

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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**Case No. 62 of 2017
and
Miscellaneous Application No. 9 of 2017 in Case No. 62 of 2017**

Dated: 14 September, 2017

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

**Petition of M/s Sai Wardha Power Generation Limited for directions to Maharashtra State Electricity Distribution Co. Ltd. regarding terms of Open Access for the period from 01.04.2017 to 30.04.2017
(Case No. 62 of 2017)**

and

**Miscellaneous Application of M/s Sai Wardha Power Generation Limited for interim relief by way of directions to Maharashtra State Electricity Distribution Co. Ltd. regarding terms of Open Access for the period from 01.04.2017 to 30.04.2017
(M. A. No. 9 of 2017 in Case No. 62 of 2017)**

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

V/s.

Maharashtra State Electricity Distribution Co. Ltd (MSEDCL)Respondent

1. Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)
2. The Tata Power Co. Ltd. (TPC-D)
3. Reliance Infrastructure Ltd. (RInfra-D)
4. Maharashtra State Load Despatch Centre (MSLDC)
5. State Transmission Utility (STU)Impleaded Parties

Appearance:

For the Petitioner : 1) Shri. Anand K. Ganesan (Adv.)

For the Respondent : 1) Shri. Ashish Singh (Adv.)
2) Shri. A. W. Mahajan (Rep.)

For the impleaded Parties : 1) Shri Malcolm Desai, (Adv), TPC-D
2) Shri A.V. Shinde, (Rep.), MSETCL
3) Shri A.P. Rewagad, (Rep.) MSLDC
4) Shri S.B. Petkar, (Rep), STU

Authorized Consumer Representative : Dr. Ashok Pendse, TBIA

Daily Order

Heard the Advocate / Representatives of the Petitioner, Respondent, Impleaded parties and Authorized Consumer Representative.

1. Advocate of the Petitioner stated that:

- (i) It has filed an affidavit on 12 July, 2017 pursuant to the last hearing. Special Energy Meters (SEM) have been installed on the each 4 Generating Units, and are capable of 15 minutes time integration. However, the readings are not recorded. If MSETCL wants to install its own meters to record the energy injected by each Generating Unit, SWPGL has no issues.
- (ii) To a query of the Commission regarding whether SEMs installed are actually configured for 15 minutes time integration, the Advocate of the Petitioner stated that he would confirm the position.
- (iii) Petitioner would submit the Generation data of last 35 days on 15 minute time block basis for each Generating Unit.
- (iv) SWPGL has already provided the Generation data for FY 2016-17 to MSEDCL, TPC-D and R-Infra-D in June, 2017. However, they have not made any comments on it.

2. Advocate of MSEDCL stated that:

- (i) The Commission should vacate the interim relief granted to SWPGL vide Daily Order dated 16 May, 2017 in MA No. 9 of 2017. He referred to Clause 3 of the Electricity Rules, 2005, and further stated that the Commission, vide its Order dated 28 August, 2013 in Case No. 117 of 2012, has decided the principle for the

determination of Captive Generating Plant (CGP) status on annual basis for SWPGL. However, the issues in Case No. 117 of 2012 and the present Case are different. Clause 3 of the Electricity Rules, 2005 starts with the word 'unless', and there after sets out the criteria for the determination of captive status.

(ii) The Generator supports its CGP status by submitting a shareholding Certificate duly signed by a Chartered Accountant and asking the Distribution Licensee to treat it as a CGP under Section 9 of Electricity Act, 2003. On this basis alone, the benefits of CGP status are sought till verification at the end of the year, to the detriment of MSEDCL.

3. Advocate of TPC-D stated that:

(i) SWPGL has not filed a Petition for determination of Captive status for FY 2016-17 till date. The Commission observed that the Commission needs to be approached only if there is dispute in this regard.

(ii) To a query of the Commission as to whether TPC-D has sent Demand Notice for recovery of Cross Subsidy Surcharge (CSS) to the consumers of SWPGL, Advocate of TPC-D replied that it has not sent any such Notice.

4. The Commission enquired with the Representative of MSLDC as to whether the Generator schedules power on 15 minute time block basis, to which he was non-committal.

5. Dr. Ashok Pendse, for Thane Belapur Industries Association (TBIA), an Authorized Consumer Representative, stated that MSLDC has to schedule the power on 15 minute time block basis.

6. The Commission directed SWPGL to submit Generation data of the last 35 days on 15 minute time block basis for each Generating Unit within a week, and continue to submit the monthly 15 minute time block data in soft copy to the concerned Distribution Licensees without fail so long as it is claiming to be operating as CGP.

The Case is reserved for Order.

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

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