



(A Govt. of Maharashtra Undertaking)  
CIN: U40109MH2005SGC153645

**Maharashtra State Electricity Distribution Co. Ltd.**

Office of the Chief Engineer (Power Purchase)  
"Prakashgad", 5th Floor, Station Road, Bandra (E), Mumbai -400 051.  
Tel.: (P) 26580645, (O) 26474211, Fax: (022) 2658 0656  
Email: [cepp@mahadiscom.in](mailto:cepp@mahadiscom.in), Website: [www.mahadiscom.com](http://www.mahadiscom.com)

No. PP/MERC/RE/Petition/11134

Date: 17 MAY 2018

To,  
**The Secretary,**  
**Maharashtra Electricity Regulatory Commission,**  
13<sup>th</sup> Floor, Centre No.1, World Trade Centre,  
Cuffe Parade, Colaba,  
Mumbai – 400 005.

**Sub:** Filing of petition for review of order dated 03.04.2018 in case no. 41 of 2017 passed by the Hon'ble Commission.

**Ref:** MERC order dated 03.04.2018 in case no. 41 of 2017

Respected Sir,

Please find enclosed herewith the review petition under Regulation 85 of Maharashtra Electricity Regulatory Commission (Conduct Of Business) Regulations, 2004 read with Section 94 (1) (f) of the Electricity Act, 2003, for review of order dated 03.04.2018 in case no. 41 of 2017.

The requisite fee is submitted herewith in the form of Demand Draft No. 635304 dated 11.05.2018.

Submitted for your further needful please.

Thanking you.

Yours faithfully,

**Chief Engineer (Power Purchase)**

Copy s.w.r. to: The Director (Commercial), MSEDCL, Mumbai.

BEFORE THE HON'BLE MAHARASHTRA ELECTRICITY REGULATORY

COMMISSION

AT MUMBAI

REVIEW PETITION CASE NO: \_\_\_ OF 2018

IN

CASE NO: 41 OF 2017

**IN THE MATTER OF:**

REVIEW PETITION UNDER REGULATION 85 OF MAHARASHTRA  
ELECTRICITY REGULATORY COMMISSION (CONDUCT OF BUSINESS)  
REGULATIONS, 2004 READ WITH SECTION 94 (1) (F) OF THE  
ELECTRICITY ACT, 2003.

AND

**IN THE MATTER OF:**

REVIEW OF ORDER DATED 03.04.2018 IN CASE NO. 41 OF 2017 PASSED  
BY THE HON'BLE COMMISSION.

AND

**IN THE MATTER OF:**

Petition of Maharashtra State Electricity Distribution Co. Ltd. for revision  
in Wind Zone classification of Wind Energy Projects with consistently  
higher generation



Maharashtra State Electricity Distribution Co. Ltd  
Through its The Chief Engineer (Power Purchase)  
5<sup>th</sup> Floor, Plot No G-9, Station Road,  
Prakashgad, Bandra (East), Mumbai- 400051

**...Review Petitioner/Applicant**

***Versus***

Maharashtra Energy Development Agency (MEDA)

**...Respondents**

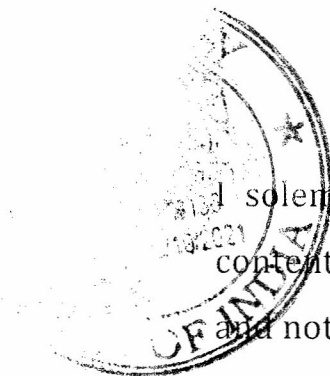
***Affidavit in support of petition***

I, Kavita Gharat , aged 40 years, having my office at MSEDCL, Prakashgad, Bandra (E), Mumbai- 400 051, do hereby solemnly affirm and state as under;

I am Chief Engineer (Power Purchase) of the Maharashtra State Electricity Distribution Co. Ltd, (herein after referred to as "MSEDCL" for the sake of brevity), in the above matter and am duly authorized to make this affidavit.

The averments made in the enclosed petition are based on the information received from the concerned officers of the Company and I believe them to be true.

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.



I solemnly affirm at Mumbai on this 17<sup>th</sup> Day of May 2018 that the contents of this affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there from.

**MOST RESPECTFULLY SHOWETH:**

**1. DESCRIPITON OF PETITIONER:**


(i) 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 25<sup>th</sup> January 2005 and is duly registered with the Registrar of Companies, Mumbai on 31<sup>st</sup> May 2005.

**2. PROVISIONS FOR REVIEW:**

- Regulation 85 of the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004:

**85. Review of decisions, directions, and orders:**

Annexed hereto as Annexure A.

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- **Section 94 (Powers of Appropriate Commission) (1) (f) of Electricity Act, 2003:**

Annexed hereto as Annexure B.

**3. ISSUES RAISED IN REVIEW (WITHOUT PREJUDICE TO ONE ANOTHER):**

(a) Para 7 (c) of the Commission's Order, NIWE, vide its letter dated 10/08/2017, has opined that the deciding factors for adoption of the appropriate procedure for fixation of Wind Zone are as follows:

(i) based on actual generation /CUF, or

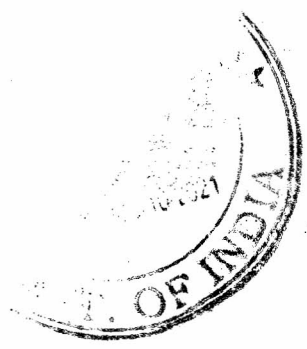
(ii) based on numerical at a static height (50m or 80 m)

, or

(iii) based on a combination of the above.

Hon'ble commission could have been considered above suggestion (i) by NIWE which is in line with the MSEDCL's prayer.

(b) The proceedings at the hearing held on 12 September, 2017, the Commission directed MEDA to make its submission stating the site and operational difficulties in MSEDCL's proposal for revision in wind zone classification, within two weeks. The same is not



submitted by MEDA and MERC has not taken cognizance of the same.

- (c) The Commissions observation (point no. 17), "*By the very nature of Wind Zone classification and the differing profiles of Generators, it is not expected nor at all likely that the performance of all Projects at all locations in a particular Wind Class would be uniform..*".

In this regards, in MSEDCL's main petition, MSEDCL has never requested a zoning methodology. It was further requested to adopt a single Zone tariff similar to other States,

**4. GROUNDS (WITHOUT PREJUDICE TO ONE ANOTHER):**

- (i) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has failed to appreciate that the major states does not have tariffs based on wind zone wise classifications.

5. Left with no other efficacious remedy, the Petitioner is constrained to approach this Hon'ble Commission vide the present Petition.

6. The Petitioner states that this Hon'ble Commission has the jurisdiction to adjudicate the present dispute.
7. The Petitioner states that there is no delay in filing the review petition and the same is filed well within limitation.
8. The Petitioner craves leave of this Hon'ble Commission to add/amend/substitute the present petition with the prior permission of this Hon'ble Commission.

**PRAYER**

In view of the above, it is therefore most respectfully prayed that this Hon'ble Commission may graciously be pleased to:

a) Review the order dated 03.04.2018 in case no. 41 of 2018 by allowing the present review petition.

b) Revise Wind Zone classification of 42 generators.

c) Devise a procedure to adopt 80 m. hub height (or more) data for Wind power density measurement, to link up actual generation data with Wind Zone classification.

d) To issue directives to MEDA to review the Wind Zone classification of 42 Wind generators & revise them as per the actual generation.

e) To issue direction to MEDA to adopt the methodology suggested by MSEDCL till the procedure to adopt 80 m hub height creation is finalized by MEDA.

f) 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: 17.05.2018, Place: Mumbai

**BEFORE ME**

*R. Bhatnagar*  
MSEDCL

*Ranjet Singh*  
**RANJEET SINGH** Chief Engineer (Procurement)  
M. S. E. D. C. L.

NOTARY  
MAHARASHTRA  
GOVT OF INDIA

17 MAY 2018

