

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case Nos. 77, 81, 90 and 91 of 2017

Date: 11 July 2017

Coram: Shri. Azeez M. Khan, Member

Shri.Deepak Lad, Member

CASE No. 77 of 2017

Petition of Ghatge Patil Industries Limited against MSEDCL for non-compliance of the Order dated 16 March, 2017 in Case No. 68 of 2016 issued by the Commission read with relevant provisions of the Electricity Act, 2003.

Ghatge Patil Industries Limited (GPIL) Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL)

Maharashtra Energy Development Agency (MEDA) Respondents

Appearance

For the Petitioner : Ms. Dipali Sheth, (Adv.)

: Mr. Pramod Patil (Rep.)

For MSEDCL : Mr. Ashish Singh, (Adv.)

For MEDA : Mr. Manoj Pise, (Rep)

CASE No.81 of 2017

Petition of Shah Promoters & Developers against MSEDCL for non-compliance of the Order dated 16 March, 2017 in Case No. 53 of 2016 issued by the Commission read with relevant provisions of the Electricity Act, 2003.

Shah Promoters & Developers (SPAD) Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL)

Maharashtra Energy Development Agency (MEDA) Respondents

Appearance

For the Petitioner : Ms. Dipali Sheth, (Adv.)
: Mr. Arvind Bhosale (Rep.)
For MSEDCL : Mr. Ashish Singh, (Adv.)
For MEDA : Mr. Manoj Pise, (Rep)

CASE No.90 of 2017

Petition of M/s. D. J. Malpani against MSEDCL for non-compliance of the Order dated 16 March, 2017 in Case No. 135 of 2016 issued by the Commission read with relevant provisions of the Electricity Act, 2003.

M/s. D. J. Malpani (DJM) Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL)

Maharashtra Energy Development Agency (MEDA) Respondents

Appearance

For the Petitioner : Ms. Dipali Sheth, (Adv.)
: Mr. Tushar Goyal (Rep.)
For MSEDCL : Mr. Ashish Singh, (Adv.)
For MEDA : Mr. Manoj Pise, (Rep)

CASE No. 91 of 2017

Petition of M/s. Giriraj Enterprises against MSEDCL for non-compliance of the Order dated 16 March, 2017 in Case No. 136 of 2016 issued by the Commission read with relevant provisions of the Electricity Act, 2003.

M/s. Giriraj Enterprises (Giriraj) Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited (MSEDCL)

Maharashtra Energy Development Agency (MEDA) Respondents

Appearance

For the Petitioner : Ms. Dipali Sheth, (Adv.)
For MSEDCL : Mr. Ashish Singh, (Adv.)
For MEDA : Mr. Manoj Pise, (Rep)
For Authorized Consumer Representative : Dr. Ashok Pendse, TBIA

DAILY ORDER

Heard the Advocates/Representatives of the Petitioners, Respondents and Consumer Representative.

The Commission observed that, since similar issues have been raised in these Cases by Wind Energy Generators, they would be heard together, and the Commission would also consider a common Order. The Parties agreed to this.

Ms. Dipali Sheth (Adv.) appeared on behalf of all the four Petitioners. She reiterated the submissions made in the respective Petitions. Mr. Ashish Singh (Adv.) appeared on behalf of MSEDCL in all four Cases.

1. Proceedings in CASE No. 77 of 2017

1.1 Referring to para 52 of the Order dated 16 March, 2017, GPIL stated that the Commission has suggested the option of adjustment of dues to be paid by MSEDCL against the energy bills of the Generator in its capacity as consumer. Considering this option, GPIL approached MSEDCL, but MSEDCL has not considered it till date. GPIL stated that its Projects are financed on the basis of its projected cash flows which are identified in the EPAs and it is also required to service the debt on monthly basis in a timely manner. Non-payment of invoices in timely manner and delayed payments without delayed payment charge (DPC) is causing losses to GPIL.

1.2 GPIL stated that MSEDCL has made partial payments but not the entire payment as directed in the Order dated 16 March, 2017. MSEDCL has made payment to GPIL for invoices raised for its Projects at Dhule till the month of September 2016. However, the payments are still not made for invoices raised for months from October till December, 2016 along with DPC.

2. Proceedings in CASE No.81 of 2017

2.1 SPAD stated that, although the Joint Meter Readings for the months of February, March and April, 2017 have been undertaken jointly by the representatives of MSEDCL and of SPAD on 1 March, 1 April and on 1 May, 2017, respectively, the Generation credit notes (GCN) after April, 2017 have not been issued by MSEDCL till date.

3. **Proceedings in Case Nos.90 and 91 of 2017**

- 3.1 DJM and Giriraj, referring to para 56 of the Order dated 16 March, 2017, stated that the Commission has ruled on the issue of over-injected units of FY 2015-16 and directed MSEDCL to make the overdue payments for FY 2015-16 within a month, along with applicable interest. However, the Petitioners have not received these payments till date.
4. Advocate for the four Petitioners also stated that they have received only partial payments from MSEDCL and no DPC as directed in the Order dated 16 March, 2017.
5. MSEDCL stated that it is facing financial difficulties. However, as and when funds are available, MSEDCL is releasing the payments to the Generators impartially. MSEDCL intends to make payments of the Generators and, in fact, it has made payments to the Group-III and Group –IV wind Generators as recently as January, 2017. MSEDCL is in the process of obtaining approval of its Competent Authority on the option of adjustment of payment dues against the consumer energy bills. The Commission observed that the modality of adjustment of payment dues against energy bills is not new and is a standard practice in CGRF and other matters. By doing so, MSEDCL can reduce its outstanding payment burden towards Generators as well as the corresponding DPC without actual outflow of cash.
6. Advocate for the Petitioners stated that the Commission may direct MSEDCL to exercise the option of adjustment of payment dues against the energy bills in case of GPIL, and also to issue the pending GCNs immediately. In the absence of GCNs, even sales invoices cannot be raised.
7. The Commission directs MSEDCL to submit its Reply within two weeks with a copy to all the Petitioners, who may file their Rejoinders within a week thereafter.

The Cases are reserved for Orders subject to submissions by MSEDCL as directed above.

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

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