

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**CASE No. 297 of 2018**

**Dated: 15 January, 2019**

**CORAM: Anand B. Kulkarni, Chairperson  
I. M. Bohari, Member  
Mukesh Khullar, Member**

**In the matter of**  
**Petition of MSEDCL seeking recovery of annual fixed cost component in respect of MSEDCL for the energy supplied to the State pool, recovery of differential amount to be recovered towards variable rate, removal of anomalies and directions in regards to overdrawal by Mumbai utilities in Balancing and Settlement Mechanism as per provision of ABT Order dated 17.05.2007 in Case No 42 of 2006.**

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) .....Petitioner

V/s

Maharashtra State Load Despatch Centre (MSLDC) ..... Respondent

1. BEST Undertaking (BEST)
2. The Tata Power Company Ltd. - (Distribution) (TPC-D)
3. Adani Electricity Mumbai Ltd. (Distribution) (AEML-D)
4. Mindspace Business Parks Pvt. Ltd. (MBPPL)
5. Gigaplex Estate Pvt. Ltd. (GEPL)
6. Maharashtra Airport Development Company Ltd. (MADC)
7. Central Railway
8. Nidar Utilities Panvel LLP
9. Maharashtra State Electricity Transmission Co. Ltd (MSETCL)
10. State Transmission Utility (STU) .....Impleaded Parties

**Appearance:**

For the Petitioner : Shri Satish Chavan (Rep.)

For the Respondent : Shri Vasant Pande (Rep.) , MSLDC

For the impleaded Parties

: Shri Abhaji Naralkar (Rep.), AEML-D  
Smt. S. R. Mehendale (Rep. ), TPC-D  
Shri. Rajendra Patsute (Rep.), BEST  
Shri Vikram Yermalkar (Rep.), MBPPL

### **Daily Order**

1. Representative of MSEDCL stated that :

- (i) It has not received the payments of recovery of variable cost of FBSM pool for FY 2016-17 and FY 2017-18 as per the directives of the Commission vide daily Order dated 21 December, 2018.
- (ii) The Commission may allow the provisional recovery of variable cost of FBSM pool for FY 2018-19 on the similar lines as dispensed by the Commission vide daily Order dated 21 December, 2018. An additional submission in this regard is submitted to the Commission.
- (iii) MSLDC shall be directed to initiate similar reconciliation and exercise of raising the bills of annual fixed cost.

2. Representative of MSLDC stated that :

- (i) In pursuance of the Interim directions issued vide Daily Order dated 21 December, 2018, MSLDC has raised the amount based on variable cost to be recovered from the respective utilities for the FY 2017-18 as under:

<b>Mumbai Utilities</b>	<b>Amount in Rs Crores</b>	<b>Corpus Amount paid in Rs Crores</b>
AEML-D	302.66	59.15
BEST	187.97	48.47
TPC-D	125.24	49.38
Total	615.87	157.00

- (ii) The due date for the above said amount was 11 January, 2019 i.e. 15 days were provided considering large amount to be deposited.
- (iii) In view of the above, following partial payment has been received by MSLDC from the Mumbai Utilities as under:

<b>Mumbai Utilities</b>	<b>Amount in Rs Crores</b>
AEML-D	108.00
TPC-D	75.86
BEST	NIL

- (iv) TPC-D has deducted corpus payment of Rs 49.38 Cr paid toward FBSM pool against the provisional bills issued by MSLDC.
- (v) BEST has communicated that it was not a party during said proceedings and without any consultation, MSLDC raised adhoc bill. Further, BEST has informed that BEST is presently facing financial crunch and it is difficult for BEST to make any such out of turn huge payment towards Provisional FBSM bill raised by MSLDC at one go.
- (vi) AEML-D has made partial payment and no communication has been received from them for such payment.
- (vii) Further, MSLDC has already issued FBSM bills till 26 March, 2017 and will be in position to issue last week of March, 2017 bills within current week. Therefore, the provisional recovery of FBSM bills from Mumbai utilities for period FY 2016-17 shall be considered as per the actual issued bills by MSLDC.
- (viii) MSLDC is in process of working out some methodology for variable charges payable by deemed Distribution Licensees.
3. To a query of the Commission, Representative of BEST cited the financial crunch for giving to the effect for the bills raised by MSLDC regarding the payments of recovery of variable cost of FBSM pool. It further sought two days to file its reply.
4. Representative of TPC-D stated that it has paid all the amounts of variable cost recovery of FBSM pool for the provisional bills raised by MSLDC.
5. Representative of AEML-D stated that it has paid the partial payments of variable cost recovery of FBSM pool as the payments have not been recovered from erstwhile R-Infra-D.

6. The Commission directs AEML-D and BEST to pay the balance amount immediately. As regards TPC-D's contentions that it has deducted the corpus amount of Rs. 49.38 Crs towards FBSM against the provisional bills raised by MSLDC, the Commission rules that TPC-D needs to pay the provisional bills as claimed by MSLDC without linking the issue of corpus payment, since Corpus needs to be maintained over and above the current payments.
7. As regards the MSEDCL's claim of recovery of variable cost of FBSM pool for FY 2018-19 and the additional submission of MSEDCL, the Commission directs that the impleaded parties shall submit their replies, within one week with copies to all the Parties.
8. The Commission directs MSLDC to devise the methodology for the Recovery of annual fixed cost, reconciliation of the same within the State pool and issue the bills for annual fixed cost. These activities shall be completed within a week from the date of this Order.
9. In addition to the ruling in para 6 above, the Commission further directs MSLDC to pay to MSEDCL the amount received for the FY 2016-17 and FY 2017-18 immediately and on continuous basis whenever the payment is received.
10. The Commission directs MSLDC to submit the compliance of the above directives well before the next hearing scheduled, preferably three days before the hearing.

**The next date of hearing is scheduled on 20.02.2019.**

**Sd/-  
(Mukesh Khullar)  
Member**

**Sd/-  
(I. M. Bohari)  
Member**

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