

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: 3 December, 2015

CORAM: 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 CouncilPetitioner

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 J.M. Wadhonkar, MEDA (Rep.)

Daily Order

The Commission informed the Parties that the Case was heard and reserved for Order by the Commission, but since the final Order could not be issued before Smt. Chandra Iyengar, Chairperson demitted Office on 9 November, 2015, it is scheduled for rehearing. Parties requested to take on record all their earlier submissions and gave their consent to hear and decide this matter in continuance of the earlier proceedings.

Heard the Advocates of the Petitioner and the Respondents.

MSEDCL submitted that APTEL in its Judgment dated 22 April, 2015 in Appeal No. 169 of 2014, directed the Commission to pass consequential order regarding adjustment of energy injected by the members of the Appellant till the date the Distribution Open Access Regulations, 2014 came into being.

Further, MSEDCL submitted that issue of barring O.A from Multiple generators under the Open Access Regulations, 2014 was challenged by the Petitioner and others in Writ Petitions before Bombay High Court. The High Court has pronounced the Judgment in these matters on 30 October, 2015 and rejected all Writ Petitions. Detailed Judgement of High Court is awaited.

Petitioner submitted that MSEDCL has not complied with the Commission's Order in Case No. 72 of 2014. Petitioner has applied for grant of Open Access from 1 April, 2014 to 31 March, 2015 under the Distribution Open Access Regulations, 2005. The APTEL in its Judgement dated 22 April, 2015 ruled that there is no restriction on a consumer sourcing power from more than one source in the Electricity Act or Regulations.

MSEDECL submitted that Petitioner has applied for Open Access through multiple generators, which was rejected as the Order of the Commission in Case No. 44 of 2014 was in force at that time and APTEL Judgement was issued on 22 April, 2015.

Case is reserved for Order.

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

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