

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 58 of 2016

In the matter of
Petition of Sai Wardha Power Limited for directions to the Respondent in regard to the
application for Open Access by the Petitioner for the period effective from 01.04.2016.

Dated: 31 March, 2016

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

Sai Wardha Power Limited

.... Petitioner

V/s

1. Maharashtra State Electricity Distribution Co. Ltd.

2. Maharashtra State Electricity Transmission Co. Ltd.

Respondents

...

Appearance

For the Petitioner : Ms. Deepali Seth, Advocate

For Respondent No. 1 : Shri Ashish Singh, Advocate
 Shri Jambhulkar, (Rep.)

Daily Order

Heard the Advocate of Petitioner and Respondent.

Petition in the instant matter is received on 29 March, 2016. Petitioner vide letter dated 30 March, 2016, requested the Commission for permission to mention the matter on 31 March, 2016 for urgent interim relief.

Petitioner stated that, by letter dated 4th March, 2016, MSEDCL has denied the Open Access application dated 30 October, 2015 for FY 2016-17 on the ground of amount of Rs. 50.44 Crore alleged to be due and payable by the Petitioner. This disputed amount is towards adjustment of CSS and over injected power purchase towards EPA, and the matter is pending before this Commission in Case No. 206/2014. As such, denying Open Access permission on that ground is unjustified. Grave harm and prejudice will be caused to the Petitioner as well as to the Captive users if no urgent relief is granted, and hence the matter is being raised, seeking urgent relief.

Existing Open Access is due to expire today, which places the Petitioner in a position wherein the Generating Station will be shut down.

Petitioner further submitted that, in a similar matter earlier in respect of the Petitioner, the Commission vide Daily Order dated 11 February, 2014 in Case No. 34 of 2014 directed MSEDCL to treat the issue of past recovery amount and Cross Subsidy Surcharge separately.

MSEDCL submitted that Distribution Open Access Regulations, 2014 has provisions for settlement of all dues of Distribution Licensee prior to application of Open Access. MSEDCL requested the Commission to take up the matter in Case No. 206 of 2014 at an early date and club the present matter with it.

The Commission directs MSEDCL not to take any coercive action to deny Open Access to the Petitioner on this ground till the next hearing in the matter.

The Secretariat of the Commission will inform the next date of hearing.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member