

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 98 of 2017

Date: 10 August, 2017

**CORAM: Shri Anand B. Kulkarni, Chairman
Shri Azeez M. Khan, Member
Shri Deepak Lad, Member**

Petition of Maharashtra State Electricity Distribution Co. Ltd. seeking amendment to MERC (Distribution Open Access) and (Transmission Open Access) Regulations, 2016, Practice Directions on Processing of Open Access Applications, and Practice Direction on levy of Wheeling/Transmission Charges on actual energy drawl at consumption end in Rs. / kWh basis and refund of any amount recovered in excess of the charges.

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

Appearance:

For the Petitioner : Shri Ashish Singh (Adv.)
Shri S. R. Rinke (Rep.)

Authorised Consumer Representative : Dr. Ashok Pendse, (TBIA)

Daily Order

Heard the Advocate/ Representative of the Petitioner and Authorized Consumer Representative.

1. Advocate of MSEDCL stated that:

- (i) It has filed the Petition seeking amendment in the Open Access Regulations, 2016 and the Practice Directions dated 8 March, 2017 on following three issues :
 - a) Any consumer availing Short Term Open Access (STOA) for a period of more than 3 consecutive months may be treated as a deemed Medium Term Open Access (MTOA) consumer and may be levied MTOA Charges.

- b) STOA Charges should be higher than the MTOA and Long Term Open Access (LTOA) Charges. Transmission Charges for STOA may be allowed on Rs. /MW basis.
 - c) The cut- off date for Open Access Application should be 10th day of preceding month, including the deficiency rectification period.
- (ii) STOA has been permitted for a period not exceeding one month at a time whereas MTOA is for a period exceeding three months. Certain consumers are seeking Open Access under STOA for consecutive monthly periods exceeding 3 months, which would have otherwise come under the MTOA. MSEDCL incurs a financial loss in case of consumers availing STOA consecutively for more than three months but not opting for MTOA. MSEDCL is paying the entire Charges based on its share of average of CPD and NCPD in MW to the State Transmission Utility (STU) whereas it is able to recover only a part of it from STOA consumers.
- (iii) Therefore, Open Access Regulations, 2016 may be amended to the extent of limiting the STOA to maximum of three consecutive months. Any consumer availing STOA for more than 3 consecutive months may be treated as a deemed MTOA consumer and may be levied MTOA Charges.
- (iv) Applications for STOA can be made upto four months prior to the month of STOA, but not later than the 10th day of the preceding month. Some of the STOA consumers are submitting their applications one or two days prior to the last submission date. MSEDCL has already displayed the procedure for Open Access, all pro-forma, formats, list of documents to be attached with the application, etc. on its website. Most of the STOA applicants are applying for Open Access every month and are conversant with the application procedure. It is the responsibility of the applicants to take proper care and upload necessary documents while submitting the applications and fill all fields like drawal point, injection point, OA demand, SEM details, agreement details, etc. Hence, the Open Access Applications may be restricted up to 10th day of the preceding month, including the deficiency rectification period.
2. The Commission observed that it has received 23 representations from various consumers/RE Generators seeking permission to file their objections and requesting a copy of the Petition. The Commission observed that, if it is prima facie satisfied regarding the need for amendment of the Regulations, it would have to undertake a public consultation process in which the representationists will also have an opportunity for objections/suggestions. The amendment of the Regulations cannot be done through an Order, and hence there is no need to file Intervention Applications in the matter. Representative of the Applicants accordingly did not press the matter, but sought a

copy of the Petition.

3. Advocate of MSEDCL stated that it would upload its Petition on its internet website, and provide a copy to the applicants also.
4. Dr. Ashok Pendse, for Thane Belapur Industries Association (TBIA), an Authorized Consumer Representative stated that the Open Access consumers are availing STOA rather than MTOA as there is benefit of 40 Paisa /unit. There could be a mechanism to restrict STOA applications from the same consumers consecutively for more than three months during the financial year.
5. The Commission directed MSEDCL to file its additional submission within two weeks and upload it along with its Petition on its internet website.

The Case is reserved for Order.

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

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

**Sd/-
(Anand B. Kulkarni)
Chairman**