

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No. 9 of 2015**

**Date: 27 August, 2015**

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

**In the matter of**

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

Indian Wind Power Association-Maharashtra State Council .....Petitioner

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

Maharashtra Energy Development Agency (MEDA) .....Respondent No. 2

Representatives for the Petitioner : 1. Ms. Dipali Sheth, (Adv.)  
2. Shri T. V. Subramanian

Representatives for the Respondents : 1. Ms. Deepa Chawan, Counsel, MSEDCL  
2. Shri D.H..Kulkarni,, MSEDCL (Rep.)  
3. Shri Manoj Pise, MEDA (Rep.)

**Daily Order**

Heard the Advocates and representatives of the Petitioner and the Respondents.

Petitioner submitted that MSEDCL has rejected Open Access application of its 5 Members mentioning reason that Open Access from multiple generators was not permissible and installation of SEM is mandatory under MERC (Distribution Open Access) Regulations, 2005.

Petitioner has further submitted that the Commission in its Order dated 20 August, 2014 in Case No. 72 of 2014 directed MSEDCL to process the applications submitted before 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.

Petitioner has submitted the chronology of the Open Access Applications submitted by its 5 Members and submitted that MSEDCL has not followed the Citizen Charter and not replied to the Open Access application within time.

MSEDCL submitted that as per MERC (Distribution Open Access) Regulations, 2005 only consumer can apply for seeking Open Access. Upon enquiry by the Commission MSEDCL submitted that it had earlier granted Open Access permissions to the generators.

In view of above, the Commission has directed MSEDCL to submit the following information:

- 1) Reasons for delay in response to the Open Access application of members of the Petitioner.
- 2) Information on the internal system for approval/rejection of OA applications and time lines specified for the processing such applications.
- 3) How many cases of OA sought by generator are rejected and approved, and how many were not replied to in the time prescribed.
- 4) MSEDCL's response in the instant case in light of ATE Judgement dated 22 April, 2015 in Appeal No. 169 of 2014.

The Commission has directed MSEDCL to submit the above information with the approval of the CMD, MSEDCL, by 10 September, 2015. Petitioner may submit its rejoinder if any by 15 September, 2015.

**Case is reserved for Order**

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

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

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