

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE NO. 153 of 2016 & MA No. 1 of 2017

Dated: 31 January, 2017

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

**In the matter of
Petition of RattanIndia Nasik Power Ltd. under Section 86(1) (c) of the Electricity Act,
2003 read with Regulations 9 and 35 of the MERC (Transmission Open Access)
Regulations, 2016. (Case No. 153 of 2016).**

And

**Miscellaneous Application filed by RattanIndia Nasik Power Ltd. under Section 94 (2)
for directions for supply of power from Sinnar Thermal Power Plant (SPP), using
Transmission network of Respondent No. 2, Sinnar Power Transmission Company
Limited (SPTCL). (MA No. 1 of 2017 in Case No. 153 of 2016).**

RattanIndia Nasik Power Ltd. (RNPL) Petitioner

V/s

Maharashtra Electricity Transmission Co. Ltd (MSETCL) Respondent No. 1

Sinnar Power Transmission Co. Ltd. (SPTCL) Respondent No. 2

Appearance

For the Petitioner

....Adv. Vihsrav Mukharji

For the Respondent1

....Shri A.V. Shinde, SE, MSETCL

....Shri Shrikant Petkar, EE, MSETCL

For the Respondent 2

....Shri Sameer Darji

Consumer Representative

....Dr. Ashok Pendse, Thane Belapur
Industrial Association (TBIA)

Daily Order

Heard the Advocate of the Petitioner and Representatives of the Respondents.

1. RNPL stated that the Petition has been filed for clarification on the following two issues:

- a) To operationalize the Bulk Power Transmission Agreement (BPTA) signed on 4.1.2011 between RattanIndia Nasik Power Ltd.(RNPL) , Maharashtra Electricity Transmission Co. Ltd.(MSETCL) and Sinnar Power Transmission Co. Ltd.(SPTCL) for Long Term Open Access(LTOA) in a staggered manner as and when RNPL enters into long-term arrangements/ PPAs for sale of power.
 - b) To permit RNPL to supply power from Sinnar TPP from the balance capacity of 400 MW through Short Term Open Access (STOA) in accordance with the applicable Regulations, independently of the BPTA/LTOA of 950 MW.
2. RNPL stated that its Sinnar TPP has generating capacity of 1350 MW (5x270 MW). On 3.1.2011, RNPL applied to MSETCL for LTOA for evacuation of power from its Sinnar TPP. It has proposed to sell 950 MW out of 1350 MW power from Sinnar TPP within the State of Maharashtra, although it was yet to firm up a long term procurer.
 3. On 4.1.2011, MSETCL granted provisional LTOA for Transmission Capacity Rights (TCR) of 950 MW to RNPL through the transmission network of SPTCL and MSETCL. Accordingly, BPTA was signed on 4.1.2011 between RNPL, MSETCL and SPTCL. The effective date of BPTA is the date of power injection by RNPL through the Transmission network of MSETCL and SPTCL, and after final approval by MSETCL for LTOA after system study.
 4. On a query by the Commission, RNPL stated that the Commercial Operation Date (COD) of the Line is not yet achieved. Test charging of one circuit of the Transmission Line is completed, and the Line is capable of carrying power to the extent of 1350MW.
 5. Dr. Pendse, for Thane-Belapur Industries Association (TBIA, an authorised Consumer Representative) stated that, for power flow through Transmission Line, COD as well as final permission from Electrical Inspector is a must.
 6. RNPL stated further that, on 24.4.2012, RNPL had signed a PPA with MSEDCL for supply of 650 MW power for a period of 25 years, pursuant to the GoM's approval for procurement of additional power. RNPL also proposed to tie up 300 MW power with Brihanmumbai Electric Supply & Transport Undertaking (BEST). However, operationalization of these PPAs has been inordinately delayed on account of litigation, being Civil Appeal Nos. 5731 and 5478 of 2015, pending before the Supreme Court of India.
 7. Due to unforeseen events/ factors which were beyond its control, RNPL had not been able to enter into a long-term PPA for supply of power. Therefore, pending identification of a long-term buyer, RNPL is desirous of selling 400 MW power on short-term basis to ensure that the Project does not remain stranded and the capacity already created is put to use.
 8. To the Commission's query regarding the application to avail STOA, RNPL stated that it has not yet applied to the Nodal Agency (MSLDC). It is seeking the views of MSETCL, prior to availing STOA for the balance 400 MW capacity, on

its possible consequence on start of implementation of the BPTA. The Commission observed that the Petitioner is free to apply to MSLDC for STOA. MSLDC would respond to the application in accordance with the Regulations and procedure.

9. MSETCL submitted that it has no objection to grant of STOA to RNPL. However, MSETCL requested two weeks' time to file its detailed submission in the matter, which was granted by the Commission.
10. RNPL requested the Commission to implead MSLDC as a Respondent. The Commission directed MSETCL to submit its Reply within two weeks with a copy to the Parties, including MSLDC. Thereafter, RNPL may submit a Rejoinder, if any, within a week. Also, the Commission directed MSETCL to depute Chief Engineer (STU) to attend the next hearing.

The next date of hearing will be communicated by the Secretariat of the Commission.

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

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