

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 76 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 granted for the period after 01.04.2017 and in regard to retrospective cancellation of Short Term Open Access for the month of March, 2017

M/s Sai Wardha Power Generation Limited

.....Petitioner

V/s

- (1) Maharashtra State Electricity Distribution Co. Ltd.
- (2) M/s Ramsons Industries Ltd.
- (3) M/s Ramsons Castings Private Ltd.
- (4) M/s Pudumji Paper Product Ltd.
- (5) M/s Inox Air Products Private Ltd.
- (6) M/s Mahindra CIE Automotive Ltd.
- (7) M/s ACG Associated Capsules Pvt. Ltd.
- (8) M/s Asahi India Glass Ltd.
- (9) M/s Hindalco Industries Ltd.

.....Respondents

Appearance:

For the Petitioner

: 1) Shri. Anand K. Ganesan (Adv.)

For the Respondents

- : 1) Shri. Ashish Singh (Adv.)
2) Shri. Amit Bute (Rep.)
3) Shri. A. W. Mahajan (Rep.)
4) Shri. S. K. Jena (Rep.)
5) Shri V.K.Tumane (Rep.)

Authorized Consumer Representative:

Dr. Ashok Pendse, TBIA

Daily Order

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

1. Advocate of Petitioner stated that:

- (i) The Commission vide daily Order dated 27 June, 2016 in MA No. 12 of 2017 granted interim relief and observed that the Open Access can be granted with additional conditions such that total power flow from MSEDCL and Open Access shall be restricted to the quantum of the technical/metering constraints. Accordingly, MSEDCL is issuing Open Access as per the undertaking submitted by Open Access consumers. Accordingly, this issue is resolved.
- (ii) Issue of retrospective cancellation of Short Term Open Access (STOA) for March, 2017 is disputed in the present Case.
- (iii) MSEDCL granted STOA on 20 February, 2017 to the Petitioner's captive consumers from 1 March, 2017 to 31 March, 2017, which was operationalized from 1 March, 2017.
- (iv) The Petitioner has been declaring availability and scheduling the power for its captive consumers. MSEDCL, vide its letter dated 31 March, 2017, informed the Petitioner that, as power was not sourced by some of its consumers for a period of more than 3 days, there is a violation of Regulation 11.10 of the Distribution Open Access Regulations, 2016 (DOA Regulations, 2016) . Therefore, Open Access permission was cancelled on 31 March, 2017 retrospectively w. e. f. 23 March, 2017 and MSEDCL levied temporary charges to these consumers for the period 23 to 31 March, 2017.
- (v) Regulations 11.9 and 11.10 of DOA Regulations, 2016 provides that allocated capacity under STOA can be cancelled only after giving Notice to the parties. MSEDCL has not issued any Notice for non -utilization of the allocated capacity.
- (vi) Vide letter dated 4 April, 2017, the Petitioner requested MSEDCL to withdraw its letter dated 31 March, 2017 of retrospective cancellation of STOA.
- (vii) Retrospective cancellation of STOA will adversely affect the proportionate consumption by captive consumers.

2. Advocate of MSEDCL stated that:

- (i) There is obligation on the Generator to inform the Distribution Licensee about the underutilization of the allocated capacity. If the Generator fails to do so, it is not mandatory for the Distribution Licensee to issue Notice to the Generator for

cancellation of STOA.

- (ii) STOA for March, 2017 in respect of 7 consumers was retrospectively cancelled as they have not sourced power for more than 3 days from 23 March, to 31 March, 2017 as per the power schedule displayed on the website of SLDC.
 - (iii) SWPGL is providing day-ahead schedule of its captive consumers to MSLDC. However, the same information after accounting for intra-day revisions, is forwarded to MSEDCL on next day.
 - (iv) Besides all the above, the crux of the matter is whether Special Energy Meters at the Generator end (IPP Units and CPP Units) are configured for 15 minutes time block.
3. Dr. Ashok Pendse, for Thane Belapur Industries Association (TBIA), an Authorized Consumer Representative, stated that STOA was not utilized by 1 consumer out of 7. However, MSEDCL cancelled the STOA of all 7 consumers retrospectively, which is not tenable.
4. The Commission directed SWPGL and MSLDC to submit the data for scheduling of power in respect of all 7 consumers and their respective drawal from 23 to 31 March, 2017 on the basis of 15 minute time block, within 2 weeks.

Next date of hearing shall be communicated by the Secretariat of the Commission.

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

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