

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 2016

Date: 16 February, 2017

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

Petition of M/s. Ultra Tech Cement Ltd. regarding non-compliance of the Distribution Open Access Regulations, 2016 by MSEDCL and incorrect monthly billing methodology adopted in absence of approved procedure under the Distribution Open Access Regulations, 2016.

M/s. Ultra Tech Cement Ltd. (UTCL)Petitioner
V/s.

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

Appearance:

For the Petitioner : Shri T. N. Agrawal (Rep)
: Shri. Satish S. Shah (Rep)

For the Respondent : Ms. Deepa Chawan (Counsel)
: Shri. A. W. Mahajan (Rep)

Authorised Consumer Representative : Dr. Ashok Pendse, TBIA

Daily Order

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

1. Representative of the Petitioner stated that:

(i) as per the Distribution Open Access (DOA) Regulations, 2016, the Distribution

Licensee was required to provide the information as regards various formats for submission of the applications and detailed procedure etc. in downloadable format on its website within three months from the date of notification of the Regulations. However, MSEDCL uploaded the same after considerable delay.

- (ii) UTCL is a Medium Term Open Access (MTOA) user and wheeling power from its Group Captive Unit at Chandrapur. After notification of the DOA Regulations, 2016 with banking provision, it has decided to procure RE power to meet its Renewable Purchase Obligation (RPO). Accordingly it had signed Power Purchase Agreement (PPA) with M/s ICC Reality (India) Pvt. Ltd and M/s Parekh Medisales Pvt. Ltd.
- (iii) UTCL had made a Short Term Open Access (STOA) application to MSEDCL for the RE power and received approval for STOA for June, 2016. It had started consuming RE power from 1 June, 2016 along with scheduling of its Group Captive Firm power.
- (iv) UTCL had received Open Access bill for the month of June, 2016 dated 19 July, 2016 and observed that the Group Captive scheduled power (Non RE) considered as over-injected power. After examination of the billing calculation method, it is observed that the RE power was adjusted first, followed by the scheduled conventional power.
- (v) The Other Distribution Licensees (R Infra-D and TPC-D) have notified the methodology of billing under their Open Access procedure, under which they are adjusting the scheduled Open Access power first.
- (vi) In this regard a letter was also issued to MSEDCL, but reply is still awaited.

2. Counsel of MSEDCL stated that :

- (i) MSEDCL has now uploaded the information and the procedure on its website as per the DOA Regulations, 2016.
- (ii) While giving adjustment of energy to Open Access consumer sourcing power from multiple generators/ sources, the costliest power is adjusted first.

3. The Commission asked MSEDCL about the procedure it has followed from 2005 to 2014 for the credit adjustment of billing for the banking of RE power when Open Access was availed. The Commission also enquired as to the basis for adjusting the unscheduled RE power first, and for asking consumers to give Generator preference in case of sourcing of power from multiple Generators. Counsel of MSEDCL stated that it will file a fresh Reply in the matter.

4. Dr. Ashok Pendse on behalf of Thane Belapur Industries Association (TBIA) asked that MSEDCL clarify whether this is the only one such case, or whether there are many more cases, up to November, 2016.
5. The Commission directed MSEDCL to submit its detailed reply on the issues raised during the hearing within three weeks with copy to other parties. The Petitioner may file its Rejoinder, if any, within two weeks thereafter.

The Case is reserved for Order.

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

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