

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**Case No. 129 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 filed by Maharashtra Seamless Limited for seeking the adjustment of banked units of energy from the plant of the Petitioner towards the other unit of the Petitioner.

M/s Maharashtra Seamless Limited  
Petitioner

...

V/s

1. Maharashtra State Electricity Distribution Company Limited (MSEDCL)
2. Maharashtra Energy Development Agency(MEDA)  
Respondents

...

For the Petitioner : 1. Ms. Dipali Sheth (Adv.)

For the Respondent : 1. Shri Deepa Chawan (Counsel), MSEDCL  
2. Shri D.H.Kulkarni (Rep.), MSEDCL  
3. Shri Manoj Pise (Rep.), MEDA

**Daily Order**

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

Petitioner has submitted that it has two plants at Sukeli and Vile Bhagad. It is availing Open Access from its wind generator for self use at Sukeli plant. MSEDCL has granted Open Access permission at Sukeli plant to source power from another generator (JSW). However, while giving credit adjustment of wind energy, MSEDCL informed that Open Access from two sources is not permitted. In view of the same petitioner has changed user of wind generator from Sukeli to Vile Bhagad plant and MSEDCL has granted Open Access permission for 1 April, 2013 to 31 March, 2014.

Petitioner further submitted that it realised that Vile Bhagad plant's consumption was much lower than the generation, which accumulated 50 lakh unadjusted units. Due to this constraint petitioner has terminated its arrangement with JSW and sought Open Access for its Sukeli Plant to source power from wind generator and same has been granted by MSEDCL. Thereafter, petitioner had series of correspondences with MSEDCL for apportioning unadjusted units of wind energy of Vile Bhagad plant during 2013-14 from the Energy bill of Sukeli plant.

MSEDCL submitted that the Energy banked at Vile Bhagad plant can not be adjusted in the Energy bills of Sukeli plant. MSEDCL also raised issue of jurisdiction of the Commission in the instant matter as dispute is of billing.

The Commission directed MSEDCL to submit its reply on the issue of jurisdiction in view of APTEL Judgement dated 28 July, 2011 in Appeal No. 36 of 2011 within a week.

**Case is reserved for Order.**

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

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

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