

RECORD OF PROCEEDINGS

DATE OF HEARING : 13th May, 2011 at 11.00 hrs.

CASE NO. : 19 of 2011

PETITIONERS : 1. Indian Wind Energy Association (InWEA)
2. Ajanta Limited
3. M/s D. J. Malpani
4. Lap Finance & Consultancy Pvt. Ltd.
5. Navalakha Transline
6. S. K. Parik
7. Sun-n-Sand Hotel (Shirdi) Pvt. Ltd
8. Sun-n-Sand Hotels Pvt. Ltd.
9. Musale Investment Pvt. Ltd.
10. Diamond Labels Pvt. Ltd.
11. Poona Health Services Pvt. Ltd.
12. Nav Gases and Chemicals
13. Medilink Services
14. Giriraj Enterprises

RESPONDENT: Maharashtra State Electricity Distribution Company Ltd.

MATTER : Petition for adjudication of dispute regarding provisions of non-discriminatory Open Access.

CORAM : Shri V.P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Advocate Surbhi Sharma, appeared on behalf of Petitioners. Shri. Rahul Sinha and Shri Abhishek Mitra, Advocate along with Shri. R. G. Sonawane, Superintendent Engineer appeared on behalf of MSEDCL.

During the hearing, Advocate for Respondent submitted that the Petition received by them during the last hearing in the matter is same as that was filed by the Petitioner initially and not an amended / Rejoinder to the Petition. The Commission opined that, legal formalities need to be followed, at the same time Advocates of both the parties should sort out the same amongst themselves.

The Chairman, MERC has clarified that, in Case No 41 of 2010 (Petition filed by M/s Navalakha Transline is also co-petitioner in the present matter), the Commission has directed the Petitioner i.e. M/s Navalakha Transline and Respondent MSEDCL to sort-out the issue of 'Credit

Note for injection of wind energy into the grid' through discussions. However it is seen that inter-alia, both the parties have made agreement for payment of cross-subsidy surcharge of Rs. 0.80 per kWh. The Chairman, MERC has clarified that, any such bilateral agreement to pay mutually decided cross-subsidy surcharge is not as per law. The Commission has not approved the same.

During the hearing, it was brought to the notice of MSEDCL that, the Commission in its Order dated 5th September 2006, in Case No. 9 of 2006 exempts OA consumer purchasing power from renewable sources of energy, from the payment of Cross-subsidy surcharge, with a view to promote generation of Electricity from renewable sources. MSEDCL was asked as to why they are not complying with this special dispensation given to renewable Generators.

Next Hearing in the matter is scheduled on **Tuesday 31th May, 2011 at 12.00 hrs**

List of persons present at the hearing held on 13th May, 2011 at 11:00 hrs

1. Shri Rahul Sinha, Advocate MSEDCL
2. Shri Abhishek Mitra, Advocate MSEDCL
3. Shri C.R. Vishwanthan
4. Shri R. G. Sonwane, SE (Comm) MSEDCL
5. Shri Kiran Patil, Enercon (I) ltd
6. Shri Nagesh Rokade, Enercon (I) ltd
7. Shri S. Venkatesh, Everstone Investment Advisors Pvt. ltd
8. Shri Aditya Bedekar, K Raheja corp
9. Shri Mukesh Shah, Suzlon Energy
10. Shri Ravindra Chavan, Vestas India
11. Surbhi Sharma, Adv. Petitioner
12. Shri Vikalp Vats, InWEA
13. Shri Vaibhav Sinha, Renew Power
14. Shri Abhinav Dhamdhere, IPPAI
15. Shri S. Parvathinathan, REDAM
16. Shri R.B.Goenka, Vidarbha Industries Association.
17. Shri R Bodalia, IPPAI
18. Smt. Deepali Wankhede, Indo Rama