

**NOTICE**

Subject: Intervention Application filed by Wind Independent Power Producers Association (“WIPPA”) in Case No 44 of 2016 Petition filed by Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) for removal of difficulties in implementation of MERC Order dated 04.08.2015 in Case No. 190 of 2014 in the matter of Verification of Compliance of RPO targets by MSEDCL for FY 2013-14.

- **M. A. No. 29 of 2016 in Case No. 44 of 2016.**

Wind Independent Power Producers Association (“WIPPA”) has filed Intervention application under affidavit on 29.11.2016, under Regulation 18 and 19 of the MERC (Renewable Purchase Obligation, its Compliance and Implementation of REC Framework) Regulations, 2010 and Intervention Application filed under Regulation 32 of MERC (Conduct of Business) Regulations, 2004. In the Case No. 44 of 2016 Petition filed by MSEDCL for removal of difficulties in implementation of Order dated 04.08.2014 in Case No. 190 of 2014, in the matter of Verification of Compliance of Renewable Purchase Obligation Targets by MSEDCL for FY 2013-14. The RPO Regulations provide that RPO has to be complied by the obligated entities, one of whom is MSEDCL and any non-compliance thereof by the entity shall directly impact the Applicant and members of the Association which have been aggrieved party on the whole in this matter and prays to:

*“ The Objector/Applicant in view of the above circumstances submits that it is an apt case for suo-motu initiation of additional penalty proceedings against MSEDCL under the provisions of section 129, 142, 146 of the Electricity Act, 2003. The Objector/Applicant further pray that the Hon’ble Commission should further pass the following directions, considering the peculiar circumstances and the grave prejudice being caused to the members of the Objector/Applicant and wind energy generators in the State of Maharashtra:*

(i) *Permit the Objector/Applicant herein to intervene in the Instant Petition being case no. 44 of 2016, participate and make appropriate submissions in the instant proceedings and take on record the instant intervention and objections-cum-reply filed on behalf of the Objector/Applicant, in the interests of justice; and*

(ii) *Dismiss the instant petition being Case No. 44 of 2016, initiate suo motu penalty proceedings under Section 129, 142, 146 & such other provisions of the Electricity Act, 2003 and direct MSEDCL to strictly comply with the judgment and Order dated 04.08.2015 passed in Case No. 190 of 2014; and*

(iii) *MSEDCL be directed to execute long term EPA with all wind power generators in the State of Maharashtra at the approved rate of tariff determined by the Hon’ble Commission, with effect from the respective dates of commissioning for fulfilment of RPO; and*

- (iv) *MSEDCL be directed to purchase sufficient wind power to satisfy and meet its non-solar RPO obligation statutorily mandated by the Hon'ble Commission under the MERC RPO Regulations (and amendments thereto) and orders passed from time to time, based solely on energy injected in million units without any threshold restriction of 1500MW or otherwise; and*
- (v) *Direct that henceforth, the non-solar (wind) RPO requirement shall be considered as satisfied only to the extent of payments duly made by MSEDCL to the wind energy generators for wind energy fed in the grid for supply to MSEDCL; and*
- (vi) *Disallow MSEDCL from carrying forward the unfulfilled and/or unmet RPO target to next years' control period; and*
- (vii) *Direct MSEDCL to release the outstanding payments to all wind energy generators immediately and not delay any payments in future; and*
- (viii) *Direct MSEDCL to strictly adhere to and comply with the terms of the EPAs, in letter and spirit; and*
- (ix) *Direct MSEDCL to pay the costs of this litigation to the Applicant/Objector; and*
- (x) *Such other order or orders as this Hon'ble Commission may deem fit."*

3. I am directed to communicate that the hearing in the above matter will be held in the presence of the authorized consumer representatives on **Tuesday, 20 December, 2016 at 11.30 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No. 1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

4. The Applicant to immediately serve a copy of its above mentioned application (both in soft and hard Copy) to the Original Petitioner & the authorised consumer representatives before the scheduled date of hearing.

5. The Original Petitioner (MSEDCL) is directed to submit its say on affidavit, if any, on the above mentioned application with a copy to the applicant and the authorised consumer representatives well in advance.

6. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible, and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

Sd/-  
(R. S. Sonawane)  
Dy. Director (Legal)  
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