

**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: 28 November, 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 (SWPGL)

.....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

- (1) Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)
- (2) Maharashtra State Load Despatch Centre (MSLDC)
- (3) State Transmission Utility (STU)

.....Impleaded Parties

**Appearance:**

For the Petitioner

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

For the Respondents

: 1) Shri. Ashish Singh (Adv.), MSEDCL  
2) Shri. A. W. Mahajan (Rep.), MSEDCL  
3) Shri. A.P.Rewagad (Rep.), MSLDC

Authorized Consumer Representative:

Dr. Ashok Pendse, TBIA

### **Daily Order**

Heard the Advocates/ Representatives of the Petitioner, Respondents and the Impleaded Parties.

1. Advocate of SWPGL stated that:

- (i) In compliance to the Commission's directives in Daily Order dated 14 September, 2017, SWPGL has made its submission on 6 October, 2017 giving details of injection and drawal schedule of the seven consumers for the period from 23 to 31 March, 2017 on 15 minute time block basis, and same has been confirmed by MSLDC.
- (ii) One of its captive consumers, Mahindra CIE Automotive Ltd. has not consumed power for less than three days i.e. 25 to 27 March, 2017 from SWPGL. However, MSEDCL has cancelled Open Access permission of all seven consumers for the period from 23 to 31 March, 2017 on 31 March, 2017 retrospectively.
- (iii) There cannot be retrospective cancellation of Short Term Open Access (STOA) .
- (iv) 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 such notice for non-utilization of the allocated capacity. The intention behind this provision is that, if there is any STOA aspirant in the queue, then the incumbent should not block the capacity by keeping it idle. In this case , there was nobody in the queue for STOA.
- (v) SWPGL has already provided the generation data for FY 2016-17 for its captive status to MSEDCL, TPC-D and R-Infra-D in June, 2017. However, these Distribution Licensees have not made any comments on it.
- (vi) To a query of the Commission, Advocate of SWPGL stated that after September, 2017, SWPGL is providing day-ahead schedule of its captive consumers to both MSEDCL and MSLDC.

2. Advocate of MSEDCL stated that:

- (i) SWPGL was not providing day-ahead schedule of its captive consumers to MSEDCL.
- (ii) There is an obligation on the Generator to inform the Distribution Licensee about the underutilization of the allocated capacity.

- (iii) To a query of the Commission, Advocate of MSEDCL confirmed that there was nobody in queue for STOA after cancellation of the STOA of these seven consumers.
3. The Commission was surprised to note MSEDCL's submission that SWPGL was not giving the day ahead schedule to MSEDCL. The Commission enquired as to how MSEDCL had been allowing Open Access in the past in absence of the day ahead schedule.
4. To a query of the Commission, Representatives of MSLDC stated that there is visibility of all four Generators of SWPGL to MSLDC.
5. The Commission directed MSEDCL to submit its clarification on the retrospective cancellation of STOA of these seven consumers of SWPGL, within a week.

**The Case is reserved for Order.**

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

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