

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 220 of 2014

Dated : 3 November, 2015

**CORAM: Shri Azeez M. Khan, Member
Shri Deepak Lad, Member**

In the matter of

Addendum Petition filed by M/s Lloyds Metal & Energy Ltd. with revised prayers to the Petition filed in Case No. 56 of 2011, under Section 62 (1) (a) and 86 (1) (e) of the Electricity Act 2003 for determination of tariff for supply of electricity from Industrial waste heat recovery co-generation Power plant of 30 MW capacity at Ghugus, Dist Chandrapur of Maharashtra to the Distribution licensee in Maharashtra and fixation of purchase obligation for electricity produced from waste heat recovery based Co-generation plants.

M/s. Lloyds Metals & Energy Ltd. (LMEL)

... Petitioner

V/s

- 1) Maharashtra State Electricity Distribution Company Limited (MSEDCL),
- 2) Tata Power Company – Distribution (TPC-D),
- 3) Reliance Infrastructure Limited (R-Infra),
- 4) B.E.S.T undertaking.

... Respondents

Appearance

For the Petitioner:

Smt. Deepa Chawan, Counsel

For the Respondents:

- 1) Adv. Ashish Singh. (MSEDCL)
- 2) Ms. Swati Mehendale. (TPC-D)
- 3) None
- 4) None

Consumer Representative:

Dr. Ashok Pendse (TBIA)

Daily Order

The parties were informed of the Commission's decision to constitute a two member Bench to here and decide this case. Parties gave their consent to further hearing of the matter being in continuance of the earlier proceedings.

Heard the Advocates and Representatives of Petitioner, Respondents and the Consumer Representative.

Petitioner submitted that;

- It has filed a revised Petition with amendments in the prayers on 23 September 2015.
- It seeks appropriate relief in the matter on the Judgement passed by APTEL dated 2 December 2012 in Appeal No. 53 of 2012.
- It is not comparing its fossil fuel based Co-generation plant to the Renewable Energy generators and does not expect to be treated likewise.
- Prayers i and ii are for seeking relief, whereas prayer nos. iii, iv and v are illustrative in nature.

MSEDCL submitted that;

- The Petitioner is not a Renewable Energy generator and does not come under the criteria for concessional CSS of 25%.
- As APTEL Judgment attained finality, the Distribution Licensees cannot be fastened to purchase the power from such type of Co-generation plants. Further, the Petitioner has not come up with any benchmarking parameters and any feasible proposal for its fossil fuel based co-generation plant as per the finding of APTEL Judgement.
- The Petitioner needs to devise any other mechanism for its fossil fuel based co-generation plant.

The Consumer Representative Dr. Ashok Pendse (TBIA) suggested that concession may be granted to the fossil fuel based Co-generation plant, but the same may be comparatively less than that of the Renewable Energy sources.

The Commission asked the Petitioner about its sale of energy generated through its fossil fuel based Co-generation plant. The Petitioner replied that the energy is either sold through Trading Licensees or Open Access.

The Commission informed that it has taken note of the Judgement passed by APTEL dated 2 December 2012 in the Appeal No. 53 of 2012.

The Commission has asked the Petitioner to come up with proposals for promotion of such co-generation based projects within the ambit of EA Act, 2003, after consultation with the other fossil fuel based Co-generation plants / Co-developers, concerned industries, the Distribution Licensees and Consumer Representatives. The Petitioner stated that it would submit its Report within 4 weeks and the Commission allowed 2 weeks for comments from the Licensees and Consumer Representatives thereafter.

Next date of hearing will be communicated by the Secretariat of the Commission.

Sd/-

**(Deepak Lad)
Member**

Sd/-

**(Azeez M. Khan)
Member**