

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE NO. 163 of 2017

Dated: 9 January, 2018

CORAM: Shri Anand B. Kulkarni, Chairperson

In the matter of

Petition of Cleanmax Enviro Energy Solutions Private Limited seeking clarification regarding the Net Metering arrangements for Open Access consumers under the MERC (Net Metering for Roof-Top Solar Photo Voltaic Systems) Regulations, 2015 and issues pertaining to connection of Roof Top Solar Power Plant.

Cleanmax Enviro Energy Solutions Private Limited. (Cleanmax) : Petitioner

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) : Respondent

Appearance

For the Petitioner : Dipali Sheth (Adv.)

For the Respondent : Rahul Sinha (Adv.)

For the Authorised Representative : Dr Ashok Pendse (TBIA)

Daily Order

Heard the Advocate of the Petitioner and Respondent.

1. Advocate of the Petitioner reiterated the submissions in its Petition and stated that:
 - i. Cleanmax has set up a roof-top solar PV Plant with a capacity of 991 KWp for one of its clients viz. Asahi India Glass Limited (Asahi) in the premises of Asahi situated at Plot No. T-7, MIDC, Taloja, Dist. – Raigad, 410208.
 - ii. Asahi is a consumer of MSEDCL with contract demand of 7500 kVA and connected at 100 kV. It also avails partial Open Access from conventional source under Group Captive arrangement from Sai Wardha Power Generation Limited to the tune of 3000 kVA.

- iii. On May 9, 2017, Asahi made an application to MSEDCL for Net Metering arrangement for the Rooftop Solar PV Plant under Net Metering Regulations, 2015.
 - iv. Despite repeated follow ups, no official communication has been received by Asahi in regards to the Rooftop Solar Application till date.
 - v. MSEDCL has failed to adhere to the provisions of the Net Metering Regulations, 2015. Regulation 8.3 read with provisions of Annexure-1 of the Net Metering Regulations, 2015 lay down clear timelines wherein the application for net metering has to be acknowledged in a fixed period of three (3) days or in case of deficiency the same needs to be intimated to applicant thereof three (3) days, after which the feasibility study has to be undertaken within fifteen (15) days. Further, in case of rejection of the application, the applicant has to be intimated vide a notice and given a period of fifteen (15) days to rectify any deficiencies.
 - vi. Cleanmax along with Asahi approached MSEDCL officials for a meeting on 21 June, 2017 wherein the officials of Asahi and Chief Engineer (Power Purchase), MSEDCL were present. During the said meeting, MSEDCL officials orally informed Asahi that there was no clear billing guidelines in the existing Net Metering Regulations, 2015 for Open Access consumers and MSEDCL would face problems in billing as to segregation of units due to mixing of solar energy generated units with the Open Access injected units.
2. Advocate of the MSEDCL stated that:
- i. Cleanmax has no locus to file the present Petition. It is neither a generator nor a consumer in the matter.
 - ii. It is an established rule of law, that a person seeking a relief shall first establish as to how he is an affected party. In the present case except for the fact that the Cleanmax is a developer of roof-top solar units, no other facts or allegations are attributable to Cleanmax.
3. MSEDCL is directed to submit its say on the clarification sought in the Petition within a week time. The Petitioner is allowed to submit its Rejoinder within a week thereafter.

The Case is reserved for Order.

Sd/-
(Anand B. Kulkarni)
Chairperson