

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No. 23 of 2017**

**And**

**Miscellaneous Application No. 7 of 2017 in Case No. 23 of 2017**

**Miscellaneous Application No. 8 of 2017 in Case No. 23 of 2017**

**Date: 18 April, 2017**

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

**Petition of Maharashtra State Electricity Distribution Co. Ltd. for in-principle approval of pre-condition of furnishing Bank Guarantee / Revolving Letter of Credit as payment security mechanism equivalent to Cross Subsidy Surcharge and additional surcharge applicable to an Open Access consumer to be furnished by an entity who claims itself to be a Captive/ Group Captive Generator before grant of Open Access.**

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

1. Captive Power Producers Association (CPPA)

2. M/s Sai Wardha Power Generation Limited (SWPGL)

.....Interveners

**Appearance**

For the Petitioner

: Shri Ashish Singh, (Adv) MSEDCL  
Shri B Y Khandait, (Rep) MSEDCL

For the Interveners

: Smt. Deepa Chawan, Counsel (CPPA)  
Dr. S.L.Patil (Rep) (CPPA)  
Ms. Dipali Sheth, (Adv) SWPGL

Authorised Consumer Representative

: Dr. Ashok Pendse, (TBIA)

## Daily Order

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

1. Advocate of MSEDCL stated that it has filed the Petition for in-principle approval for stipulating pre-condition of furnishing Bank Guarantee/Revolving Letter of Credit as a payment security mechanism equivalent to the Cross Subsidy Surcharge (CSS) and additional surcharge applicable to an Open Access consumer to be furnished by an entity which claims to be a Captive/Group Captive Generator, before grant of Open Access.
2. The Commission observed that it has received two Intervention Applications from Captive Power Producers Association (CPPA) and M/s Sai Wardha Power Generation Limited (SWPGL) in this matter. Advocate of MSEDCL stated that it has no objection to their impleadment in the matter, and it will also upload a copy of its Petition on its website. The Commission allowed both the Intervention Applications.
3. Advocate of MSEDCL also stated that it would again ensure service of the Petition to other Distribution Licensees.
4. To a query of the Commission, the Advocate of MSEDCL stated that it has filed the Petition for CPP as well as Group CPP. However, it would reexamine whether both are to be included and, if necessary, revise its Petition accordingly. He requested that the matter may be heard after considering the submissions from the Interveners and other Distribution Licensees.
5. Counsel of Captive Power Producers Association (CPPA), Intervener stated that the Petition is generalized in nature. MSEDCL may reexamine the issue as to whether it is only for Group CPP or both CPP and Group CPP. Accordingly, she would file the Reply to the Petition.
6. Advocate of M/s Sai Wardha Power Generation Limited (SWPGL), Intervener stated that it will also analyze the issues in the Petition and will file its Reply to the Petition.
7. Dr. Ashok Pendse, for Thane Belapur Industries Association (TBIA), an Authorized Consumer Representative) stated that the issue of Captive Generators and consumers is to be divided into three categories, i.e Group Captive Consumers with a large number of shareholders (such as M/s Sai Wardha Power Limited), Group Captive Consumers with less (2 to 3) numbers of shareholders, and individual Captive consumers. The issues involved may be more specifically addressed accordingly.
8. The Commission directs MSEDCL to submit its revised Petition, if required, within two weeks and upload the same on its website, with service to the other Distribution Licensees,

Interveners and Institutional CRs. The Interveners and others to file their Replies, within two weeks, thereafter.

**The Secretariat of the Commission will communicate next date of hearing.**

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

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