

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005  
Tel. 022 - 69876666  
Email: [mercindia@merc.gov.in](mailto:mercindia@merc.gov.in)  
Website: [www.merc.gov.in](http://www.merc.gov.in)

**Case No. 131 of 2024**

**Case of Serum Institute of India Pvt. Ltd. seeking refund of excess wheeling and transmission charges levied and collected by MSEDCL for the period September 2021 to May 2023 with interest**

Serum Institute of India Pvt. Ltd.

...Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL) ...Respondent

**Coram**

**Sanjay Kumar, Chairperson  
Anand M. Limaye, Member  
Surendra J. Biyani, Member**

**Appearance**

For Petitioner

: Adv. Avijeet Lala

For MSEDCL

: Adv. Deepa Chawan

**ORDER**

**Date: 19 June 2025**

1. Serum Institute of India Pvt. Ltd. (**Petitioner/ Serum/ SIPL**) filed the Case, on 10 August 2024, seeking refund of excess wheeling and transmission charges levied and collected by MSEDCL for the period from September 2021 to May 2023, along with interest. The Petition has been filed under Sections 42(3), 42(4) and 142 of the Electricity Act, (**EA/ Act**) 2003 read with Regulations 14.6 of the MERC (Distribution Open Access) Regulations, 2016 (**DOA Regulations 2016**) and the Practice Directions dated

8 March 2017 issued thereunder.

**2. Petitioners' main prayers are as follows:**

“

*(a) initiate necessary action against the Respondent under Section 142 of the Electricity Act, 2003 by holding and directing the Respondent / MSEDCL to strictly abide by Regulation 14.6 of the MERC (Distribution Open Access) Regulations 2016 and the Practice Directions dated 08.03.2017 for computing and levying wheeling and transmission charges on open access consumers;*

*(b) direct the Respondent to refund the excess Wheeling and Transmission charges of Rs.68,65,215/- (Rupees Sixty-Eight Lakh Sixty Five Thousand Two Hundred Fifteen Only) that it has collected from the Petitioner during the period September 2021 up to May 2023, with interest of Rs.9,10,531/- (Rupees Nine Lakh Ten Thousand Five Hundred Thirty-One Only), aggregating to a total sum of Rs.77,75,746 (Rupees Seventy-Seven Lakh Seventy-Five Thousand Seven Hundred Forty-Six Only) within one (1) month;.....”*

**3. The Petition states as follows:**

- 3.1. SIPL has installed Captive Generating Plants (**CGP**) by setting up twenty-nine (29) Wind Turbine Generators (**WTGs**) under its ownership in the Districts of Dhule, Sangli and Satara.
- 3.2. SIPL is engaged in the business of manufacturing highly specialised life-saving immune-biologicals, such as vaccines, in the biotechnological and biopharmaceutical sector, and seeks open access to its Wind Generating Units from time to time.
- 3.3. MSEDCL has issued monthly bills to SIPL for the period from September 2021 to May 2023, and credit is given to those bills with respect to the energy supplied via Open Access. However, MSEDCL has levied and recovered the wheeling and transmission charges based on actual gross injection rather than actual energy drawal at the consumption end as provided under Regulation 14.6 of the DOA Regulations 2016 and the Practice Directions issued by the Commission.
- 3.4. As per the DOA Regulations 2016 and the Practice Directions, the wheeling and transmission charges should be charged by MSEDCL on adjusted units, i.e. on the actual energy drawn at the consumption end and not on the entire generation.
- 3.5. For September 2021 till May 2023, MSEDCL has levied and collected a total sum of Rs. 68,65,215/- towards excess wheeling and transmission charges. SIPL has already paid these excess charges.
- 3.6. The issue raised in the present petition is no longer *res integra*. The Commission had the

occasion to consider and adjudicate upon the very same issue in Case No. 206 of 2017 (*Sridevi Trading Company Pvt. Ltd. V. MSEDCL*) in its order dated 20 January 2023 (**Order dated 20 January 2023**). The facts obtained in the present case are similar to those in Case No. 206 of 2017.

- 3.7. The above ruling is applicable to the present case as well. Further, since the Order dated 20 January 2023 pertains to the interpretation and application of Regulation 14.6 of the DOA Regulations, it is therefore an order *in rem* and as such, MSEDCL is legally required to extend the benefit of the said order to all similarly placed open access consumers / generating companies.
- 3.8. By failing to act in accordance with the directions of the Commission given in the Order dated 20 January 2023 in respect of all similarly placed open access consumers / generating companies, MSEDCL has fallen foul of Section 142 of the EA 2003.
- 3.9. This was in violation of the various Orders and directions issued by the Commission. The details of those Orders are as below:
  - (i) Order dated 23 January 2023 in Case No. 109 of 2022 (AMJ Land Holding VS MSEDCL)
  - (ii) Order dated 31 October 2023 in Case No. 72 of 2022 (Kore Vs MSEDCL)
  - (iii) Order dated 1 February 2024 in Case No. 123 of 2023 (Imagicaa Vs MSEDCL) and
  - (iv) Order dated 31 March 2024 passed in Case No. 146 of 2023 (Persistent System Limited Vs. MSEDCL).
- 3.10. The wheeling charges and transmission charges are required to be charged on the adjusted units, i.e., on the actual energy drawn at the consumption end and not on the entire generation. This has resulted in excess recovery by MSEDCL of the said wheeling charges and transmission charges from SIPL.
- 3.11. In view of the above, the Commission needs to direct MSEDCL to act strictly in accordance with its directions contained in the Order dated 20 January 2023 w.r.t. all open access consumers / generating company, and to refund the wheeling and transmission charges recovered from them, including to SIPL in the energy bills along with interest.
- 3.12. The present Petition is within the limitation.
4. **MSEDCL, in its reply dated 7 October 2024, stated as under:**
  - 4.1. As per Section 42(3) of the EA, 2003, MSEDCL is mandated to provide non-discriminatory open access for the use of its transmission lines or distribution systems by any licensee or consumer in accordance with the Regulations specified by the Commission, and MSEDCL has strictly adhered to the said provisions.

- 4.2. Furthermore, the Commission, vide Order dated 9 March 2009 in Case No. 80 of 2008, differentiates between T&D Loss charges and wheeling charges, and further held that wheeling charges include the costs for the use of the utility's physical infrastructure and administrative expenses, which MSEDCL has duly implemented.
- 4.3. MSEDCL, in terms of Regulation 14.6 of the DOA Regulations, 2016, levies wheeling charges based on actual consumption at the drawal end, ensuring that open access consumers pay for the utilisation of the licensee network, preventing any undue benefits.
- 4.4. The Ministry of Power (**MoP**) in the Tariff Policy Resolution dated 28 January 2016 has also provided that Wheeling Charges should be determined based on the same principles as laid down for Intra-State Transmission Charges and would also include compensation for losses incurred as well.
- 4.5. Furthermore, the Transmission Charges are the fees that transmission companies charge for the non-discriminatory use of transmission lines or distribution systems by eligible open-access consumers. EA 2003 enables eligible consumers to have open access to a licensee's network, and the Petitioner utilises MSEDCL's network for the transmission of electricity from the generator to the consumer. Therefore, SIPL is liable to pay the applicable wheeling and transmission charges.
- 4.6. If a consumer located in MSEDCL area is availing 100% power through open access, then, the power injected in the grid by the Generator is to meet the consumption of the consumer. The power injected in the license network is only to meet the consumption of the consumer and transmit the power from the Generator to the consumer. The licensee's network is required, for which the Open Access consumer pays charges to the licensee. The consumption of partial open access consumers at drawl end of consists of the units from MSEDCL and Open Access units. MSEDCL levies wheeling charges based on actual consumption at its drawal end, and if wheeling charges on open access units are also levied on actual consumption at its drawal end, then, it seems open access consumers are utilising the licensee network without paying any charges, which is an undue benefit to the open access consumers.
- 4.7. The Order dated 06 October 2022 passed by Hon'ble Appellate Tribunal for Electricity (**APTEL**) in Appeal No. 20 of 2019 involving M/s. Sridevi Trading Company Pvt. Ltd. and the Order dated 20 July 2018 in Case No. 206 of 2017 passed by the Commission, relied upon by SIPL is only with respect to the computation of Wheeling Charges and said cases does not deal with computation of transmission charges and as such cannot be relied qua levy of transmission charges.
- 4.8. Further, MSEDCL has complied with the consequential order dated 20 January 2023 passed in Case No. 206 of 2017 by implementing the levy of wheeling charges only on the units adjusted under Open Access.
- 4.9. As such, the interpretation of the Hon'ble APTEL's order dated 06 October 2022 in

Appeal No. 20 of 2019 in the case of *M/s. Sridevi Trading Company Private Limited*, clarifies that the wheeling charges shall be applicable on the actual energy drawn by consumer grossing up with losses.

- 4.10. Further, the Transmission charges are determined & collected for use of the In-STS and Base Transmission Capacity Rights (Base TCR) of Transmission System Users (TSUs). MSEDCL collects and remits transmission charges to the State Transmission Utility (STU) as per the DOA Regulation 2016. This is further demonstrated by the remittance for FY 2017-18 and 2018-19 as per the order dated 30 March 2020 in Case No. 322 of 2019.
- 4.11. The Regulation 64.3 of the MYT Regulations, specifies the formula for the determination of Base Transmission Tariff of each year for Long, Medium and Short Term transactions which provides that the energy units transmitted by the Transmission Licensees shall be based on the energy input requirement of the Distribution Licensees at generation-InSTS interface point, as projected by each Distribution Licensee as part of its MYT Petition for the Control Period and as approved by the Commission.
- 4.12. SIPL's claim for a refund of excess wheeling and transmission charges is unfounded as MSEDCL has levied charges strictly as per the regulatory framework and applicable orders.
- 4.13. In light of the above submissions, it is evident that MSEDCL has acted in accordance with the law and regulatory directions. As such, both the Intra-state transmission losses and the approved wheeling losses of the Distribution System, under Regulation 18 of DOA Regulations, 2016 [as amended by DOA First Amendment Regulations, 2019], are leviable and recoverable. The said position has also been confirmed by the Hon'ble Supreme Court vide the judgment dated 29.11.2019 passed in *Transmission Corporation of Andhra Pradesh Limited versus M/S Rain Calcining Limited & Ors.*, (2021) 13 SCC 674., and has held that all persons using the system should bear the system losses.

**5. At the e-hearing through video conferencing held on 10 December 2024:**

- 5.1. Advocate for SIPL reiterated its submissions as made out in the Petition and further stated that:
  - (i) MSEDCL had submitted a reply on the same grounds in other petitions that have already been addressed and resolved by the Commission. The same response that was submitted in other cases has been filed by MSEDCL in the present case
  - (ii) SIPL is relied on the Sridevi Order dated 20 January 2023 and further the Commission in the Order dated 11 November 2024 has addressed all the issues raised by MSEDCL in the instant case. Therefore, SIPL is entitled to the refund of excess wheeling and transmission charges collected by MSEDCL with interest.

- 5.2. Advocate for MSEDCL re-iterated its submissions as made out in the Reply and further

stated that:

- (i) There is no excess levy of wheeling charges in the present case.
  - (ii) The wheeling charges as levied by MSEDCL was in accordance with the direction as to the permissible ratio of wheeling losses as issued by the Commission.
  - (iii) MSEDCL had prepared an excel sheet on the calculations which clears that there was no levy of excess wheeling charges.
- 5.3. The Commission directed MSEDCL to share the bill calculation sheet with SIPL, and Parties may file a written submission within 15 days.
6. **MSEDCL, vide email dated 22 January 2025, shared the reconciliation calculations/ bill calculation sheet with SIPL.**
7. **SIPL replied to MSEDCL vide email dated 27 January 2025 on the reconciliation calculations. SIPL in its email stated as under:**
- 7.1. SIPL in receipt of MSEDCL's email dated 22 January 2025, whereby MSEDCL had shared the Bullet points on Reconciliation in Case No 131 of 2024, along with a sample calculation for September 2021.
- 7.2. SIPL does not agree with the methodology adopted and the explanation offered by MSEDCL regarding the calculation of wheeling and transmission charges. SIPL maintain that the approach followed by MSEDCL is in the teeth of the law laid down by the Hon'ble APTEL and the methodology as upheld by the Commission in the common Order dated 18 June 2024 in Case Nos. 206, 207, 208 and 211 of 2023.
- 7.3. In view of the above, SIPL shall be filing a Written Submission before the Commission for adjudication of the captioned petition on merits.
8. **SIPL in its additional submission dated 2 February 2025 reiterated the submissions as mentioned in para. 3 of the Order. The additional points raised in its submission dated 2 February 2025 are as follows:**
- 8.1. With respect to the law of limitation, SIPL has restricted its claim to a period of 3 years prior to the date of filing of the Petition, which is for the period from September 2021 to May 2023, instead of claiming a refund from the date of notification of Regulation 14.6, i.e. 30 March 2016. However, SIPL maintains that a refund for excess wheeling and transmission charges should be allowed from the date of notification of Regulation 14.6 of the DOA Regulations and hence reserves its rights in this respect.
- 8.2. In this regard, it is appropriate to recount the legal position with respect to the effect of judgement dated 06 October 2022 rendered by Hon'ble APTEL in Appeal No. 20 of

2019. It is a legal principle that the interpretation of a provision of law relates back to the date of law itself and that it cannot be prospective from the date of the judgement. This is because the court does not legislate but only gives an interpretation to an existing law. In support of its submission, SIIPL has submitted following Judgments of Hon'ble Supreme Court:

- (i) Lily Thomas v. Union of India, (2000) 6 SCC 224
- (ii) Sarwan Kumar v. Madan Lal Aggarwal, (2003) 4 SCC 147
- (iii) Employees' State Insurance Corporation v. Birla Jute & Industries Ltd., 2008 SCC OnLine Cal 342

- 8.3. Hence, in view of the aforesaid, there cannot be any doubt that the benefit of law as settled by the Hon'ble APTEL vide its judgement dated 06 October 2022 with regard to interpretation and application of Regulation 14.6 of the DOA Regulations shall take effect from the date of notification of the Regulation i.e. 30.03.2016, and this benefit shall accrue to all those open access consumers who have been made to pay excess wheeling and transmission charges by MSEDCL due to erroneous interpretation of the said Regulation 14.6 of DOA Regulations 2016.
- 8.4. Further, MSEDCL had filed its Reply on 07 October 2024, objecting to the reliefs sought by SIIPL. MSEDCL had filed a reply on the same grounds in other petitions, which have already been dealt with and adjudicated by the Commission. The Commission has dealt with the objections raised by MSEDCL in para. no.7 of its combined Order dated 11 November 2024 passed in Case Nos. 232 of 2023 & others (Pragati Agencies & Others Vs MSEDCL)
- 8.5. The instant petition was heard by the Commission on 10 December 2024. During the hearing, it was submitted on behalf of MSEDCL that there is no excess levy of wheeling charges in the present case. It was further submitted on behalf of MSEDCL that the wheeling charges as levied by MSEDCL was in accordance with the direction as to the permissible ratio of wheeling losses as issued by the Commission. It was further submitted that there was no levy of excess wheeling charges and that MSEDCL had prepared an excel sheet on the calculations. Therefore, vide Daily Order dated 10 December 2024, the Commission had directed MSEDCL to share the calculation sheet with SIIPL.
- 8.6. SIIPL does not agree to the methodology adopted and explanation offered by MSEDCL towards the calculation of wheeling and transmission charges. The approach followed by MSEDCL is in line with the law laid down by the Hon'ble APTEL and the methodology upheld by the Commission. A comparative working for the month of September 2021 would be as under:

**Table No.1: Comparative working of levy of wheeling and Transmission charges for the month of September 2021**

Particulars	Reference Nos.	Details of Particulars for September 2021
Capacity		33.6 MW
Export Units	(1)	4198107 MUs
Units After Distribution Loss	(2)	3883249 MUs
Units After Transmission Loss	(3)	3759762 MUs
Banked Units	(4)	
Final Units Adjusted	(5)	3759762 MUs
<b>OA Charged by MSEDCL in HT bill</b>		
Wheeling	(6) $= (1 \times 0.56)$	Rs. 2350940 /-
Transmission	(7) $= (2 \times 0.80)$	Rs. 3106599 /-
<b>Total (A)</b>		<b>Rs. 5457539 /-</b>
<b>OA should have been charged</b>		
Wheeling	(8) $= (5 \times 0.56)$	Rs. 2105467 /-
Transmission	(9) $= (5 \times 0.80)$	Rs. 3007810 /-
<b>Total (B)</b>		<b>Rs. 5113276 /-</b>
<b>Excess OA Charges collected by MSEDCL</b>	<b>(A-B)</b>	<b>Rs. 344263 /-</b>

- 8.7. SIPL has prepared a statement showing the computation of excess wheeling and transmission charges along with interest thereon as on date.
- 8.8. The Commission has dealt with the abovementioned submission of MSEDCL and rejected the same through its observations at paragraph no. 34 and 35 in the Order dated 18 June 2020 in Case Nos. 206, 207, 208 and 211 of 2023. The Commission has also addressed the same submission at paragraphs 30 and 31 in the aforementioned Order dated November 11, 2024.
- 8.9. Hence, in view of the foregoing submissions, SIPL is entitled to the refund of excess wheeling and transmission charges collected by MSEDCL with interest within one month from the date of the Order, as provided under Para 1 of the Practice Directions dated 08 March 2017 issued under the DOA Regulations 2016.
9. **MSEDCL vide email & Letter dated 9 April 2025 Submitted as under:**
- 9.1. In Compliance with the directions issued by the Commission in Daily Order dated 10 December 2024 in the above-referred matter, wherein MSEDCL has been directed to share the bill calculation sheet with the Petitioner.
- 9.2. Thereafter, MSEDCL submitted the reconciliation calculations.

10. Furthermore, MSEDCL proposed a meeting between 15th April 2025 and 17th April 2025.



2025 to discuss how no losses—particularly no double wheeling losses—have been factored in a manner detrimental to SIPL. This meeting is designed to ensure full transparency and mutual understanding, with the goal of resolving the issue in the best interest of both parties.

**11. MSEDCL, in its additional written submission dated 10 April 2025, stated as under:**

- 11.1. MSEDCL is filing the present Written Submissions pursuant to the directions of the Commission dated 10 December 2024, wherein MSEDCL was instructed to share the bill calculation sheet with the Petitioner and parties were directed to file written submissions.
- 11.2. Regulation 14.6 of DOA Regulations, 2016 has been duly interpreted by the Hon'ble APTEL in its judgment and order dated 06 October 2022 in Appeal No. 20 of 2019 which is relied upon by MSEDCL. The bills are drawn accordingly.
- 11.3. There cannot be an assertion by SIPL of purported excess charges being charged by MSEDCL by merely relying on the order dated 20 January 2023 in Case No. 206 of 2017 passed by the Commission, if in reality the computation reveals that no excess charges have been levied on SIPL.
- 11.4. Furthermore, considering the methodology and formula adopted by the Commission for the calculation of wheeling charges, MSEDCL has meticulously followed the same framework and has demonstrated in the following paragraphs, the methodology and computation of wheeling charges as approved in the MYT Order dated 03 November 2016 in Case No. 48 of 2016 which is excluding wheeling losses and as such the additional levy with respect to such losses were being levied by MSEDCL, which has been disputed by SIPL on an erroneous assumption of inclusivity of such losses in the wheeling charges itself.
- 11.5. Wheeling charges post introduction of DOA Regulations, 2016 for the first time approved and computed in the MYT order dated 03 November 2016 in Case No. 48 of 2016 at Table No. 8-22 at Pg. No. 356 for the FY 2016-17 to FY 2019-20. Calculation qua computation of wheeling charges determined by the Commission is explained below.
  - I. Total Energy Sale is taken from the table no. 8-4 at Pg. No. 321 i.e., 91229 MU arrived after deducting the Technical & Commercial Losses of 20.66% i.e. 23750 MUS from Energy Input of 114979MU.  $114979 - 23750 \{20.66\% \text{ of } 114979\} = 91229$ .

**Table 8-4: Details of Commission's computation of Voltage-wise Cost of Supply for FY 2016-17**

Particulars	Units	EHV	HT	LT	Total
Sales	%	6.60%	26.95%	66.45%	100.00%
	MU	6,017	24,588	60,624	91,229
Technical & Commercial Loss	%	0.00%	6.00%	26.79%	20.66%
	MU	-	1,569	22,181	23,750
Energy Input	MU	6,017	26,158	82,805	114,979
Net Power Purchase Cost - Allocation based on Input at Voltage-wise	Rs. Crs	2,289	9,953	31,506	43,748
Other Costs - allocated based on voltage-wise sales	Rs. Crs	998	4,080	10,059	15,137
Stand-alone Costs	Rs. Crs	3,288	14,032	41,565	58,885
Stand-alone Cost to Serve at Voltage Level	Rs. / kWh	5.46	5.71	6.86	6.45
Recoveries of Past (allocated in the ratio of Sales)	Rs. Crs	(59)	(241)	(594)	(894)
<b>Total Cost to Serve at Voltage Level</b>	<b>Rs. Crs</b>	<b>3,229</b>	<b>13,791</b>	<b>40,971</b>	<b>57,990</b>
<b>Total Cost to Serve at Voltage Level</b>	<b>Rs. / kWh</b>	<b>5.37</b>	<b>5.61</b>	<b>6.76</b>	<b>6.36</b>

- II. Voltage wise GFA ratio (Gross Fixed Asset) and sales ratio considered was mentioned in table 8-18 at Pg. no. 357, as under:

**Table 8-18: GFA and Sales Ratio considered by Commission**

Particulars	Voltage-wise GFA Ratio (%)	Sales (% of Total)
33 kV	14%	9%
22 kV & 11 kV	56%	19%
LT Level	30%	72%

- III. Energy Sale considered for Wheeling Charges at table no. 8-19 at Pg. no. 357 was further derived after deducting the EHV sale (as wheeling charges not applicable to EHV) i.e.,  $91229 - 6081 = 85148$  MU. Pertinently, the deduction was made from the Energy Input i.e., after losses having already being excluded, contrary to incorrect premise of the Petitioner qua inclusivity of such losses.
- IV. Voltage wise break-up of sales **85148MU** was also given in the table 8-19 at Pg. no. 357. Voltage wise Sales ratio is 9% (33KV), 19%(22KV&11KV), 72%(LT Level).

**Table 8-19: Voltage-wise Energy Sales for computation of Wheeling Charges for 3<sup>rd</sup> Control Period, as considered by Commission**

Sr. No.	Particulars	Sales (%)	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	Total Energy Sales		91,229	96,211	101,602	107,434
2	Less: Energy Sales at EHV Level		6,081	6,342	6,614	6,899
3	Energy Sales to be considered for Wheeling Charges	100%	85,148	89,869	94,988	100,535
4	Voltage-wise Energy Sales considered for Wheeling Charges					
5	33 kV	9%	7,944	8,285	8,641	9,013
6	22 kV and 11 kV	19%	16,580	17,290	18,033	18,810
7	LT Level	72%	60,624	64,294	68,314	72,713

- V. Table 8-20 at Pg. No. 357 shows the Network ARR for distribution wire business for FY 2016-17 as **8577 Crore** (Gross Fixed Asset GFA). Voltage wise GFA ratio is taken as 14% (33KV), 56% (22KV&11KV), 30% (LT Level).

**Table 8-20: Network ARR for 3rd Control Period (Rs. crore)**

Particulars	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
ARR for Distribution Wire Business as submitted by MSEDCL	9,483	10,654	12,712	13,580
ARR for Distribution Wire Business as approved by Commission	8,577	9,299	9,632	9,631

- VI. Table 8-21 at Pg. No. 358 shows how Voltage wise **Total wheeling cost** is arrived as under:

**Table 8-21: Voltage-wise Share of Network Cost for 3rd Control Period, as considered by Commission**

Particulars	Network Cost (in the ratio of GFA) (Rs. Crore)	Sales (MU)	% of Sales between three levels	% of Sales between 22 kV & 11 kV and LT Level	Wheeling Cost break-up for 33 kV (Rs. Crore)	Wheeling Cost break-up for 22 kV & 11 kV (Rs. Crore)	Wheeling Cost break-up for LT Level (Rs. Crore)	Total Wheeling Cost (Rs. Crore)
<b>FY 2016-17</b>								
33 kV	1,201	7,944	9%		112			112
22 kV / 11 kV	4,803	16,580	19%	21%	234	1,031		1,265
LT Level	2,573	60,624	72%	79%	855	3,772	2,573	7,200
<b>Total</b>	<b>8,577</b>	<b>85,148</b>	<b>100%</b>	<b>100%</b>	<b>1,201</b>	<b>4,803</b>	<b>2,573</b>	<b>8,577</b>

- Wheeling Cost for 33KV → 9% of 1201 Cr = **112Cr** (All figures Rounded off).
- Wheeling Cost for 22&11KV → {1201(1-9%)\*21%} + {21% of 4803} = 234 + 1031 = **1265Cr** (All figures Rounded off).
- Wheeling Cost for LT Level → 8577 – 112 – 1265 = **7200Cr** (All figures Rounded off).

- VII. Table 8-22 at Pg. No. 358 i.e. wheeling charges approved by the Commission gives the voltage wise wheeling charges. The Paragraph above the table describes the calculations, reproduced as below:

“

*The Wheeling Charge (in Rs./kW/month) has been derived by dividing the wheeling cost of each voltage category by the average of CPD and NCPD for that voltage level as per the latest InSTS Tariff Order Order, and dividing it by 12 for per month computation. The Wheeling Charges for each category were calculated by dividing the Wheeling Charge (in Rs./kW/month) for each category by the Load Factor (assumed to be 66%) and 720 hrs (24 x 30). Thus, the approved Wheeling Charges and Losses for the 3rd Control Period are as shown below.*

**Table 8-22: Wheeling Charges approved for 3rd Control Period**

Particulars	Wheeling Loss (%)	Total Wheeling Cost (Rs. Crore)	Share In Average of CPD and NCPD (MW)	Wheeling Charge (Rs./kW/ Month)	Wheeling Charges @ 66% Load Factor (Rs. / kWh)
<b>FY 2016-17</b>					
33 kV	6.00%	112	2,279	41	0.09
22 kV / 11 kV	9.00%	1,265	2,694	392	0.82
LT Level	12.00%	7,200	10,685	562	1.18
<b>Total</b>		<b>8,577</b>	<b>15,657</b>	<b>457</b>	<b>0.96</b>

- Wheeling Charge (Rs/KW/Month): -  
 For 33KV  $\rightarrow 112 * 10 / 2279 / 12 * 1000 = 41$   
 For 22KV & 11KV  $\rightarrow 1265 * 10 / 2694 / 12 * 1000 = 392$   
 For LT Level  $\rightarrow 7200 * 10 / 10685 / 12 * 1000 = 562$
- Wheeling Charge (Rs./kWh)  
 For 33KV  $\rightarrow 41 / (66\% * 720) = 0.09$   
 For 22KV & 11KV  $\rightarrow 392 / (66\% * 720) = 0.82$   
 For LT Level  $\rightarrow 562 / (66\% * 720) = 1.18$

- VIII. As evident from above computation the wheeling charges was computed on net energy sales excluding the losses. As such, MSEDCL under law since being entitled for the charges qua such losses, in line with the said adopted methodology, has ensured that no wheeling losses—particularly no double counting of wheeling losses—have been factored in a manner that would be detrimental to the interest of the consumers.

- 11.6. The computation methodology adopted by MSEDCL while calculating the admitted levy of Wheeling Charges, has been as per the APTEL Order dated 06 October 2022, wherein the levy of Wheeling Charges was held to be computed on the units at consumption end considering the wheeling loss. The methodology and computation thereof adopted by

MSEDCL for levy of Wheeling and Transmission Charges in the instant case, which has also been intimated to the Petitioner vide email dated 02 January 2025, is submitted as under.

11.7. The computation of wheeling and transmission charges on consumption units for the period of September 2021 to May 2023 is detailed as under:

Consumer No.	Sum of over-injected Units (KWH)	Wheeling charge recovered (Rs.)	Transmission charge recovered (Rs.)	Wheeling Charges on consumption units (Rs.)	Transmission charges on Cons Units (Rs.)	Diff. in Wheeling Charges	Diff in transmission Charges
A	B	C	D	E	F	G = (C-E)	H = (D-F)
170019036990	0	68090899.4	89853453	68090896.4	89853452.2	2.98500488	0.82069819

11.8. The Calculation for the month of September 2021 is done for (170019036990):

Wheeled units	4198107	Banked offset units	3714	Wheeling rate (rs.)	0.56
Distribution loss units (Units after deduction)	3883249	Over injected units	0	Transmission rate (rs.)	0.80
Transmission loss units (Units after deduction)	3759762	Wheeling charge recovered (Rs.)	2350940/-		
<b>Final units</b>	3759762	Transmission charge recovered (rs.)	3106599/-		
Adjusted gen units	3756048				
<b>Calculations of Wheeling &amp; Transmission Charges on Consumption Units</b>					
Open Access Units (Consumption Units)	= Adjusted gen units + banked offset units			3759762	
Units Transmitted	= Open Access Units / (1-3.18%)			3883249	
Units Wheeled	= Units Transmitted / (1-7.5%)			4198107	
Transmission Charges on Consumption Units	= Units Transmitted x Transmission Rate (Rs.)			3106599/-	
Wheeling Charges on Consumption Units	= Units Wheeled x Wheeling Rate (Rs.)			2350940/-	

Difference of Transmission Charges Payable	= transmission charge recovered (Rs.) - Transmission Charges on Consumption Units	0/-
Difference of Wheeling Charges Payable	= wheeling charge recovered (Rs.) - Wheeling Charges on Consumption Units	0/-

Summary of Reconciliation for the Period (Sep 2021 – May 2023):

11.9. MSEDCL has reconciled the charges for all relevant months as per the Hon'ble APTEL's prescribed methodology. A summary of the differences in charges is as follows:

Period	Consumer No.	Wheeling Charges Difference (Rs.)	Transmission Charges Difference (Rs.)
September 2021	170019036990	0.00	0.00
Entire period (Total)		2.99	0.82

11.10. The total difference amounts to a negligible sum of Rs. 2.99 in Wheeling Charges and Rs. 0.82 in Transmission Charges across the entire period. These minimal differences are due to rounding and do not substantiate a claim for refund.

11.11. Therefore, SIPL's request for a refund of alleged excess charges, having been levied in excess, is baseless and should be dismissed.

12. **SIPL vide email dated 30 April 2025, stated that in response to MSEDCL's email dated 9 April 2025 regarding the meeting with SIPL, it had not received any response from MSEDCL on the said email. Therefore, once again requested MSEDCL to kindly fix a meeting between 11.00 am and 1.00 pm at any date and time suitable to MSEDCL. SIPL await to hear from MSEDCL at the earliest.**

13. **SIPL in its additional submission dated 7 May 2025 stated as under:**

13.1. MSEDCL vide email dated 09 April 2025, issued a letter to SIPL requesting a meeting to demonstrate the computation of wheeling and transmission charges with an intention of putting an end to the issue in the interest of both parties.

13.2. Thereafter, SIPL responded to MSEDCL's email on 10 April 2025 and 30 April 2025, expressing its interest in the meeting. However, SIPL did not receive any response from MSEDCL.

13.3. MSEDCL, in its Written Submissions dated 10 April 2025, has referred to and relied upon the Order dated 3 November 2016 passed by the Commission in Case No. 48 of 2016 solely with an intention to mislead the Commission.

- 13.4. MSEDCL, despite knowing that the Commission has settled the law relating to the correct methodology of computation of wheeling and transmission charges in various other petitions filed before the Commission, is carrying out the exercise in smoke and mirrors by deviating from the settled law.
- 13.5. MSEDCL had not relied upon the said Order either in its reply dated 07 October 2024 or during the hearing dated 10 December 2024 or along with the reconciliation sheet shared by them vide email dated 02 January 2025 with an intention that the reliance to the said Order cannot be rebutted by SIPL.
- 13.6. As stated at the outset, these additional submissions are being filed for the limited purpose of objecting/rebutting the submissions made by MSEDCL vide its Written Submissions filed on 10 April 2025. However, the submissions made by SIPL in its Written Submissions dated 05 February 2025 may be treated as part and parcel of these submissions.
- 13.7. It is reiterated that SIPL is entitled to the refund of excess wheeling and transmission charges collected by MSEDCL with interest.

***Commission's Analysis and Rulings:***

14. SIPL is a Wind Generator and also seeks power under open access in captive mode from its Wind Generators. The key issue raised in the present Petition is a refund of excess wheeling and transmission charges levied and collected by MSEDCL for the period from September 2021 to May 2023, along with interest.
15. The Commission notes that during the hearing on 10 December 2024, MSEDCL stated there was no excess levy of wheeling charges in the present case and that it would share the bill calculation sheet with SIPL. Accordingly, the Commission directed MSEDCL to share the calculation sheet with SIPL.
16. MSEDCL had shared the calculation sheet with SIPL. After sharing the calculation sheet, SIPL, in its additional submission, stated that it does not agree with the methodology adopted and the explanation offered by MSEDCL regarding the calculation of wheeling and transmission charges, and that the approach followed by MSEDCL contradicts the law laid down by the Hon'ble APTEL and the methodology as upheld by the Commission.
17. Thereafter, MSEDCL, via email dated April 9, 2025, stated that SIPL and MSEDCL would discuss the issue of levying excess wheeling and transmission charges and submit the report to the Commission. However, no such submissions have been made by MSEDCL.
18. Subsequently, on the next day, i.e., on 10 April 2025, MSEDCL filed an additional submission stating that SIPL's request for a refund of alleged excess charges, which had

been levied in error, is baseless and should be dismissed.

19. It is imperative to note that MSEDCL has challenged the Common Order dated 11 November 2024 in Case No. 232 of 2023 & Others (batch of twelve cases (Pragati Agencies Vs MSEDCL) (issue of refund of excess wheeling and transmission charges) before the Hon'ble APTEL in Appeal No. 97 of 2025 & others. The issue in the present case is also related to a refund of excess wheeling and transmission charges. Having gone through the website of the Hon'ble APTEL, it is evident that there is no stay on the appeal filed by MSEDCL regarding the common Order dated 11 November 2024.
20. The Commission notes that, on one side, MSEDCL challenged a similar issue of the levy of wheeling and transmission charges before the Hon'ble APTEL. On the other hand, it filed an additional submission stating that the refund of wheeling and transmission charges is baseless. Furthermore, MSEDCL, through its email dated 9 April 2025, stated that they would discuss the issue of excess wheeling and transmission charges with SIPL and submit a report to the Commission. However, no such submissions have been made by MSEDCL. Subsequently, MSEDCL filed belated submissions on 10 April 2025, after a gap of five months from the date of the hearing held on 10 December 2024. Such an approach adopted by MSEDCL is entirely unacceptable. Consequently, the Commission hereby cautions MSEDCL regarding this approach. Moving forward, MSEDCL should exercise caution in making belated submissions before the Commission.
21. With the above background, the Commission is now addressing the issues raised by SIPL in the subsequent part of the Order.
22. SIPL, in its additional submission, stated that it restricted its claim to a period of 3 years prior to the date of filing the Petition, which is for the period from September 2021 to May 2023. However, according to SIPL, the refund of excess wheeling and transmission charges ought to be permitted from the date of notification of Regulation 14.6 of the DOA Regulations 2016, i.e., from 30 March 2016.
23. Per contra, MSEDCL has contended that it prepared an Excel sheet containing calculations, which clarifies that there was no levy of excess wheeling charges in the present case. (MSEDCL has not submitted/uploaded the copy of the bill calculation sheet). Furthermore, MSEDCL has not submitted any information regarding the applicability of the limitation for the refund of wheeling and transmission charges in this instance case.
24. In this regard, the Commission has addressed the issue of the applicability of the limitation period concerning the refund of excess wheeling and transmission charges in its Order dated 29 January 2025 in Case No. 243 of 2023 (Sahyadri Vs MSEDCL). The relevant paragraph of the Order is as follows:

*“12.3. As both parties have raised the issue of limitation period for the refund of*



wheeling and transmission charges, it is imperative to note down the chronology of events related to the refund of wheeling and transmission charges. The following table below shows the chronology of events related to refund of wheeling and transmission charges:

.....

12.4. From the above chronology of events, the Commission notes DOA Regulations 2016 provides that the wheeling charges should be charged on the actual energy drawn at the consumption end. Further, based on the representations of the various consumers, the Commission issued Practice directions on 8 March 2017 under provisions of DOA and TOA Regulations 2016 and emphasised that an Open Access consumer shall pay Wheeling Charges or Transmission Charges, as the case may be, on the basis of the actual energy drawal at the consumption basis. In the said practice directions, the Commission further directed the Distribution Licensee shall refund any amounts recovered in excess of these stipulations within a month, with applicable interest, without requiring such refund to be applied for.

12.5. The Commission further notes that the issue of refund of wheeling and transmission charges on the open access transactions had started in December 2017 when one of Open Access consumer (Sridevi Trading) approached before the Commission and the Commission vide Order in Case No. 206 of 2017 had held that it did not find any infirmity in the methodology followed by the MSEDCL for levy of Wheeling Charges and therefore the Commission did not accept the prayer of Sridevi Trading. Being aggrieved by the aforesaid Order, Sridevi Trading had filed Appeal No. 20 of 2019 before the APTEL. The Hon'ble APTEL vide Judgement dated 6 October 2022 allowed the Appeal and remitted the matter to the Commission for passing consequential Order and held that the wheeling charge cannot be levied beyond what is calculated as the actual energy drawal at the consumption end which computation will necessarily have to take into account wheeling losses as well. Thereafter, the Commission has passed consequential Order on 20 January 2023 implementing the Hon'ble APTEL Judgment and directing MSEDCL to refund wheeling charges recovered from the Petitioner with interest.

12.6. Thus, from the above background and chronology of events the Commission observes that dispute of refund of wheeling and transmission charges on the open access transactions had started in December 2017 and is continuing till the passing of the consequential Order dated 20 January 2023. The Commission further notes that in the instant Petition, the claim of SIL for the refund of wheeling and transmission charges on Open Access transactions is from April 2016 to May 2023. Therefore, the Commission is of the view that it would not have been proper on the side of SIL to approach the Commission for the refund of wheeling and transmission charges when the matter is before the Hon'ble APTEL and Commission. Therefore, the claim of SIL is required to be considered as a continuing cause of action.

12.7. Further, the Hon'ble APTEL in Appeal No. 19 July 2023 in Appeal No. 121 of 2023 ( Megha Engineering and Infrastructures Limited Vs Petroleum and Natural Gas Regulatory Board) has explained the about the continuing cause of action and applicability of limitation period when having a long delay. The relevant para. of the Hon'ble ATE Judgment is as under:

.....

12.8. The Hon'ble APTEL in the above Judgment has explained that a continuing cause of action is a cause of action which arises from the repetition of acts or omissions of the same kind as that for which the action was brought. If once a cause of action arises, and the acts complained of are continuously repeated, the cause of action continues and goes on de die in diem. The Hon'ble APTEL further in the above Order made the reference of the In UNION OF INDIA & ANR VS TARSEM SINGH : (ORDER IN CIVIL APPEAL NO. 5151-5152 OF 2008, 13.08.2008 and held that relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury.

.....

12.9. Further, it is imperative to note that the retrospective applicability for the refund of wheeling and transmission charges has been addressed by the Commission vide its common Order dated 18 June 2024 in Case No. 206 of 2023 & others ( ICC Reality & Others Vs MSEDCL) . The relevant para. of the Order dated are reproduced as below.

.....

12.10. The Commission in the above Order has held that retrospective application of the Order for Sridevi Trading and prospective application for the Petitioners therein in the said Order would lead to differentiation amongst the OA consumers which would not be appropriate and hence implemented Order retrospectively.

12.11. The Commission notes that SIL referred to the Hon'ble Supreme Court Judgment dated 23 January 2007 in P.V. George v. State of Kerala, (2007) 3 SCC 557 and submitted that the Hon'ble Supreme Court in the said Judgment held that typically, a court's ruling is retrospective unless explicitly stated otherwise. The Relevant extract of Hon'ble Supreme Court Judgment is as follows

.....

12.12. In this regard, the Commission notes that , the Hon'ble Supreme Court in the above Judgment held that law declared by the Court will have retrospective effect if not otherwise stated to be so, specifically the Full Bench have not said so.

*Subsequent, the Division Bench did not have jurisdiction in that behalf.*

12.13. Therefore, the Commission find merits in the submission of SIPL regarding the applicability of retrospective effect for refund of wheeling and transmission charges on open access transactions.

12.14. In view of the forgoing, the Commission is of the view that the issue of applicability of limitation period, as raised in the instant Petition, would not be applicable on the issue of refund of wheeling and transmission charges on open access transactions.”

**[Emphasis Added]**

25. The Commission in the above Order addressed the applicability of the limitation period concerning the refund of wheeling and transmission charges for open access transactions. Although the above Order pertains to the applicability of the limitation period for the refund of wheeling and transmission charges, SIPL, in its additional submission, also stated that the refund of excess wheeling and transmission charges should be permitted from the date of notification of the DOA Regulations 2016, i.e., from 30 March 2016. However, in the present case, SIPL has requested the refund of excess wheeling and transmission charges for the period from September 2021 to May 2023, along with interest. Furthermore, SIPL has not provided the details of OA approvals or the amount of refund for wheeling and transmission charges for the period from April 2016 to August 2021. The Commission cannot arrive at a finding or conclusion without having detailed and relevant prayers and submissions before it.
26. In view of the above, the Commission does not find any merit in the submission of SIPL for a refund of excess wheeling and transmission charges from the date of notification of the DOA Regulations 2016, i.e., from 30 March 2016.
27. As regards the submission of MSEDCL, the methodology and computation of wheeling charges approved in the MYT Order dated 03 November 2016 in Case No. 48 of 2016 exclude wheeling losses. Furthermore, the additional levy concerning these losses has been imposed by MSEDCL, which SIPL has disputed based on an erroneous assumption that such losses are included in the wheeling charges itself. In this context, the Commission notes that MSEDCL, in its submission in Case No. 48 of 2016, explained the technical and commercial losses. The relevant paragraph of the Order in Case No. 48 of 2016 is as follows:

“2.3

.....

MSEDCL Reply:

*Distribution Loss*

*Energy losses occur in the process of distribution of electricity to consumers due to Technical and Commercial Losses. The Technical Losses are due to energy dissipated in the conductors and equipment used for transmission, transformation, sub-transmission and distribution of power. These Technical Losses are inherent in a system and can be reduced only to an optimum level. They can be further segregated depending upon the stage of power transformation and transmission system as Transmission Losses (400 kV/220 kV/132 kV/66 kV), sub-Transmission Losses (33 kV /11 kV) and Distribution Losses (11kV and below). The Commercial Losses are caused by theft, pilferage, defective meters, and errors in meter reading. The major reasons for Technical Losses are large-scale rural electrification through long 11 kV and LT lines, many stages of transformation, poor quality of equipment used in agricultural pumping in rural areas, and coolers, air-conditioners and industrial loads in urban areas.*

.....

2.24.

.....

#### *Commission's Ruling*

*The Commission has taken note of the deficiencies pointed out in the customer related processes and service delivery related issues, which not only affect the consumers but also result in Commercial Loss for the Distribution Utility.*

.....

4.3

.....

*As regards Commercial Loss reduction, MSEDCL stated that it has taken up several initiatives such as implementation of theft detection drives through special flying squads, establishment of separate Police Station for energy thefts, providing advanced IT technology based (IR/RF) energy meters to consumers, providing AMR meters to all HT consumers, and improvement in the consumer meter reading processes by means of photo meter reading at various levels.*"

28. The Commission in the above Order has explained the causes of technical and commercial losses. Technical losses result from energy dissipated in the conductors and equipment used for the transmission, transformation, sub-transmission, and distribution of power, while commercial losses are caused by theft, pilferage, defective meters, and errors in meter readings.

29. Furthermore, it is imperative to note the provisions of Regulation 18 of the DOA

Regulations 2016, as amended by the DOA (First Amendment) Regulations, 2019 below:

“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.”

30. The Commission notes that while allowing credit to the OA consumers, MSEDCL takes into account transmission losses and wheeling losses, thereby reducing the OA units accordingly for adjustment against the energy injected by its OA generator. Thus, OA consumers bear the transmission and wheeling loss to that extent. The Commission has consistently held the view that the OA consumer uses MSEDCL's network and is responsible for paying transmission and wheeling losses while wheeling power through the Distribution Licensee's network. The above Regulations further clarify that 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. Furthermore, regarding the levy of wheeling and transmission charges, the Commission notes that, according to the Judgment dated 6 October 2022 passed by the Hon'ble ATE in Appeal No. 20 of 2019, the Order dated 20 January 2023 passed by the Commission in Case No. 206 of 2017, and subsequent Orders issued by the Commission in Case No. 109 of 2022 and in Case No. 72 of 2023 as mentioned above, the levy of wheeling and transmission charges must be based on the actual energy drawal at the consumption end, i.e., units adjusted against OA.
31. Further, the Commission is of the view that if at all MSEDCL wants to raise the issue of computation of wheeling losses, it should have raised this issue in the MYT proceeding only.
32. In view of the above, the Commission does not find any merit in the submission of MSEDCL regarding the methodology and computation of wheeling charges as approved in the MYT Order dated 03 November 2016 in Case No. 48 of 2016, which excludes wheeling losses.
33. It is also imperative to note that the Commission, through various Orders, has addressed the issues raised by MSEDCL in the present case and directed MSEDCL to refund the excess wheeling and transmission charges on open access transactions recovered by it,

along with applicable interest. The List of such cases wherein the Commission has passed the Orders is as follows:

**Table No. 2: Details of similar Orders issued by the Commission for refund of wheeling and transmission charges on open Access transactions**

<b>S. N.</b>	<b>Case Nos.</b>	<b>Date of Order (Refund of excess wheeling/transmission charges, as applicable)</b>
1	Case No. 206 of 2017 (ATE Remand Back Matter)	20 January 2023
2	Case No. 109 of 2022 (AMJ Land Holdings Ltd. VS MSEDCL)	23 January 2023
3	Case No. 72 of 2023 (Tatyasaheb Kore VS MSEDCL)	31 October 2023
4	Case No. 123 of 2023 (Imagicaa Vs MSEDCL)	1 February 2024
5	Case No. 146 of 2023 (Persistent Vs. MSEDCL)	31 March 2024
6	Case Nos. 206 of 2023 & Others (ICC Reality India Pvt. Ltd & Others Vs MSEDCL)	Common Order dated 18 June 2024
7	(Case Nos. 232 of 2023 & others ) (Pragati Agencies & others Vs MSEDCL)	Common Order dated 11 November 2024
8	Case No. 243 of 2023 (M/s Sahyadri Industries Ltd VS MSEDCL)	29 January 2025

34. In view of the aforesaid discussions, the Commission think it fit to direct MSEDCL to refund the wheeling and transmission charges for the period from September 2021 to May 2023 with applicable interest, within one month from the date of this Order, in line with the directions issued by the Commission in the similar Orders as mentioned in para. 33 of this Order. MSEDCL shall verify the claims made by SIPL before making the payment.
35. As regards to the submission of SIPL that the Order issued on 20 January 2023, pertains to the interpretation and implementation of Regulation 14.6 of the DOA Regulations 2016 and as such, MSEDCL is legally obligated to provide the benefits of the said order to all open access consumers and generating firms. In this context, it is imperative to note that the Commission vide Order dated 29 January 2025 in Case No. 243 of 2023 (Sahyadri Vs MSEDCL) directed MSEDCL to take appropriate steps in all similarly placed open-access consumers for a refund of wheeling and transmission charges on

open-access transactions along with applicable interest. The relevant extract of the Order is as under:

*“12.27 The Commission observes that the present issue of refund of wheeling and transmission charges on open access transactions has a large-scale implication, and it is necessary to give relief to such open access consumers in a time-bound manner as required under provisions of the Regulations and Commission’s various Orders on this issue. It is also necessary to protect the interest of MSEDCL as the OA consumers may approach MSEDCL after a gap of a long period for such a refund and in those cases, MSEDCL will be saddled with such a refund.*

*12.28. In view of the above, the Commission deems it fit to direct MSEDCL to take appropriate steps in all similarly placed open-access consumers for a refund of wheeling and transmission charges on open-access transactions along with applicable interest as per the Hon’ble APTEL Judgment dated 06 October 2022 in Appeal No. 20 of 2019 and similar Orders issued by the Commission, relevant DOA/TOA Regulations 2016 and DOA/TOA First Amendment Regulations 2019.*

.....

**ORDER**

.....

*5. MSEDCL to take appropriate steps in all similarly placed open-access consumers for a refund of wheeling and transmission charges on open-access transactions along with applicable interest as per the Hon’ble APTEL Judgment dated 6 October 2022 in Appeal No. 20 of 2019 and similar Orders issued by the Commission, relevant DOA/TOA Regulations 2016 and DOA/TOA First Amendment Regulations 2019.”*

36. The Commission in the above Order directed MSEDCL to take appropriate steps in all similarly placed open-access consumers for a refund of wheeling and transmission charges on open-access transactions along with applicable interest as per the Hon’ble APTEL Judgment dated 6 October 2022 in Appeal No. 20 of 2019 and similar Orders issued by the Commission, relevant DOA/TOA Regulations 2016 and DOA/TOA First Amendment Regulations 2019.
37. As regards the Petitioner’s prayer regarding the initiation of necessary action against MSEDCL under Section 142 of the EA, the Commission notes that pursuant to the Order dated 20 January 2023 in Case No. 206 of 2017 and as submitted by MSEDCL in Case No. 206 of 2023 (ICC Reality Vs MSEDCL) that MSEDCL has been implementing the said Order for levy of transmission and wheeling charges from June 2023 onwards. Hence, the Commission is not inclined to initiate action against MSEDCL under Section 142 of the EA, 2003.
38. **Hence, the following Order:**


## **ORDER**

1. The Petition in Case No.131 of 2024 is partly allowed.
2. Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) is directed to refund the wheeling and transmission charges for the period from September 2021 up to May 2023 with applicable interest within one month from the date of this Order. MSEDCL shall verify the claims made by Serum Institute of India Pvt. Ltd. before making the payment.

Sd/-  
(Surendra J. Biyani)  
Member

Sd/-  
(Anand M. Limaye)  
Member

Sd/-  
(Sanjay Kumar)  
Chairperson

  
(Dr. Rajendra G. Ambekar)  
Secretary

