

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No.23 of 2016

Date: 17 March, 2016

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

Petition of Wat-ere-source Technologies Pvt. Ltd. for non compliance of the Commission's Orders in Case No. 73 of 2014 and 80 of 2015 and for seeking relief in respect of provision of power evacuation arrangement of Karwand Small Hydro Power Plant in Dist. Dhule

M/s Wat-ere-source Technologies Pvt. Ltd. Petitioner

The Chief Engineer (Commercial), MSEDCL

The Principal Secretary (Energy), Government of Maharashtra Respondents

Present During the hearing

For the Petitioner : Shri D.S.Kulkarni (Rep)

For the Respondents (MSEDCL) : Ms. Deepa Chawan (Counsel)
(GoM) : None

Daily Order

Heard the Representatives/ Advocate of the Petitioner and Respondent.

Petitioner through its power point presentation reiterated that:-

- i) Karwand Small Hydro Project (SHP) of 1.5 MW is being developed as per GoMWRD Policy dated 15 September 2005. As per the Policy, evacuation arrangement shall be provided in accordance with the directives of the Commission. As per Regulation 17.1 of MERC (RPO-REC) Regulations, 2010 the evacuation infrastructure cost beyond the Inter-connection Point shall be borne by the Distribution Licensee and shall be recovered from the consumers as per suitable pricing framework developed by the State Commission
- ii) The Commission vide its Order dated 27 October, 2014 in Case No. 73 of 2014 directed MSEDCL to provide evacuation arrangement to the Petitioner and expeditiously revise the draft EPA in line with the Commission's Regulations.

- iii) On account of no action not being taken by MSEDCL on the Commission's Order in Case No. 73 of 2014, Petitioner again approached the Commission in Case No. 80 of 2015. Vide its Order dated 6 January, 2016, the Commission gave 21 days to MSEDCL to submit reply to show cause and to complete all necessary administrative steps such as sanction of estimate, approvals for material, etc. for the evacuation arrangement, and asked MSEDCL to also submit the latest status of its compliance of the directions given in Case No. 73 of 2014, and detail further steps taken and time within which it will complete the evacuation arrangements,
- iv) After lapse of time given by the Commission, MSEDCL has not complied with the directions of the Commission, which shows that it has disobeyed the Orders of the Commission
- v) Due to non-compliance of provisions of EA, 2003 and the Orders issued by the Commission in Case No. 73 of 2014 and 80 of 2015, MSEDCL in action has delayed the project. This will cause serious concern as regards validity of approvals and sanctions of the project that may expire.

MSEDCL stated that:-

- i) MSEDCL requested the Commission to condone delay in filing Reply as per the directives issued by the Commission in Case No. 80 of 2015.
- ii) The administrative approval to the technical estimate for providing grid connectivity infrastructure for the proposed SHP of Petitioner under 1.3% supervision charges/DDF scheme was already granted in January, 2014 and in compliance of the Commission's Order in Case No. 80 of 2015, vide letter dated 20 February, 2016, the Competent Authority has directed its field officials to initiate the work at earliest and to report the compliance within seven days.
- iii) During the visit to project site on 24 February, 2016, it was observed that no work has been started by the Petitioner for establishing/construction of a Hydro Electric Power Plant. No civil work, no electrical work or electrical switchyard works were observed to have been undertaken. Petitioner has not even started any civil work.
- iv) Petitioner did not submit the details of the work of project during the proceedings in Case No. 73 of 2014 and 80 of 2014, and now it cannot make money from the litigation. The Commission may seek original documents and agreements executed between Petitioner and GoMWRD for deadlines of the project.

The Commission asked the Petitioner about expectation from MSEDCL. In reply, Petitioner submitted that, MSEDCL has accorded administrative approvals and now, it requires time

frame/schedule for the evacuation arrangement. MSEDCL has also not yet provided draft EPA. Besides it has serious concerns regarding cost towards evacuation arrangement.

The Commission expressed its displeasure on the non compliance of the Commission's Order in Case No. 73 of 2014 and 80 of 2015 by MSEDCL and directed as below:-

- a) To provide time frame/schedule of the evacuation arrangement to the Petitioner's project
- b) To submit action taken status on revised draft EPA as directed in Case No. 73 of 2014
- c) To submit the list of such EPAs pending with MSEDCL
- d) Action taken by MSEDCL on such EPAs

The Commission directed MSEDCL to submit its detailed response on the above issues within two weeks with copy to Petitioner. Petitioner may submit its Rejoinder, if, any, within a week.

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

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member