

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 223 of 2014

Dated: 27 August, 2015

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

In the matter of

Petition of S. K. Shivraj and 8 others in the matter of breach of the Commission's Order dated 20.08.2014 in Case No. 95 of 2014 and breach of provisions of Citizen Charter.

M/s S. K. Shivraj and 8 others ... Petitioners

V/s

1. Maharashtra State Electricity Distribution Company Limited (MSEDCL)
2. M/s Chalet Hotels Pvt. Ltd ... Respondents

For the Petitioners : 1. Shri. S.C. Karandikar (Adv.)

For the Respondent : 1. Ms. Deepa Chawan, Counsel for MSEDCL
2. Shri. D. H. Kulkarni (Rep.), MSEDCL

Daily Order

Heard the Advocates of the Petitioner and the Respondents.

The Petitioners (9 Generators) submitted that Respondent No. 2 (the Consumer) applied for Open Access on 28 January, 2014 to source power from their 9 wind generators. MSEDCL did not grant permission for Open Access on the ground of multiple sources. The Petitioner further submitted that the Commission vide Order dated 20 August, 2014 in Case No. 95 of 2014 has directed MSEDCL to process Open Access applications received prior to notification of MERC (Distribution Open Access) Regulations, 2014 in accordance with commercial Circular No. 194 dated 9 April, 2013 and the Commission's Orders dated 24 November, 2003 and 3 January, 2013 in Case No. 8, 18, 20 and 33 of 2012. However despite constant written follow up MSEDCL has neither granted Open Access permission nor communicated rejection of any of the applications. MSEDCL could have granted OA from at least one generator instead of entire rejection.

Petitioner further submitted that MSEDCL finally after a gap of 10 months informed on 13 November, 2014 that Open Access for sourcing power from multiple generators is not permitted and installation of SEMs is mandatory.

The Advocate of MSEDCL submitted that Open Access application of Respondent No. 2 for sourcing wind energy from about 10 Wind generators was received on 30 January, 2014. MSEDCL declared a Revised Procedure for Open Access from wind generators in February, 2014 wherein it has been specified that Open Access for sourcing power from multiple generators is not allowed and installation of Special Energy Meter at generator end and consumer end is mandatory. The said procedure was challenged before this Commission in various petitions.

MSEDCL further submitted that during the pendency of Order of the Commission in Case No. 95 of 2014, Respondent No. 2 submitted another Open Access application on 08 July, 2014 for sourcing power from single wind generator, i.e. M/s B.S Channabasappa, which was subsequently granted by MSEDCL vide letter dated 20 September, 2014. for the period of 08.7.2014 to 31.03.2015.

Upon enquiry by the Commission for the delay in replying to the Open Access application of respondent No.2 for sourcing power from the Petitioners, MSEDCL representative submitted that it has inadvertently missed out to respond to the said applications as large number of applications were received for grant of Open Access.

In view of above, the Commission has directed MSEDCL to submit the following information with the approval of the CMD, MSEDCL, within a week.

- 1) Reasons for delay in response to the Open Access application dated 28 January, 2014.
- 2) Information of the internal system as to approval/rejection of OA applications and time lines specified for the processing such applications.
- 3) Action proposed to be taken for delay in response to Open Access Application dated 28 January, 2014.

Case is reserved for Order

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member

Sd/-
(Chandra Iyengar)
Chairperson