

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
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**Case No. 70 of 2015**

**Dated: 3 February, 2016**

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

**In the matter of**

**Petition of M/s. Ascent Hotels Pvt. Ltd. Pune for directing MSEDCL to issue open access approval in accordance with MERC (Distribution Open Access) Regulations, 2005 as amended and Order dated 24<sup>th</sup> November 2003 and various orders of the Commission from time to time on wind energy open access**

M/s. Ascent Hotels Pvt. Ltd. ..... Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL) ... Respondent

For the Petitioner : Shri N.M.Kumar (Rep.)

For the Respondent : 1. Shri Ashish Singh (Adv.)  
2. Shri R. M. Jinde (Rep.), MSEDCL

**Daily Order**

Heard the Representative, Advocate of Petitioner and Respondent.

Petitioner submitted that MSEDCL's reply was received on 30 January, 2016 and hence the Petitioner is submitting its Rejoinder during the hearing and would be submitted on affidavit in due course. Being a HT consumer of MSEDCL, it has availed Open Access for the FY 2013-14 and was getting the energy credit notes accordingly. Vide letter dated 14 June, 2013 he requested MSEDCL to provide technical specification of Special Energy Meter (SEM) at the consumer end at Petitioner's cost so that Petitioner would purchase the same and get it installed. Upon regular follow up and correspondence with MSEDCL, Petitioner did not receive any reply to the request of installation of SEM.

Petitioner had applied for short term open access for one year from April, 2014 to March, 2015 to MSEDCL on 12 March, 2014. On 8 May, 2014 MSEDCL informed the Petitioner regarding incomplete application form in respect of SEM details at both ends and requested it to submit the

same. MSEDCL granted Open Access permission on 14 July, 2014 with a condition that the Open Access permissions will be effective from the date of installation and commissioning of SEM's at generation and consumer end.

Petitioner raised the following issues:

- 1) If the OA permission was to be given conditionally, it could have been given earlier without delay
- 2) Who has to install the SEM for Open Access consumer?
- 3) MSEDCL should not insist that Open Access consumers install check meter with separate CT/PT as it is required for MSEDCL and not by Consumer.
- 4) The SEM at consumer end was installed in July 2014 by the Petitioner but the power generated from wind generator was injected from April, 2014 and the energy credit adjustment for the period from April, 2014 to June, 2014 was not been done till now.

MSEDCL submitted that, upon the application for Open Access of the Petitioner, vide letter dated 8 May, 2014, it requested the Petitioner to submit SEM details at generation and consumption end for processing the application with reference to Regulation 7 read with Regulation 2 (n) of MERC (Distribution Open Access) Regulations, 2005 and MERC Order dated 3 January, 2013 in Case No. 8, 18, 20 & 33 of 2012. According to these provisions, it is mandatory to install SEM at generation and consumption end to seek open access.

The Commission enquired whether and why MSEDCL has defaulted in replying to the letter of Petitioner dated 14 June, 2013 in respect of installation of SEM which indicates the consumer's knowledge and willingness to install SEM. MSEDCL confirmed that no reply was given to the Petitioner's letter.

MSEDCL further referred to the Order dated 10 July, 2015 in Case No. 205 of 2014, but the Commission observed that it did not seem to be relevant to the present matter.

**Case is reserved for Order.**

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

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