

Co-ord cell/Petition/Ext LT 107 to 201 HP/Rural/

No 3 2 8 9 9

Date:

28 OCT 2016

To

The Secretary

Maharashtra Electricity Regulatory Commission,
13th Floor, Center No.1,
World Trade Centre,
Cuffe Parade, Colaba,
Mumbai – 400 005

Sub: Petition for review of order dated 16th May 2016 in the matter of MSEDCL petition for enhancement of Connected Load from 107 HP (80 KW) to 201 HP (150 KW) in the areas other than Municipal Corporation wherever infrastructure is available & there is demand from Consumer for sanctioning of higher load.

Ref: 1) This office letter No. Co-ord cell/Petition/Ext LT 107 HP to 201 HP/Rural/2173 dt. 16.01.2016 (Case No.9 of 2016)
2) MERC daily order dated 29.03.2016 (in Case No.9 of 2016)
3) MERC Order dtd. 16th May 2016(in Case No. 9 of 2016)

Dear Sir,

Please find enclosed herewith the petition of MSEDCL for review of order dated 16th May 2016 in the matter of MSEDCL petition for enhancement of Connected Load from 107 HP (80 KW) to 201 HP (150 KW) in the areas other than Municipal Corporation wherever infrastructure is available & there is demand from Consumer for sanctioning of higher load.

The requisite fee is submitted herewith in the form of Demand Draft of Rs. 10,000/- (Rupees Ten Thousand Only) having bearing No. 216826 dated 27/10/2016 drawn on Bank of Maharashtra in favor of 'MERC fund account'.

Submitted for your further needful approval please.

Thanking you

Yours faithfully,

Encl: As above


Chief Engineer (Commercial)

Copy s.w.rs to:

- 1) The Director (Operations), MSEDCL, Mumbai.
- 2) The Executive Director (Dist-I)/Commercial, MSEDCL, Mumbai

Copy to:

- 1) Prayas (Energy Group), Amrita Clinic, Athawale Corner, Deccan Gymkhana Karve Road, Pune 411 004.
- 2) Mumbai Grahak Panchayat, Grahak Bhavan, Behind Cooper Hospital, Vile Parle (West), Mumbai 400 056.
- 3) The General Secretary, Thane Belapur Industries Association, Robale Village, Post Ghansoli, Navi Mumbai 400 701.
- 4) Vidarbha Industries Association, 1st Floor, Udyog Bhavan, Civil Line, Nagpur 440 001.

BEFORE THE HON'BLE MAHARASHTRA ELECTRICITY REGULATORY

COMMISSION, MUMBAI

REVIEW PETITION NO. _____ OF 2016



IN THE MATTER OF:

REVIEW OF ORDER DATED 16th MAY 2016 IN THE MATTER OF PETITION OF MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD. FOR ENHANCEMENT OF CONNECTED LOAD OUTSIDE MUNICIPAL CORPORATIONS UNDER THE STANDARDS OF PERFORMANCE REGULATIONS, 2014 (CASE NO. 9 OF 2016)

AND

IN THE MATTER OF:

SECTION 94 (1) (f) OF THE ELECTRICITY ACT, 2003;

AND

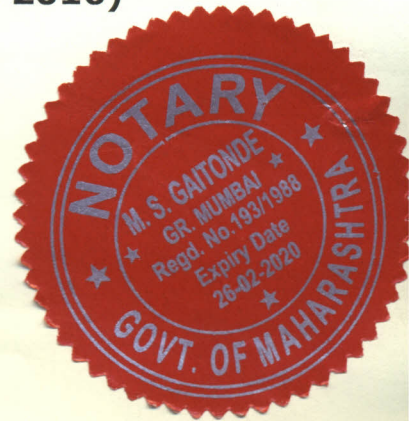
IN THE MATTER OF:

REGULATION 85 (REVIEW OF DECISIONS, DIRECTIONS & ORDERS) OF MERC (CONDUCT OF BUSINESS) REGULATIONS, 2004;

AND

IN THE MATTER OF:

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED ;



AFFIDAVIT VERIFYING THE PETITION

I, Bhalchandra Yashwant Khandait, Chief Engineer,(Commercial) of the Petitioner Company, having my office address at Fifth Floor, Prakashgad, Anant Kanekar Marg, Bandra (East), Mumbai 400051, do hereby by solemnly declare as under:-

1. That I am the petitioner of the Applicant in the above-mentioned Application and as such am well conversant with the facts of the present case and hence competent and authorized to swear the instant affidavit.

2. The statements made in paragraphs 1 to 5 of the petition/application/reply are true to my knowledge and belief and statements made in paragraphs 6 to 8 are based on information and I believe them to be true.

3. I say that there are no proceedings pending in any court of law/tribunal or arbitrator or any other authority, wherein the Petitioners are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

Solemnly affirm at Mumbai on this 28 day of October 2016 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Identified By Me
[Signature]
P. K. DUBEY
B.A.L.L.B.
HIGH COURT
Prakash Bldg.,
Mumbai, 400051.

BEFORE ME

[Signature]
M. S. GAITONDE
Chief Engineer (Commercial)
M.S.E.D.C.L. Prakashgad, Mumbai

BEFORE THE HON'BLE MAHARASHTRA ELECTRICITY REGULATORY

COMMISSION, MUMBAI

REVIEW PETITION NO. _____ OF 2016

IN THE MATTER OF:

REVIEW OF ORDER DATED 16th MAY 2016 IN THE MATTER OF PETITION OF MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD. FOR ENHANCEMENT OF CONNECTED LOAD OUTSIDE MUNICIPAL CORPORATIONS UNDER THE STANDARDS OF PERFORMANCE REGULATIONS, 2014 (CASE NO. 9 OF 2016)

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IN THE MATTER OF:

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REGULATION 85 (REVIEW OF DECISIONS, DIRECTIONS & ORDERS) OF MERC (CONDUCT OF BUSINESS) REGULATIONS, 2004;

AND

IN THE MATTER OF:

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED ;



MOST RESPECTFULLY SHOWETH:

1. The Petitioner, Maharashtra State Electricity Distribution Company Limited (*hereinafter referred to as "MSEDCL" or "The Petitioner"*) is a Company constituted under the provisions of Government of Maharashtra General Resolution No. PLA – 1003 / C. R. 8588 dated 25th January 2005 and is duly registered with the Registrar of Companies, Mumbai on 31st May 2005. The Petitioner Company is functioning in accordance with the provisions envisaged in the Electricity Act, 2003 and is engaged, within the framework of Electricity Act, 2003, in the business of distribution of electricity to its consumers situated over the entire State of Maharashtra, except Mumbai City & its suburbs (excluding Mulund & Bhandup).

2. The Petitioner on 18th January 2016 had filed a Petition under Regulation 15 of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 for approval of extension of connected load from 107 HP (80 kW) to 201 HP (150 kW) in the areas other than Municipal Corporation wherever infrastructure is available & there is demand from consumers. (Case No. 9 of 2016)

3. That this Hon'ble Commission vide Order dated 16th May 2016 disposed of the said Petition of MSEDCL in Case No. 9 of 2016 by holding the following:



6. Under Section 181(3) of the EA, 2003, all Regulations made by the Commission are subject to the condition of 'previous publication'. The SoP Regulations, 2014 were notified accordingly on 20 May, 2014, only one and a half years prior to the present Petition, after an extensive process which included public consultation. During this process, MSEDCL also gave its detailed views. In fact, MSEDCL had taken a diametrically opposite stand during this consultation process from what it is now proposing. It had opposed any load enhancement as compared to the earlier SoP Regulations, 2005. Moreover, in Case No.138 of 2014 (initiated in July, 2014) also, MSEDCL had sought review of the new load limits and proposed that the limits in the SoP Regulations, 2005 be restored. The Commission also notes that the SoP Regulations, 2014 are not Distribution Licensee-specific.

7. **The Commission is of the view that MSEDCL's claim of difficulty in implementing the relevant provisions of Regulations has not been not furnished details of applications said to have been received from consumers, as directed in the Daily Order dated 29 March, 2016.**



8. *MSEDCL is fully aware of the logic and technical reasons behind the existing provision regarding release of different loads at certain specified voltages. **In effect, MSEDCL would knowingly increase the technical losses in its distribution system, while it is already grappling with the issue of correct assessment of distribution losses.***

9. *In view of the foregoing, the Commission does not find any justification to invoke its powers to remove difficulties in the implementation of the SoP Regulations as sought by MSEDCL, or to initiate the process of amending them.*

4. Before proceeding with the grounds for the present review, the various applicable provisions of the Electricity Act, 2003 alongwith the Regulations is reproduced as under:

➤ **Section 94 of Electricity Act 2003:**

"94. Powers of Appropriate Commission

(1) The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:--

.....
(f) reviewing its decisions, directions and orders;
....."



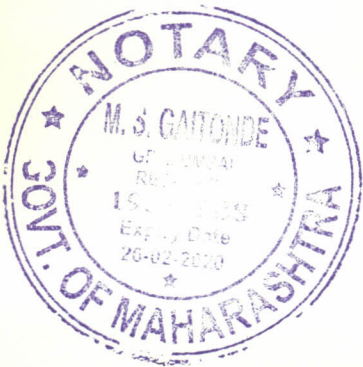
➤ MERC Conduct of Business Regulations 2004:

"85 (a) – Any person aggrieved by a direction, decision or order of the Commission, from which (i) no appeal has been preferred or (ii) from which no appeal has been allowed, may, upon discovery of new & important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when direction, decision or order was passed or on account of some mistake or error apparent from the face of the record, or for any other sufficient reasons, may apply for a Review of such order, within forty-five (45) days of the date of the direction, decision or order, as the case may be, to the Commission."

➤ MERC Standards of performance Regulations-2014

14.1 *The Commission may at any time, add to, vary alter, modify or amend any provisions of these Regulations,*

15 *If any difficulties arises in giving affect to the provision of these Regulations , the Commission may, by general or specific order, make such provisions not inconsistent with provision of Act, as may appear to be necessary for removing of the difficulty.*



GROUND:

a) That this Hon'ble Commission during the pendency of Case No. 09

of 2016 had directed MSEDCL to furnish details of application

received from consumers asking for supply above 80 KW on LT, however the same could not be furnished by MSEDCL as the details were not available at that point in time. Now, MSEDCL has collated the details of such consumers which are annexed herewith as **Annexure- A.**

b) That the order dated 16.05.2016 was passed without taking into account the number of consumers that have applied to MSEDCL with such requests. Hence this Hon'ble Commission may review its order in light of the new information.

c) That this Hon'ble Commission in its order dated 16.05.2016 had observed that allowing the present request of MSEDCL would increase the technical losses to its distribution system which is already grappling. However it skipped notice of this Hon'ble Commission that an increase in load if allowed would generate more revenue which would compensate for the minor technical losses caused if any.

d) That it skipped notice of this Hon'ble Commission that the technical losses in the past few years have been going down considerably and MSEDCL is taking stringent steps to bring down its technical losses. A chart reflecting the downstream of technical losses is annexed herewith as **Annexure- B.**

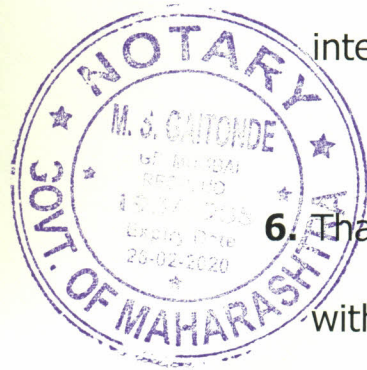
e) That while passing the order dated 16.05.2016, this Hon'ble Commission inadvertently overlooked the fact that the present



request was only for areas where appropriate infrastructure is available and not for the entire state. It is categorically submitted that more load on LT network would only be released if the same is technically feasible and not otherwise.

- f) That allowing the present relaxation would benefit consumers to avail more load on LT network without incurring any cost towards HT installations which would in turn help MSEDCL generate more revenue.
- g) That in the larger interest of consumers and in furthering the moto of ease of doing business in the state the present review petition may be allowed.

5. That there is an inadvertent and unavoidable delay in filing the present review petition which is on account of difficulties in collecting the data of consumers who have requested for release of more than 80 KW of load on LT network. This delay is neither intentional nor deliberate.



6. That relaxation/review/modification as prayed herein solely vests with the jurisdiction of this Hon'ble Commission and this Hon'ble Commission has been vested with unfettered powers to review the same on its own merits.

7. That the Petitioner has not filed any other petition before any other forum/court

8. That the Petitioner craves leave of this Hon'ble Commission to file additional submission/replies/written submissions/documents at a subsequent stage if deemed appropriate with the prior permission of this Hon'ble Commission.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Commission may graciously be pleased to:

- a) Allow the present review Petition.
- b) Condone the delay in filing the present review petition.
- c) Review of the Order dated 16.05.2016 passed by this Hon'ble Commission.
- d) Allow MSEDCL to increase the limit of connected load from 107 (HP (80 kW) to 201 HP (150 kW) in the areas other than Municipal Corporation wherever infrastructure is available & consumer demands.
- e) Pass such further orders as this Hon'ble Commission deems fit and proper in the interest of justice and good conscience.

It is prayed accordingly.

Date: 28.10.2016

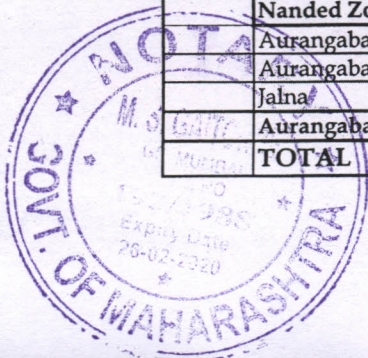
Place: Mumbai



Petitioner
(*Gaiwade*)
Chief Engineer (Commercial)
M.S.E.D.C.L., Prakashgad, Mumbai
(MSEDCL)

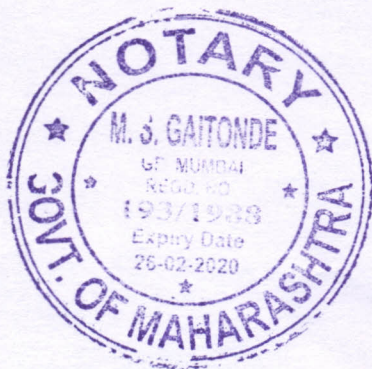
**DETAILS OF NUMBER OF APPLICATIONS APPLIED FOR CONNECTED LOAD ABOVE 107 HP
(80 KW) IN OTHER THAN MUNICIPAL CORPORATION AREA**

FINANCIAL YEAR 2015-2016			
SR.NO	CIRCLE / ZONE		
	Pen	1	Submitted information without load on dt. 06.05.16 by E-mail
	Vasai	31	Submitted information without load on dt. 10.05.16 by E-mail
	Kalyan (I)	0	Submitted information without load on dt. 11.05.16 by E-mail
	Kalyan (II)	5	Submitted revised information on dt. 16.05.16 by E-mail
	Kalyan Zone	37	Submitted revised information on dt. 16.05.2016
	Thane (U)		
	washi		
	Bhandup Zone		Submitted information without load on dt. 09.05.16 by E-mail & still awaited
	Ratnagiri	12	Submitted information on dt. 27.04.16 by E-mail
	Sindhudurg	8	Submitted information with wrong load on dt. 10.05.16 & revised on dt. 12.05.16 by E-mail
	Kokan Zone	20	
	Kolhapur	21	Submitted information on dt. 9.05.16 & revised on dt. 10.05.16 by E-mail
	Sangli	7	Submitted information on dt. 09.05.16 by E-mail
	Kolhapur Zone	28	
	Pune Rural Circle	13	Submitted information without load on dt. 10.05.16 & 12.05.2016 & revised on dt. 13.05.2016 by E-mail
	Ganeshkhind (U)	11	
	Rastapeth (U)	10	Submitted information on dt. 17/5/2016 by email
	Pune Urban Zone	34	Information of Circle is submitted on 10 & 11.05.16
	Baramati	1	Submitted information without load on dt. 16.05.16 & 17.05.2016 by E-mail partly submitted
	Satara	12	Revised information Submitted on dt. 13.05.16 by E-mail
	Solapur	Nil	
	Baramati Zone	13	Submitted information without load on dt. 03, 09, 13.05.16 by E-mail
	Amravati	0	Revised information Submitted on dt. 12 & 13.05.16/5/2016 by E-mail
	Yeotmal	0	Revised information Submitted on dt. 10.05.16 by E-mail
	Amravati Zone	0	Submitted information without load on dt. 12.05.16 by E-mail
	Akola	20	Revised information Submitted on dt. 12.05.16 by E-mail
	Buldhana	3	Revised information Submitted on dt. 12.05.16 by E-mail
	Washim	0	
	Akola Zone	23	Incorrect information of Circle is submitted on 10 & 11.05.16
	Chandrapur	5	Revised information Submitted on dt. 17.05.16 by E-mail
	Gadchiroli	3	Revised information Submitted on dt. 16.05.16 by E-mail
	Chandrapur Zone	8	Submitted information without load on dt. 29.04.16 & 03.05.16 by E-mail
	Bhandara	Nil	Submitted information on dt. 25.04.16 by E-mail
	Gondia	15	
	Gondia Zone	15	Submitted information of Gondia Circle on dt. 30.04.16 by E-mail
	Nagpur (R)		
	Nagpur (U)		
	Wardha		
	Nagpur Zone		Not Submitted
	Beed		
	Osmanabad		
	Latur		
	Latur Zone	2	Submitted Zone information on dt. 12.05.16 by E-mail
	Dhule		
	Jalgaon		
	Nandurbar		
	Jalgaon Zone	Nil	Submitted information without load on dt. 04.05.16 & revised on dt. 16.05.2016 by E-mail
	Ahmadnagar		
	Nasik (R)		
	Nasik (U)		
	Nasik Zone		Submitted Zone information without load on dt. 03.05.16 & revised on dt. 07.05.2016 by E-mail
	Hingoli		
	Parbhani		
	Nanded		
	Nanded Zone	0	Submitted information without load on dt. 07.05.16 & 11.05.2016 by E-mail. Still awaited
	Aurangabad (U)		
	Aurangabad (R)		
	Jalna		
	Aurangabad Zone		Submitted information without load on dt. 07.05.16 by E-mail still awaited
	TOTAL	179	



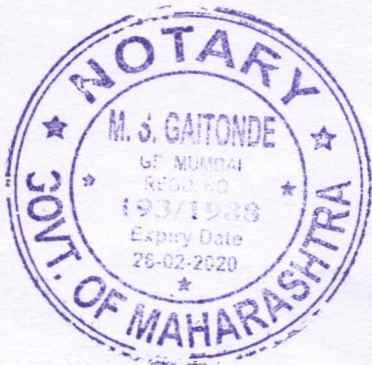
Annexure - A

Financial Year	Input to MSEDCL (MUs)	Sale (MUs)	Dist. Loss (MUs)	Dist. Loss (%)	Billing Efficiency (%)	Collection Efficiency (%)	AT&C loss (%)
	1	2	3	4	5	6	7=100 - (5*6)/100
2005-06	64847	44279	20568	31.72	68.28	95.62	34.71
2006-07	69718	49148	20570	29.50	70.50	93.65	33.98
2007-08	73400	55717	17683	24.09	75.91	97.38	26.08
2008-09	74559	58171	16388	21.98	78.02	96.64	24.60
2009-10	80526	63941	16585	20.60	79.40	98.98	21.41
2010-11	86170	71280	14890	17.28	82.72	98.59	18.45
2011-12	95433	80132	15301	16.03	83.97	97.17	18.41
2012-13	97846	83488	14358	14.67	85.33	95.31	18.68
2013-14	99575	85631	13944	14.00	86.00	95.73	17.68
2014-15	110458	94805	15653	14.17	85.83	94.71	18.71
2015-16	115076	98382	16694	14.51	85.49	93.95	19.68



Annexure-B.

Financial Year	Input to MSEDCL (MUs)	Sale (MUs)	Dist. Loss (MUs)	Dist. Loss (%)	Billing Efficiency (%)	Collection Efficiency (%)	AT&C loss (%)
	1	2	3	4	5	6	7=100 - (5*6)/100
2005-06	64847	44279	20568	31.72	68.28	95.62	34.71
2006-07	69718	49148	20570	29.50	70.50	93.65	33.98
2007-08	73400	55717	17683	24.09	75.91	97.38	26.08
2008-09	74559	58171	16388	21.98	78.02	96.64	24.60
2009-10	80526	63941	16585	20.60	79.40	98.98	21.41
2010-11	86170	71280	14890	17.28	82.72	98.59	18.45
2011-12	95433	80132	15301	16.03	83.97	97.17	18.41
2012-13	97846	83488	14358	14.67	85.33	95.31	18.68
2013-14	99575	85631	13944	14.00	86.00	95.73	17.68
2014-15	110458	94805	15653	14.17	85.83	94.71	18.71
2015-16	115076	98382	16694	14.51	85.49	93.95	19.68



Annexure-B.