

**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. 32 of 2017

Date: 23 May, 2017

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

In the matter of

Petition of Green Energy Association pertaining to withholding/denial of Short Term Open Access and Medium Term Open Access applications under Section 42 of the Electricity Act, 2003 read with the provisions of the Maharashtra Electricity Regulatory Commission (Distribution Open Access) regulations, 2016

Green Energy Association ...Petitioner

V/s.

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

Appearance:

For the Petitioner : Ms. Dipali Sheth (Adv)

For the Respondent : Shri N. M. Choudhary (Rep)

Authorised Consumer Representatives : Dr. Ashok Pendse, TBIA

Daily Order

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

1. Advocate of Petitioner stated that:

- (i) The Petitioner Association's Members had applied to MSEDCL for Short Term Open Access (STOA) from the month of September, 2016. MSEDCL has

rejected the STOA applications citing frivolous deficiencies. The Petitioner's Members have applied for STOA application through online portal and also sent its hard copy to MSEDCL which was duly acknowledged.

- (ii) One of its members, M/s Mayura Steels Private Limited, had applied for STOA on 26 November, 2016 for the month of January 2017. MSEDCL rejected the application on 14 December, 2016 stating that consumer's e mail address and contact number have not provided. The consumer submitted its clarification on 17 December, 2016 i.e. within 3 days.
 - (iii) MSEDCL also delayed the processing of MTOA applications of Petitioner's Members. Regulation 10.5 of the DOA Regulations, 2016 requires Distribution Licensee to convey its decision on a MTOA application within 60 days, along with reasons in case it is rejected.
 - (iv) One of the Association's Members, M/s D.J. Malpani had applied for MTOA on 29 December, 2016, for the period 1 April, 2017 to 31 March, 2018. MSEDCL rejected the MTOA application on 6 February, 2017 stating that SEM installation report for generation end after shifting of windmill to another feeder is not submitted. It was immediately replied that the information has been uploaded on the online portal and hard copy was also submitted to MSEDCL.
 - (v) From December, 2016, MSEDCL has levied Wheeling charges and Transmission Charges on the basis of Contract Demand instead of actual consumption of units.
 - (vi) The Commission issued Practice Directions on 8 March, 2017 stating that a STOA Consumer, Generating Station or Licensee using a Distribution System shall pay Wheeling Charges or Transmission Charges, on the basis of the actual energy drawal at the consumption end.
 - (vii) 20 Open Access Applications (17 STOA and 3 MTOA) have been submitted to MSEDCL. However, MSEDCL granted Open Access to only one application and 19 Applications are still pending.
2. Representatives of MSEDCL stated that there were certain discrepancies in the Open Access applications of the Petitioner's members and hence they were rejected.
 3. To a query of the Commission, MSEDCL replied that there was a character constraint in the dialogue box for filling the required information online. The same has been corrected now.

4. The Commission expressed its displeasure on the lackadaisical approach of MSEDCL towards MTOA and STOA applications.
5. The Commission directs MSEDCL to submit the following details in Excel Sheet:
 - (i) Date of Submission of OA Applications (STOA/MTOA) on the online portal as well as in hard copy
 - (ii) Whether insufficient information due to character constraints in online portal was made available by the applicants in hard copy well in time? If it was submitted and the information was complete in all respect then why the OA applications were rejected.
 - (iii) Details of action taken on the OA Applications of the Petitioner's Members
 - (iv) If Open Access was granted , whether it was granted on retrospectively
6. The Commission also directs MSEDCL to submit its reply on resolving the IT issues in the online OA portal.
7. MSEDCL shall submit the above information within two weeks. 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**