

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 102 of 2017

Dated: 26 September, 2017

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

In the matter of

Petition of M/s. Runwal Developers Private Limited and R Mall Developers Private Limited regarding issue of Generation Credit Notes by Maharashtra State Load Despatch Centre

1. M/s. Runwal Developers Private Limited
 2. R Mall Developers Private Limited
- ...Petitioners

V/s.

1. Maharashtra State Electricity Transmission Co. Ltd(MSETCL)
 2. Maharashtra State Load Dispatch Centre (MSLDC)
 3. Maharashtra State Electricity Distribution Co. Ltd (MSEDCL)
 4. Reliance Energy Limited (Distribution) (R Infra-D)
- ...Respondents

Appearance:

For the Petitioners : 1) Ms Deepa Chawan (Counsel)
2) Shri Victor Basu (Rep)

For the Respondents : 1) Shri S. B. Petkar, MSETCL (Rep)
2) Shri Anil Rewagad, MSLDC (Rep)
3) Shri Ghanashyam Thakkar, R Infra –D (Rep)

Authorized Consumer Representative : Dr. Ashok Pendse, TBIA

Daily Order

The Commission informed the parties that it has resolved that the matter will be heard and decided by a two Member Bench.

The Commission heard the Counsel/ Representatives of the Petitioners and Respondents.

1. Counsel of Petitioners stated that:

- (i) M/s. Runwal Developers Private Limited has set up a Solar Generating Plant (at Naldurg, Osmanabad) in MSEDCL's Licence area. The power from the Plant is being used under Captive mode for the consumer situated in R Infra-D's License area.
- (ii) The Solar Plant has been granted connectivity by the Maharashtra State Transmission Utility as the injection is at 33kv bus of 132/33 kV Naldurg Sub-Station.
- (iii) The Generator, M/s. Runwal Developers Private Limited, being in the area of MSEDCL, had obtained approval from MSEDCL for Medium Term Open Access (MTOA) for the period from February, 2015 to January, 2016.
- (iv) Similarly, the Consumer, R Mall Developers Private Limited, being in the area of R Infra-D, had obtained approval from RInfra-D for Short Term Open Access (STOA) for the period from May, 2015 to September, 2015.
- (v) Inadvertently, the Petitioners had not applied for Transmission Open Access during May, 2015 to 19 September, 2015 from MSLDC as envisaged in the Regulations. However, on 20 September, 2015, it had applied to MSLDC for Transmission Open Access, which was prospectively granted by it. As such, there are no issues from 20 September, 2015 onwards.
- (vi) The issue remains for the period of May, 2015 to 19 September, 2015, as MSLDC has not released the Generation Credit Notes (GCNs) which were issued by MSEDCL.
- (vii) The Petitioner, then being new in the Generation business, had inadvertently not sought Transmission Open Access. The Commission may consider the fact under the provisions in Open Access Regulations for removal of difficulty and may grant relief to the Petitioners.
- (viii) This is a mercy plea as it involves approximately 3.7 MUs of power, which will put the Petitioner to great financial loss if it is not accounted for. The inadvertent lapse on the part of the Petitioner may be condoned by the Commission.

2. Representative of MSLDC stated that:

- (i) The Petitioners are requesting release of the GCNs issued by MSEDCL for the period of 1 May, 2015 to 19 September, 2015, without duly availing

Transmission Open Access.

- (ii) As per Regulation 3.3 of Transmission Open Access Regulations, 2014 , MSLDC is the nodal agency for grant of STOA for Intra-State Transmission system. Once the Distribution Licensee issues consent for Distribution Open Access, the consumer has to apply to MSLDC for grant of Transmission Open Access.
 - (iii) The Petitioners have neither applied to MSLDC nor taken its consent for Open Access during 1 May, 2015 to 19 September, 2015.
 - (iv) The Petitioners applied to MSLDC for Open Access in September, 2015, which was granted by it w. e. f. 20 September, 2015.
3. To a query of the Commission, both the Petitioners and MSLDC stated that there was no visibility of the project parameters to MSLDC at that point of time.
4. Representative of R Infra –D stated that:
 - (i) There are no prayers against R Infra-D in the Petition.
 - (ii) As per Regulation 9.2 of the Distribution Open Access Regulations, 2014, Petitioners were required to take consent from both the Distribution Licensees (R Infra-D and MSEDCL) and avail Transmission Open Access from MSLDC to complete the transaction. The Petitioners have not availed Transmission Open Access from MSLDC for the period of May, 2015 to 19 September, 2015 and MSLDC has also not released the GCNs for that period to R Infra-D.
 - (iii) In the absence of release of GCNs from MSLDC, the credit cannot be allowed to be passed to the consumer.
 - (iv) The consumer has availed STOA from MSLDC since 20 September, 2015. Accordingly, R Infra –D has provided credit of the same to the Consumer.
5. The Commission observes that it is unable to understand how the same transaction was being dealt with as both MTOA and STOA at the same time and how the charges will be settled.

The Case is reserved for Order.

Sd/-

**(Deepak Lad)
Member**

Sd/-

**(Azeez M. Khan)
Member**