

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 92 of 2016

Date: 2 March, 2017

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

Petition of M/s Grace Industries Ltd. for grant of special permission to conduct / declare Commercial Operation Date (COD) beyond stipulated period of six months by enhancing the period by one year in exceptional situation and permit it to transmit the energy up to 3 MW through Open Access to its own Unit situated at Butibori, Nagpur without the mandatory requirement of COD.

M/s Grace Industries LtdPetitioner

V/s.

1) Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)
2) Maharashtra State load Dispatch Centre (MSLDC)Respondents

Appearance:

For the Petitioner : Shri Tushar Mandlekar (Adv)

For the Respondents : Shri. Ashish Singh (Adv), MSEDCL
Shri. A. W. Mahajan (Rep), MSEDCL
Shri A. P. Rewagad (Rep) , MSLDC

Authorized Consumer Representative : Dr. Ashok Pendse, TBIA

Daily Order

Heard the Advocates/ Representatives of the Petitioner, Respondents and Authorized Consumer Representative

1. The Petitioner stated that:

- (i) As per the directives of the Commission vide Daily Order dated 17 November, 2016 , a meeting was held on 6 December, 2016 with the Representatives of

Petitioner , MSEDCL and MSLDC. In Minutes of the meeting, following recommendations are recorded.

- a) The Generator is eligible to apply for Open Access only after declaration of COD.
 - b) The scheduling of power can only be commenced after grant of Open Access.
 - c) The Petitioner will make best efforts for declaration of COD after grant of extension for COD by the Commission.
- (ii) No other recommendations were given by MSLDC and MSEDCL on the issues of extension of COD and permission of Open Access for self use before COD despite being so directed by the Commission in Daily Order dated 17 November, 2016.
- (iii) The Captive Generating Plant (CGP) of the Petitioner was synchronized on 24 March, 2015, but COD got delayed beyond six months from the date of synchronization of the plant due to various reasons which were beyond the control of the Petitioner, and which have been set out in detail in the Petition.
- (iv) Regulation 8.6 of the Transmission Open Access Regulations, 2014 stipulates that the Commission may allow extension of the period for testing, including full load test, and consequent injection of infirm power by the Unit, beyond six months, in exceptional circumstances on an application made by the Generating Company, hence, the Petitioner requested the Commission for extension of time for its COD.
- (v) The Petitioner may be allowed to use the generated energy from its CGP at Chandrapur through Open Access up to 3 MW for its own Unit situated at Butibori, Nagpur, till COD.
- (vi) Section 9(2) of Electricity Act, 2003 stipulates that every person who has constructed a CGP and maintains and operates such plant shall have the right to Open Access for the purposes of carrying electricity from his CGP to the destination of his use, and that such Open Access shall be subject to availability of adequate transmission facility, which shall be determined by the Central Transmission Utility or the State Transmission Utility.
2. To a query by the Commission regarding its view regarding permission for extension of COD, MSLDC replied that extension of COD of the CGP would have been allowed by MSLDC after checking the relevant documents if it had the powers to do so. Regarding the issue of use energy up to 3 MW through Open Access for its own Unit before COD, MSEDCL stated that Open Access cannot be granted before the COD.
 3. Advocate of MSEDCL stated that Section 9 of the Electricity Act, 2003 does not apply in

the present circumstances till the Plant achieves COD.

4. The Commission directs Petitioner to submit its clarification on the issue of whether the Generator and the Consumer is the same entity or not in the context of the definition of CGP and Captive user within a week.

The Case is reserved for Order.

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

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