

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**Case No. 137 of 2017**

**Dated: 5 December, 2017**

**CORAM: Shri Anand B. Kulkarni, Chairperson  
Shri Deepak Lad, Member**

**Petition of M/s. Krishna Valley Power Private Limited and M/s. Sahyadri Renewable Energy Private Limited for adjustment of Banked units in consumer bills.**

1. M/s. Krishna Valley Power Private Limited (KVPPL)  
2. M/s. Sahyadri Renewable Energy Private Limited (SREPL) .....Petitioners
- Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) ..... Respondent

**Appearance:**

For the Petitioners : Shri. Rameez Shaikh (Rep.)

For the Respondent : Shri. Ashish Singh (Adv.), MSEDCL

**Daily Order**

Heard the Representative of the Petitioners, and Advocate of the Respondent.

1. Representative of the Petitioners stated that:
  - (i) KVPPL and SREPL sought Short Term Open Access (STOA) during the period 01.04.2016 to 30.11.2016 for sale of energy to the third party consumers M/s. Derive Trading Pvt Ltd and M/s. Glenmark Pharmaceuticals Ltd. respectively.
  - (ii) During this period (i.e. 01.04.2016 to 30.11.2016), the adjustments of banked units were duly given to the consumers in their respective bills by MSEDCL. The excess units so banked over and above the adjusted units were also carried forward in the

next month.

- (iii) KVPPL and SREPL did not apply for STOA for December, 2016 for these consumers and sold its entire power to BEST Undertaking for RPO compliance requirement of BEST. Subsequently STOA was again applied for the month of January, 2017 onwards.
  - (iv) However, the banked units in consumers account accrued till the month of November, 2016 were not adjusted in the billing month of December, 2016 onwards and were treated as lapsed by MSEDCL.
  - (v) Regulation 20 of the Distribution Open Access, 2016 (DOA Regulations, 2016) provides provisions related to banking dispensation. The banking facility is available throughout the year subject to certain exceptions as carved out by the Commission in its Regulations.
2. To a query of the Commission, Representative of the Petitioners stated that it has planed 100% energy sale to BEST in December, 2016, keeping in view the banking provision available to RE Generators.
3. Advocate of MSEDCL stated that:
- (i) The facility of banking has been misunderstood by the Petitioners. The Petitioners have assumed banking as a right or a privilege which is absolutely contrary to the initial Order dated 24 November, 2003 passed by the Commission in Case No. 17 (3), 3, 4 & 5 of 2002 providing for banking facility.
  - (ii) The Petitioners have deliberately not applied for Open Access during December, 2016 and sold its total power to BEST. This is against the intent of the Banking provision to RE Generators.
  - (iii) The Open Access Monitoring Committee also discussed the issue of banking in its last meeting and made some suggestions regarding the adjustment of the banked units where there is discontinuation of Open Access.

**The Case is reserved for Order.**

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

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