

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No.137 of 2015**

**Date: 28 January, 2016**

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

**Petition of M/s. Ghodawat Energy Private Ltd. under Section 42 of the Electricity Act, 2003 and 43 of the MERC (Distribution Open Access) Regulations, 2014 for removal of difficulties.**

M/s Ghodawat Energy Private Ltd

..... Petitioner

**Present During the hearing**

For the Petitioner

: 1. Ms. Dipali sheth, (Adv.),  
2. Shri Mohan Borole (Rep)

Consumer Representative

: Shri Ashok Pendse, (TBIA)

**Daily Order**

Heard the representatives of the Petitioner and Consumer Representative.

Petitioner submitted that it has filed the Petition for seeking clarification on some of the Regulations in Distribution Open Access Regulations, 2014 (DOA, Regulations, 2014) viz, Regulation 15, Regulation 16, Regulation 19, Regulation 22.3 and Regulation 26.8. Petitioner submitted that:

1. Regulation 15 and 16 of DOA Regulations, 2014 specify that wheeling charges and transmission charges should be charged on adjusted units, i.e. on the actual energy drawn at the consumption end. However, practically, the wheeling charges and transmission charges are levied on entire generation and not on actual compensation against energy consumed. In this circumstances, the over injected power is purchased at APPC by MSEDCL after recovery of transmission losses, wheeling losses, transmission charges and wheeling charges from the consumer/ generator which is in contradiction with provisions of the DOA Regulations, 2014.

2. As per Regulations 19.1 & 19.2 of the DOA Regulations, 2014, if consumer sourcing power from RE exceeds contract demand then only demand penalty shall be charged. However, MSEDCL is charging at temporary tariff rate for the excess energy drawn beyond retained contract demand.
3. Regulation 26.8 of DOA Regulations, 2014 exempts the applicability of imbalance charges to the Open Access consumer sourced from non-firm power. Accordingly, temporary tariff would also not be applicable for excess energy drawn, due to the nature of RE sources.

The Commission enquired why the Petitioner is not approaching CGRF, as the issues in the nature of billing disputes. The Petitioner submitted that the issues are related to clarification of the DOA Regulations, 2014, which may not be adjudicated by CGRF. It has therefore approached the Commission under Regulation 43 of DOA Regulations, 2014 for removing difficulties arising in implementation of the DOA Regulations.

Shri Ashok Pendse submitted that the consumers of the Petitioner can approach the CGRF considering issues raised which are in the nature of billing disputes.

**Case is reserved for Order**

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

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