

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in / www.merc.gov.in

Case No.139 of 2015

Date: 25 February, 2016

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

Petition of M/s Green Energy Association for non compliance of the Commission's Order dated 3 January, 2013 in case Nos. 8, 18 and 20 of 2013

M/s Green Energy Association Petitioner

Maharashtra State Electricity Distribution Co.Ltd. (MSEDCL)

Maharashtra Energy Development Agency (MEDA) Respondents

Present During the hearing

For the Petitioner : Ms. Dipali Sheth (Adv)

For the Respondents (MSEDCL) : Shri Ashish Singh (Adv)
(MEDA) : None

For Consumer Representative : Dr. Ashok Pendse (TBIA)

Daily Order

Heard the Representatives/ Advocates of the Petitioner, Respondent and Consumer Representative.

MSEDCL requested the Commission to adjourn the matter as its Senior Counsel appearing in this matter is not available due to other work in ATE.

The Petitioner requested the Commission to hear it and stated that :-

1. The Petitioner has filed the Petition for seeking appropriate directions against the MSEDCL for not purchasing the solar energy injected into the grid of MSEDCL at Average Power Purchase Cost (APPC) rate by its members during FY 2014-15 and 2015-16 for energy generated from their solar power plants, and consequently not issuing Generation Credit Notes (GCN) in timely manner which is leading to inability of the members of the Petitioner to claim Renewable Energy Certificates (REC).
2. For FY 2014-2015, a few members of the Petitioner approached MSEDCL for sale of solar power through Open Access and, some approached for purchase of solar power at APPC.

One of the members, M/s Patodia Forgings & Gears Ltd had submitted Open Access application on 31 March, 2014 to which MSEDCL issued Open Access permission only on 11 August, 2014. MSEDCL had not responded to the Open Access applications in timely manner.

3. Due to delay by MSEDCL to purchase power at APPC and signing of EPA with generators in timely manner, some of the members of the Petitioner could not find any consumer to whom they could sell the power and, therefore, they offered such power for sale to MSEDCL. MSEDCL failed and neglected to purchase such power and also has not issued GCN.
4. For FY 2015-16, again some of the members of the Petitioner approached MSEDCL to purchase the energy generated from their solar power plants at APPC. Despite non-compliance of solar RPO as submitted by MSEDCL during the proceedings regarding RPO compliance, MSEDCL refused to purchase the power offered..
5. The Commission, vide its Order dated 4 August, 2015 in Case No. 190 of 2014, held that MSEDCL has not complied with its solar RPO for FY 2013-2014, and directed that the cumulative shortfall for earlier years be met by MSEDCL by end of FY 2015-2016.
6. Petitioner requested the Commission to direct MSEDCL to purchase power at APPC for FY 2014-15 and at preferential tariff for FY 2015-16 as the period for claiming REC has now lapsed.

Dr. Ashok Pendse, TBIA submitted that the ATE, vide its Judgment in Appeal Nos. 258 of 2014 and 54 of 2015, held that the Obligated entities must fulfill the RPO. However, to fulfill the RPO, the obligated Entities can take their commercial decision as regards whether to procure power or purchase RECs or both.

MSEDCL requested the Commission to hear it at the next hearing.

Next hearing in the matter is scheduled on Tuesday, 8 March, 2016 at 11.30 Hrs.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member