

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 37 and 38 of 2017

Dated: 25 May, 2017

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

**In the matter of
Petition of Kores (India) Ltd seeking directions for compliance of MERC (Distribution
Open Access) Regulations, 2016.
(Case No. 37 of 2017)**

and

**Petition of Cooper Corporation Private Limited seeking directions for compliance of
MERC (Distribution Open Access) Regulations, 2016.
(Case No. 38 of 2017)**

1. Kores (India) Ltd
2. Cooper Corporation Private Limited ... Petitioners

V/s

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

Appearance

For the Petitioner: Ms. Raksha Jain (Advocate)

For the Respondent: Shri. Rahul Sinha (Advocate)
Shri. A. W. Mahajan (Rep)

Daily Order

The Advocate of the Petitioners stated that the Commission may hear both Cases together as the issues are similar. The Commission heard the Advocates of the Petitioners and Respondent.

1. The Advocate of the Petitioners stated that:

- a) The Petitioners had submitted online applications to MSEDCL for STOA for the period from 1.08.2016 to 31.08.2016 and also surrendered the Contract Demand to the extent of the Open Access applied for.
- b) In both the cases, MSEDCL granted STOA permission on 29 July, 2016, but cancelled it on the very next day, the reason cited for cancellation was that the Generator is having some issues with MSEDCL. Petitioners do not have any issue on this.
- c) When the OA applications were submitted to MSEDCL Head Office (HO) , Petitioners tendered applications for surrender of the Contract Demand to the extent of quantum of Open Access, which was acted upon by MSEDCL. However, as OA permission did not come through, it was incumbent upon MSEDCL to restore the Petitioners' original Contract Demand. But MSEDCL applied a totally different logic of directing the Petitioners to approach the field office instead of restoring it at HO level only.
- d) MERC (Standards of Performance) Regulations, 2014 do not apply in these Cases as the Petitioners never submitted a standard format for reduction of Contract Demand nor was the process for its reduction initiated at the field office level. The Petitioners simply tendered plain applications for surrender of the Contract Demand to the extent of the quantum of Open Access at HO only.
- e) The Petitions are filed under Section 142 of the Electricity Act, 2003 as MSEDCL has flouted the Commission's DOA Regulations, 2016.

2. Advocate of MSEDCL stated that the revision in Contract Demand is being done as per MERC (Standard of Performance) Regulations. To a query of the Commission, Representative of MSEDCL stated that reduction in Contract Demand is being done at Head Office level so as to facilitate the consumers while granting the Open Access permission. However, for restoration of the Contract Demand, Consumer has to approach the concerned field office.

The Petitioners may file their Rejoinders within a week.

Both the Cases are reserved for Orders.

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

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