranted and cannot be granted.”

19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.

Summary of the principles

20.2. When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

[Emphasis added]

17.19. The above Hon'ble Supreme Court Judgment provides the principle when review will not be maintainable. The Hon'ble Supreme Court further provides that while the power of review can be used to rectify errors, it cannot be used to substitute one point of view for another. A review cannot be used to rehear or reconsider a decision under the guise of an appeal. There must be a sufficient reason that is analogous to the grounds listed in the rule, much like an apparent error.

17.20. In view of the above discussions, the Commission is of the view that some of the issues raised in the present review proceedings were already raised during the original proceeding and these issues are being re-agitated in the present proceeding. MSEDCL is seeking re-consideration or re-hearing on these issues, which is impermissible under the law. None of the grounds stated in these review cases can be said to fall within the ambit and scope of Regulation 28 of MERC Transaction of Business Regulations, 2022. Review case has a limited purpose and cannot be allowed to be “an appeal in disguise”. The Commission's review jurisdiction is limited. It is also not the case of the Petitioner that there is any new important evidence or matter which was not within its knowledge even after exercise of due diligence, when the original Orders were passed and now same is being presented in the present proceeding, for the purpose of seeking review of the impugned Orders. Further, the Commission in the preceding part of this Order observed that there is also no error apparent on the face of records which warrants review of the impugned Orders.

18. In view of the above analysis, there is no merit in the grounds of review raised by MSEDCL and hence the present review Petitions needs to be rejected.

19. Hence, the following Order:

COMMON ORDER

1. IA 22 of 2024 and 23 of 2024 disposed of in terms of ruling at Para 11.33 of this Order.
2. The Review Petitions in Case Nos. 79 of 2024 and 80 of 2024 dismissed.”

[Emphasis added]

22. The Commission notes that the issues raised by the MSEDCL in the present Petition have been addressed by the Commission in the above common Order dated 10 March 2025 in Case No. 79 and 80 of 2024 and dismissed the review Petition filed by MSEDCL.

23. As regards the submission of MSEDCL that;

(i) Regulation 18.2 of DOA Regulations, 2016 provides that the buyer of electricity shall bear the approved wheeling losses of the Distribution System and not any part of the commercial losses.

(ii) The Hon'ble Supreme Court Judgment dated 29 November 2019 passed in *Transmission Corporation of Andhra Pradesh Limited versus M/S Rain Calcining Limited & Ors.*, (2021) 13 SCC 674 wherein it has held that all persons using the distribution system should bear the system losses

24. In this context, the Commission notes that Regulation 18 of the DOA Regulations as amended vide the DOA (First Amendment) Regulations, 2019 reads as under:

“ 18.1. Transmission losses:

.....

18.1.2. Intra-State transmission losses: The buyer of electricity shall bear the approved Intra-State transmission losses as may be determined by the Commission from time to time:

Provided that the energy settlement shall be based on the approved loss in the Intra-State Transmission System.

18.2. Distribution System losses: The buyer of electricity shall bear the approved wheeling losses of the Distribution System and not any part of the commercial losses as may be determined by the Commission from time to time.”

25. The Commission notes that the Petitioners in the instant cases, i.e. the solar generators, are directly connected to the transmission system, and no distribution system is used while availing OA.

26. Further, Regulation 9 of DOA First Amendment Regulations 2019 provides as under:

“9.

.....

The existing Regulation 14.6 (b) shall be modified as under:

“14.6 Wheeling Charge:

...

b. “Wheeling Charges shall not be applicable in case a Consumer or Generating Station is connected to the Transmission System directly or

using dedicated lines owned by the Consumer or Generating Station only if such dedicated lines are used for point to point transmission or wheeling of power from Generating station to load centre without any interconnection with distribution system.”

27. The above DOA Regulations provide applicability of the wheeling charges and further stipulate that Wheeling Charges shall not be applicable in case a Consumer or Generating Station is connected to the Transmission System directly or using dedicated lines owned by the Consumer or Generating Station only if such dedicated lines are used for point-to-point transmission or wheeling of power from Generating station to load centre without any interconnection with the distribution system.
28. The Commission in its Statement of Reasons (**SOR**) to DOA and TOA First Amendment Regulations 2019 (Notified on 8 June 2019) has clarified the issue of recovery of wheeling charges/losses to be recovered under various combinations of open access transactions. The relevant para. of SOR of DOA/ TOA First Amendment Regulations 2019 are as below:

“15. Regulation 14.6: Applicability of Wheeling Charges

15.1 Proposed in draft DOA Regulations, 2019

“14.6 Wheeling Charge: ...

- b. “Wheeling Charges shall not be applicable in case a Consumer or Generating Station is connected to the Transmission System directly or using dedicated lines owned by the Consumer or Generating Station only if such dedicated lines are used for point to point transmission or wheeling of power from Generating station to Load Centre without any interconnection with distribution system.”*

“14.6 (A) Applicability of Transmission Charges and Wheeling Charges and Transmission Loss and Wheeling Losses for various combination of Open Access Transactions shall be as shown in the following table.

.....
15.2 Comments received

MSEDCL submitted that, instead of accounting wheeling charges at consumption end, it should be levied on the actual energy injected at the Distribution Licensees’s periphery for OA consumption.

.....
15.3 Analysis and Commission’s Decision

With reference to comment by MSEDCL to apply wheeling charges at injection end, it is clarified that transmission/wheeling loss is already accounted for from the injection point to the drawal point while determining the applicable wheeling charges at respective voltage level. Applying wheeling charges on the energy quantum at injection point amounts to charging for loss quantum twice, which would not be proper.”

29. The above SOR to DOA and TOA First Amendment Regulations 2019 clearly provides that transmission/wheeling loss is already accounted for from the injection point to the drawal point while determining the applicable wheeling charges at respective voltage levels and therefore applying wheeling charges on the energy quantum at injection point amounts to charging for loss quantum twice, which would not be proper.
30. In view of the above, the Commission does not find any merits in the submissions of MSEDCL.
31. The Commission further notes that MSEDCL has referred the Hon'ble Supreme Court Judgment dated 29 November 2019 passed in *Transmission Corporation of Andhra Pradesh Limited versus M/S Rain Calcining Limited & Ors.*, (2021) 13 SCC 674 wherein it has held that all persons using the distribution system should bear the system losses. In this context, the Commission notes that in the instant case, the solar generators are directly connected to the transmission system, and no distribution system is used during OA transactions. In view of the above, the above-referred Hon'ble Supreme Court Judgment dated 29 November 2019 is not applicable in the instant case. Hence, the Commission does not find any merits in the submissions of MSEDCL.
32. The Commission also notes that MSEDCL has raised the issue of the applicability of banking under DOA Regulations 2016 and not available under TOA Regulations 2016. In this context, it is imperative to note the definition of banking, which is provided in DOA Regulations 2016 as below:

“2.1.

.....

4. “Banking” means the surplus Renewable Energy injected in the grid and credited with the Distribution Licensee after set off with consumption in the same Time of Day slot as specified in Regulation 20;

DOA Regulations 2016 on its applicability provides that :

“1.2 These Regulations shall apply for Open Access to and use of the Distribution System of Distribution Licensees in the State of Maharashtra, and where the network of the Distribution Licensee is not being used but supply to an Open Access Consumer is being provided within the distribution area of the Distribution Licensee

TOA Regulations 2016 also provides that:

“2.2 Words and expressions used herein and not defined in these Regulations but defined in the Act or Indian Electricity Grid Code or the State Grid Code or the Electricity Supply Code or the Rules and other Regulations made under the Act, as the case may be, shall have the meaning assigned to them therein.”

33. On the conjoint reading of the above provisions of the OA Regulations made it clear that Banking means the surplus Renewable Energy injected in the grid and credited with the Distribution Licensee after set off with consumption in the same Time of Day slots. The Commission further notes that Banking units' adjustments are extended to the consumers. Further, the provision of banking is governed under different provisions of DOA Regulations 2016 and DOA First Amendment Regulations 2019 and the grant of open access to the Transmission System is governed as per the provisions of the TOA Regulations 2016. Further, TOA Regulations provide that words and expressions used herein and not defined in these Regulations but defined in the Act or Indian Electricity Grid Code or the State Grid Code or the Electricity Supply Code or the Rules and other Regulations made under the Act, as the case may be, shall have the meaning assigned to them therein. Therefore, there is no merit in the submission of MSEDCL on this ground.
34. As regards the prayer (a) and (c) of Petitioners to set aside the Impugned Invoices issued by MSEDCL to the respective Petitioners's OA consumers and direct MSEDCL to refund respective amounts levied upon OA consumers towards wheeling charges, as prayed for, along with applicable interest , the Commission notes the submission of MSEDCL, discussed at para. 12.3, Table 4 of this Order that MSEDCL has refunded amount as claimed by the three Petitioners in the present Petitions.
35. As regards to prayer (e) of the Petitioners to direct MSEDCL to not levy wheeling charges and wheeling losses in future on any forthcoming project governed by the same arrangement, the Commission notes the submission of MSEDCL that claim of the other similarly situated Generators has also been reviewed and has been refunded accordingly and MSEDCL is making all the endeavours to approach all the other remaining Generators whose claims are yet to be received.
36. It is also imperative to note that the Commission through various Orders directed MSEDCL is directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access and to refund the wheeling charges on open access transactions recovered by it along with applicable interest. The List of such cases wherein the Commission has passed the Orders related levy Wheeling Charges and Wheeling losses on the power sourced through Transmission Open Access are as follows:

Table No. 3: Details of similar Orders issued by the Commission for not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access and refund of wheeling charges on transmission open Access transactions

S. N.	Details of Cases before the Commission	Details of Order issued
1	Case No. 151 of 2023 (Jubilant Ingrevia Ltd. Vs MSEDCL)	<ul style="list-style-type: none"> • Common Order issued 27 December 2023 • <u>Directions of the Commission in common Order:</u>

S. N.	Details of Cases before the Commission	Details of Order issued
2	Case No. 177 of 2023 (M/s Saarloha Advanced Materials Pvt. Ltd. and Renew Bhanu Shakti Pvt. Ltd. Vs MSEDCL)	(i) Maharashtra State Electricity Distribution Co. Ltd. is directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present cases. (ii) MSEDCL is directed to refund the Wheeling Charges recovered from Petitioners /Open Access Consumers, along with applicable interest, within one month from the date of the Order.
3	Case No. 186 of 2023 (Ultra Tech Cement Ltd. Vs MSEDCL)	
4	Case No. 29 and 30 of 2024 Case of Jubilant Ingrevia Ltd., and Saarloha Advanced Materials Pvt. Ltd. & Renew Bhanu Shakti Pvt. Ltd. seeking compliance of Order dated 27 December 2023 in Case No. 151 of 2023 (Batch) and initiation of proceedings under Section 142 read with Section 146 of the Electricity Act, 2003 against MSEDCL	<ul style="list-style-type: none"> • Order issued on 18 June 2024 • MSEDCL was called upon to show cause, within 21 days, as to why a penalty should not be imposed on it under provisions of Section 142 of the Electricity Act, 2003.
5	Case No. 19 of 2024 (Case of Ultratech - seeking compliance of common Order dated 27 December 2023 in Case No. 151 of 2023 & others by MSEDCL)	<ul style="list-style-type: none"> • Order issued 22 July 2024. • The Petition in Case No. 19 of 2024 stands disposed of in terms of the compliance of the Order dated 27 December 2023 in Case No. 151 of 2023 and others (Jubilant & Others Vs MSEDCL) for the Petitioner.
6	Case No. 79 and 80 of 2024 (MSEDCL's Review on the Common Order dated 27 December 2023 and 1 February 2024 – MSEDCL)	<ul style="list-style-type: none"> • Common Order issued on 10 March 2025 • The Review Petitions in Case Nos. 79 of 2024 and 80 of 2024 dismissed.

S. N.	Details of Cases before the Commission	Details of Order issued
	Review on the levy wheeling charges on its Captive Open Access transactions when the Distribution system is not used.)	
7	Case No. 100 of 2024 (Case of TP Solapur Saurya Ltd , TP Arya Saurya Ltd and TP Ekadash Ltd. for Incorrect levy of Wheeling Charges and Losses for energy generated from the Solar Power Plants of the Petitioners	<ul style="list-style-type: none"> • Order dated 20 March 2025 • <u>Directions of the Commission in common Order:</u> <ul style="list-style-type: none"> (i) MSEDCL directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present case. (ii) MSEDCL directed to refund the Wheeling Charges recovered from Petitioners /Open Access Consumers, along with applicable interest, within one month from the date of this Order. (iii)MSEDCL to adjust the units deducted towards wheeling losses in the next billing cycle of Petitioner’s OA consumers.
8	Case No. 29 of 2024 Maharashtra State Electricity Distribution Co. Ltd.’s compliance with the Show Cause Notice from the common Order dated 18 June 2024 in Case Nos. 29 and 30 of 2024.	<ul style="list-style-type: none"> • Order dated 20 March 2025 • The Petition in Case No. 29 of 2024 stands disposed of in terms of the compliance of the Order dated 27 December 2023 in Case No. 151 of 2023 (Jubilant Vs MSEDCL) for the Petitioner.

37. Considering the foregoing, the Commission concludes that MSEDCL is not entitled to levy wheeling Charges and wheeling losses on the power sourced through Open Access in the present cases. Accordingly, the prayer of the Petitioners for setting aside the Impugned Invoices issued by MSEDCL to the extent of imposition of wheeling charges and wheeling losses are hereby set aside.

38. As regards to prayer (c) of the Petitioners to direct MSEDCL to adjust the units deducted towards wheeling losses for the respective three Petitioners as prayed for in the next billing cycle of Petitioners’s OA consumers, as applicable.

39. In this regard, the Commission has concluded in para. 37 of the Order that MSEDCL is not entitled to levy Wheeling Charges and Wheeling losses on the power sourced through

Open Access when the energy is injected directly into the transmission system. Therefore, the Commission is of the view that MSEDCL is required to adjust the units deducted towards wheeling losses.

40. In view of the above, the Commission think it fit to direct MSEDCL to adjust the units deducted towards wheeling losses in the next billing cycle of Petitioners' OA consumers.
41. **Hence, the following Order:**


ORDER

1. **The Petitions in Case Nos.120 of 2024, 121 of 2024 and 153 of 2024 are allowed.**
2. **Maharashtra State Electricity Distribution Co. Ltd. is directed not to levy Wheeling Charges and Wheeling losses on the power sourced through Open Access in the present cases.**
3. **Maharashtra State Electricity Distribution Co. Ltd. to adjust the units deducted towards wheeling losses in the next billing cycle of Petitioners's OA consumers.**

**Sd/-
(Surendra J. Biyani)
Member**

**Sd/-
(Anand M. Limaye)
Member**

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


**(Dr. Rajendra G. Ambekar)
Secretary**

