

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 9 of 2015

In the matter of

**Petition filed by IWPA against MSEDCL for non compliance of the Commission Order dated
20 August, 2014 in Case No. 72 of 2014.**

Indian Wind Power Association-Maharashtra State CouncilPetitioner

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL)Respondent No. 1

Maharashtra Energy Development Agency (MEDA)Respondent No. 2

Date: 23 March, 2015

**CORAM: Smt. Chandra Iyengar, Chairperson
Shri Azeez M. Khan, Member
Shri Deepak Lad, Member**

Appearance

For the Petitioner : 1. Shri T. V. Subramanian
2. Ms. Dipali Sheth, Advocate

For the Respondents : 1. Ms. Deepa P. Chawan, Counsel, MSEDCL
2. Shri D.H.Kulkarni, MSEDCL
3. Shri Manoj Pise , MEDA

Daily Order

Heard the Advocates/Representatives of the Petitioner and Respondents.

MSEDCL submitted that it has provided the detailed information of the consumers to whom Open Access from multiple generators has been allowed from FY 2011-12 onwards in compliance with Daily Order of the Commission dated 10 February, 2015.

IWPA stated that Case No. 19 of 2013 was withdrawn for specific reasons detailed therein by the Petitioner themselves and hence, the MSEDCL cannot refer to and rely upon the same as grounds for seeking clarity to grant Open Access. The Commission had not given any decision on the merits of the case but permitted withdrawal of the Petition and accordingly disposed the case. In Order dated May 6, 2014 in Case No. 44 of 2014, the Commission categorically states that the reason for not permitting

sourcing from multiple sources is due to billing and operational difficulty of MSEDCL and not because it was not permissible under OA Regulations 2005. It also stated that there is no operational and billing difficulty which can be seen from the permissions granted in the past.

IWPA further requested that grant of Open Access should not be effective from installation of SEM and the same should be provided from the date of OA being sought in the application by the generator or consumer irrespective of SEM installation.

MSEDCL submitted that in Case No. 19 of 2013, the Commission has decided to deal with the issue of Open Access from multiple source/generators in detail. The Commission also sought advice from an expert, a professor from the IIT, Mumbai on the subject matter considering various operational difficulties. During the proceedings in that matter, the Commission had held that MERC (Distribution Open Access) Regulations, 2005 did not provide for Open Access from multiple sources/generators and subsequently the Petition was withdrawn by the Petitioner. In view of the above, MSEDCL took a decision that consumer will be permitted to seek Open Access from a generator company only and not from multiple generators and the same has been implemented uniformly from 12 December, 2013 onwards and particularly for FY 2014-15 onwards. The Commission in its Order dated 6 May, 2014 in Case No. 44 of 2014 dealt with the issue of multiple generators and opined that in the present circumstances it is not appropriate to allow Open Access permission through more than one source without considering all relevant factors including operational and billing difficulties involved in it and framing it into proper Regulatory mechanism. Hence, the MSEDCL has submitted that it has not discriminated in granting Open Access permissions.

Case is reserved for Order.

**Sd/-
(Deepak Lad)
Member**

**Sd/-
(Azeez M. Khan)
Member**

**Sd/-
(Chandra Iyengar)
Chairperson**