

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No.77 of 2015 and M.A. No. 2 of 2016

Date: 23 February, 2017

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

**Petition of M/s Sai Wardha Power Limited, seeking declaration of compliance of captive status with respect to its Generating Units of 2x135 MW for FY 2014-15
(Case No.77 of 2015)**

And

**MA no. 2 of 2016 for impleadment / Intervention on behalf of The Tata Power Company Limited as a Party to the Petition filed by M/s. Sai Wardha Power Limited as the Applicant.
(MA No. 2 of 2016)**

M/s Sai Wardha Power Limited. (SWPL) Petitioner
Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)Respondent
Tata Power Co. Ltd. - Distribution (TPC-D) Intervener

Present During the hearing

For the Petitioner	: Ms. Swapna Seshadri, (Adv)
For the Respondent	: Shri Ashish Singh, (Adv) Shri B Y Khandait, (Rep)
For the Intervener	: Smt Deepa Chawan, (Counsel) Shri. Abhishek Munot (Rep)
Authorised Consumer Representative	: Dr. Ashok Pendse, (TBIA)

Daily Order

Heard the Advocates / Representatives of Petitioner, Respondent, Intervener and Authorized Consumer Representative.

1. Advocate of the Petitioner submitted that;
 - a) It has submitted the data regarding captive generation and consumption to MSEDCL. However MSEDCL is asking for MSLDC certification for that data.
 - b) Vide letter dated 16 March, 2016, SWPL has already requested MSLDC for certification of the data.
 - c) The Commission may direct MSLDC to verify and certify the data.
2. Advocate of MSEDCL stated that it has filed its initial submission, but would like to make a further submission in view of TPC-D's submission.
3. The Commission asked MSEDCL about the procedure followed in past the while dealing with the issue of recognition of captive status. Advocate of MSEDCL stated that MSLDC certification is required for the recognition of captive status and the same procedure has been followed in the past. He further stated that MSEDCL has not corresponded with MSLDC regarding the certification, but will do so revert to the Commission.
4. To the Commission's query regarding the need for filing a separate Miscellaneous Application (MA) to implead MSLDC/RInfra, Counsel for TPC-D stated that the MA filed on 22.02.2017 may be considered as submission instead of a separate MA. She stated further that the MSLDC certification is required as per the Act. TPC-D has written to MSLDC for certification, but no response has been received. The Commission may issue a direction to MSLDC in this regard.
5. To a query of the Commission, the Advocate of Petitioner stated that it has excluded the consumption of energy supplied to captive users from Unit No. 1 & 2 (Non CPPs). She further stated that the Petitioner is ready to pay Cross Subsidy Surcharge on the consumption of energy supplied from these non CPP Units.

The Commission decided to implead MSLDC as a party, and directs MSLDC to provide the certified data after verification to all parties within a month with a copy to the Commission. TPC-D and MSEDCL may file their submissions within two weeks thereafter.

The Case is tentatively reserved for Order, subjective to the nature of the submissions made by the Parties.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member