

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 88 of 2016

Date: 17 November, 2016

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

Petition of Tata Motors Ltd seeking direction against MSEDCL for non-compliance of the MERC (Distribution Open Access) Regulations, 2005 & 2014 and Order dated January 3, 2013 of the Commission in Case No.8, 18, 20 & 33 of 2012.

M/s Tata Motors Ltd (TML)Petitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)Respondent

Appearance:

For the Petitioner : Ms. Dipali Sheth (Adv)

For the Respondent : Shri. Ashish Singh (Adv)
Shri. A.V. Bute (Rep)

Daily Order

Heard the Advocates/ Representatives of the Petitioner and Respondent.

1. The Petitioner stated that:

- (i) TML is a Captive Open Access Consumer since 2008.
- (ii) Vide letter dated 15 November, 2014, TML submitted applications for renewal of Open Access permissions for the period 1 April 2015 to 31 March, 2016.
- (iii) On 29 January, 2015, TML received an internal communication between the Officers of MSEDCL pertaining to SEM in which it was stated that Load Survey

data in the Meter is of 30 minutes and the Maximum Demand integration period of the Meter is also 30 minutes.

- (iv) Vide its letter dated 9 February, 2015, TML wrote to MSEDCL stating that the existing SEMs are in accordance with the Distribution Open Access (DOA) Regulations, 2005 and MSEDCL Circular No. 194. TML further submitted that the SEMs have the option for reconfiguration to 15 minute time blocks. TML requested MSEDCL to consider the clarifications and provide suitable directions to reinstate the adjustment of wind energy credits in its monthly energy bills.
- (v) Vide its letter dated 19 February, 2015, TML requested that reprogramming of the SEM from 30 minute time block to 15 minute time block should be done without stopping the wind power credit, and undertook to pay charges.
- (vi) Vide letter dated 20 October, 2015, TML informed MSEDCL that it has procured 'Secure make SEM with ABT features and nine (9) new 0.2S class CTs', and also stated that testing of this meter at the lab of MSEDCL has been completed and the new SEM is ready for installation. Therefore, TML requested arrangement of installation of this SEM at the site.
- (vii) On 30 October, 2015, TML applied for renewal of Medium Term Open Access from FY 2016-17 to FY 2018-19 for 100% captive consumption. However, vide email dated 4 November, 2015, MSEDCL rejected the applications stating that the SEM was not installed at the drawal point and all the requirements necessary for installation have not been complied with.
- (viii) Vide its letter dated 6 November, 2015, TML confirmed that the existing Summation Meter (SEM) at the 220 KV switchyard of its Pimpri, Pune Plant is removed and replaced by a new 3-feeder Summation Meter (SEM) as per the approved specifications. TML also requested MSEDCL to send the old SEM for reprogramming.

2. MSEDCL stated that :

- (i) The Petition is filed on 22 June, 2016, for an alleged disputed period of April, 2015 to November, 2015. There has been no explanation on the issue of delay and laches.
- (ii) Vide letter dated 04 August, 2015, MSEDCL had, though belatedly, communicated to TML that the Open Access permission for FY 2015-16 with the existing SEM with 30 minute time slot cannot be considered as the same is not in line with the DOA Regulations, 2014.
- (iii) Regulation 26.8 of the DOA Regulations, 2014 provides that credit for energy injected should be provided strictly on the basis of 15 minute time block.

(iv) TML was very well aware about the requirement of installation of SEM, which is in line with the DOA Regulations, 2014.

3. Upon request of Advocate of TML, the Commission grants two weeks to file its Rejoinder.

The Case is reserved for Order.

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

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