



**MAHATRANSCO**  
Maharashtra State Electricity Transmission Co. Ltd.  
CIN: U40109MH2005SGC153646

**MAHARASHTRA STATE ELECTRICITY TRANSMISSION CO. LTD.**

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MSETCL/CO/STU-R&C/

No!- 0558

Date:

25 JAN 2024

To,  
As per enclosed list.

**Sub:** Submission of Distribution Open Access Monitoring and Review Committee Report for 2023

**Ref:** Distribution Open access Monitoring and review committee meeting held on 08.12.2022, 27.04.2023 and 26.10.2023.

Dear Sirs,

With reference to above subject, as per the directives of the Hon'ble Commission in its Distribution Open Access Regulation, 2016, committee is constituted by CE (STU) and so far three meetings have been conducted under the chairmanship of Chief Engineer, MSETCL (STU) for 2023, on implementation of the regulation or any related aspect pertaining to open access.

The report is based on the observations and suggestions submitted, deliberations in the meetings dated 08.12.2022, 27.04.2023 and 26.10.2023 conducted by the committee and submissions made as per MoM by MSETCL/STU, SLDC and Distribution Licensees i.e. MSEDCL, BEST, TPC-D, BEST & Central Railway.

In view of above, the report is finalized and the detailed report with the Committee's Observations/Suggestions are enclosed herewith.

Thanking you.

**Encl:** As above.

Yours Faithfully,

(Peevush Sharma)  
Chief Engineer (STU)

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# **Distribution Open Access Monitoring and Review Committee Report 2023**

## **FOREWORD**

As per the directives of the Hon'ble Commission in its Distribution Open Access Regulation, 2016 dated: 30<sup>th</sup> March 2016, a committee is formed and meetings have been conducted under the chairmanship of Chief Engineer, MSETCL (STU), on implementation of the regulation or any related aspect pertaining to open access.

The report is based on the observations and suggestions submitted, deliberations in the meetings (dated 08<sup>th</sup> December 2022, 27<sup>th</sup> April 2023 and 26<sup>th</sup> October 2023) conducted under the chairmanship of Chief Engineer, (STU), & submissions made as per MoM by MSETCL/STU, SLDC and Distribution Licensees i.e. MSEDCL, BEST, TPC-D, BEST & Central Railway.

Based on the above, the report is finalized and the detailed report with the Committee's Observations/Suggestions are enclosed herewith.

We thank all the Committee members for their co-operation, contribution and those who have assisted in the completion of the report.

**Shri. Peeyush Sharma**  
**Chief Engineer, (STU)**

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## Chapter -1

### Background

As per the directive given by Hon'ble Commission in MERC (Distribution Open Access) Regulations 2016 at para 31.1, a Committee is to be constituted under STU.

Para 31.1 of above Regulation specify that STU has to constitute an Open Access Monitoring and Review Committee. The relevant regulation is reproduced for reference:

*“31.1 The STU shall constitute and be the Convener of an Open Access Monitoring and Review Committee comprising one member each of MSLDC, STU, the Distribution Licensees, a person nominated by the Commission from among its officers and a Consumer Representative nominated by the Commission, which shall monitor the progress of Open Access and shall meet at least once in 3 months”*

As per the Hon'ble Commission DOA-2016 Regulations the structure of Committee is as given below:

1) Chief Engineer, STU	Convener
2) Chief Engineer MSLDC	Member
3) Representative of MSEDCL	Member
4) Representative of BEST	Member
5) Representative of AEML-D	Member
6) Representative of TPC-D	Member
7) Representative of Central Railways	Member
8) Person nominated by the Commission	Member

## Chapter – 2

### Committee's Observations & Suggestions:

#### **1. Inconsistency in the Regulation 14 & Regulation 22 of MERC (Distribution Open Access) Regulations 2016 with respect to billing and recovery charges.**

**Observations:** The collection of transmission charges by Distribution Licensee and its remittance to STU pool account becomes non-tariff income of the Transmission Licensee and it helps to decrease the total TTSC and further benefits to all the consumers in the state of Maharashtra. Also the Commission in the past has ruled that the OA charges of Partial OA consumers needs to be collected as per the provisions of the Regulations.

**Conclusion:** The collection of the transmission charges of the partial OA consumers shall be as per the provisions of the DOA Regulations 2016, MYT Regulations 2019 and InSTS Order.

#### **2. Process for Timely issuance/submission of GCN (Generator Credit Note) by MSEDCL/consumer. GCN's should be issued directly by MSEDCL to Generators for seamless coordination, billing & credit.**

##### **Observations:**

It is observed that the group meters are installed at RE Generator side and there is no provision made by RE Generator to install individual meter. MSEDCL gets group meter reading installed at generator side and on the basis of apportionment of energy by RE developer, some consumers submit the GCN in subsequent month and some in 5-6 months. Due to which there is a delay to revise the bill. Practice directions can be issued by the commission in the matter.

##### **Conclusion:**

AEML-D was directed to submit the write up to address the issue. AEML-D has not submitted the write-up.

#### **3. Additional Transmission Recovery with respect to Base TCR or monthly NCPD.**

##### **Observations:**

AEML-D suggested that Base TCR calculation shall be based on monthly CPD/ NCPD. Presently, the average of the 12 monthly figures of CPD/ NCPD are being considered by the STU for computing the Base TCR. When the demand is high, thereby resulting in levy of very high additional transmission charges. AEML-D suggested that instead of taking the average of 12 monthly figures, each month's CPD/ NCPD should be considered separately for computation of additional transmission charges. This was explained with example by AEML.

**Conclusion:** MERC stated that this issue is required to be studied.

#### 4. Strengthening of recovery mechanism of transmission charges.

##### Observations:

It is observed that some utilities are not paying the charges towards MTC, OA consumers & cumulative DPC timely.

##### Conclusion:

STU to take action as per Commission's order in case no. 97 of 2022.

#### 5. STU raised issue about encashment of LC due to non-payment of Arrears and DPC.

##### Observations:

It is observed that MSEDCL and AEML-D have opened LC with insufficient amount.

Conclusion: MSEDCL & AEML-D to take up the matter with their higher authorities and open the LC with required amount as per regulation. STU, MSEDCL and AEML-D needs to submit the write-up. STU has submitted the write-up and MSEDCL and AEML-D has not submitted write-up on 07.11.2023.

#### 6. Non-adherence of the timelines in regard to submission of consent from DISCOMs for processing of STOA applications as specified in TOAR/DOAR regulations 2016 and subsequent amendments thereof. Processing of FCFS intrastate Applications only for Distribution Licensee and DDL for Transmission Open Access.

##### Observations:

It is observed that due to non-issuance of NOC within time, MSLDC cannot process the OA application as per the timelines of OA regulation. Further, the processing of FCFS (First come first serve) category of STOA applications within the state in TOA Regulation 2014 is in line with CERC regulation, but were silent in TOA Regulation 2016 and its subsequent amendments.

Conclusion: MERC to introduce FCFS category for Distribution Licensees.

#### 7. Go live of GOAR Portal for processing of Green Open Access Applications.

Observations: Green Open Access Registry (GOAR) portal is opened on 11.11.2022 for processing of Green Open Access Applications. GOAR portal is developed by NLDC for processing of interstate and intrastate GOAR applications. MSLDC requested MERC to issue practice directions for processing of applications and essential amendments in TOA/DOA Regulations.

Conclusion: DOA monitoring Committee has acknowledged the issue and requested MSLDC to provide the inputs for amendment in the OA Regulation. MSLDC and TPC-D has submitted write



up. MERC has notified MERC, DOA (Second Amendment) Regulations 2023 on 10.11.2023 which includes regulation for green energy open access (GOAR).

**8. Revision in DSM Bills due to delay in credit notes, development of mechanism for timely completion of energy accounting.**

**Observations:**

DSM mechanism credit is not being utilised in DSM billing and Hon'ble Commission has mentioned in its order dated 02.08.2021 that schedule replacement to be done at PSS level.

**Conclusion:**

As per Hon'ble Commission order dated 02.08.2021, DSM bill will be revised by MSLDC after development of software. The work of development of software is completed by PwC and DSM bill is revised by MSLDC.

**9. Common platform/website for application of Open Access.**

**Observations:**

STU have conducted meetings with IT teams of AEML-D & TPC-D for development of common platform/website for application of Open Access with MSETCL's IT team. On the basis of which necessary inputs was given to MSETCL's IT team.

**Conclusion:** The work of development of software for application of Open Access is in progress by IT team of STU/MSETCL. The application will be made go-live in first week of April 2024.

**10. Applications for issuance of NOC of partial Medium Term Distribution Open Access (MTOA) consumers to be submitted through MSEDCL.**

**Observations:**

STU stated that instead of forwarding the application of consumer for issuance of NOC, MSEDCL is forwarding the copy of open access granted to consumer without the consent of STU. The consumers are directly approaching STU for issuance of NOC. MSEDCL has stated that, STU is the nodal agency for grant of open access to consumers connected to the EHV network even if the consumer is taking partial/full open access.

**Conclusion:** STU and MSEDCL needs to submit the write-up. STU has submitted the write-up on 07.11.2023 and MSEDCL has not submitted write-up.

**11. Methodology in Collection of Transmission charges of M/s Eon Kharadi Infrastructure Pvt. Ltd (Phase-I & II) in r/o power purchased from RE source.**

**Observations:** It is clearly mentioned in MERC order in case no. 327 of 2019 at para no.4.1.9 that the transmission charges are to be levied on actual energy basis and not on MW basis. Further MERC directed MSLDC to levy the transmission charges on MW basis at the time of processing of application and reconcile the bill after receipt of GCN from the applicant.

**Conclusion:** MSLDC & EON Kharadi to resolve this matter & reconcile all the pending bills by May 2023 end. The reconciliation has completed and the issue is resolved.

**12. Directions of Hon'ble Commission in Order in Case No. 106 of 2022 in case of M/s. JSW Steel Ltd.**

**Observations:**

While issuing order in petition filed by M/s. JSW Steel Ltd. in Case No. 106 of 2022 before MERC seeking appropriate directions for addressing difficulties of Open Access with regards to change in injection point in case of contingencies arising on account of forced outage of source generator, Commission have analyzed the issue of revision in contract demand and change in injection point as requested by M/s. JSW Steel Ltd. There is a provision in SOP regulation for revision in contract demand. We have to address the issue of change of injection point of source generator in emergency conditions. The change in injection point can be within state or out of state; also the availability of transmission corridor to be checked for required capacity. The issue was discussed in detail and decided to form a 'Study Group' in this regard and to see the possibility of alternative power can be made available to the consumer/applicant in minimum possible time in emergency situations, apart from the time given in the regulation and asked to submit study report. Accordingly, 1<sup>st</sup> and 2<sup>nd</sup> study group meeting were held on 09.06.2023 and 23.06.2023 respectively.

**Conclusion:**

The issues need to be discussed to take the holistic approach and further deliberations.

**13. Non-payment of Cross Subsidy Surcharge and Additional Surcharge by Indian Railways.**

**Observations:** The Indian Railways is taking Transmission Open Access since 2015. Though Indian Railway is deemed distribution licensee, is a single entity procuring power for its own consumption for their TSS points which are situated in the area of MSEDCL. Hence, as per MSEDCL they are liable to pay the Cross Subsidy Surcharge and Additional Surcharge to MSEDCL as per the provisions of the MERC (DOAR) 2014 and MERC (DOAR) 2016. Hon'ble

MERC has issued order in Case no 154 of 2019 in case of Indian Railways for issuance of Specific Conditions of Distribution Licensee. MERC has published a draft Regulation for Specific Conditions of Distribution License applicable to Indian Railways for its Distribution Operations in Maharashtra wherein the provision is proposed with regard to levy of CSS & ASC. The Regulation of Specific Conditions of Distribution License applicable to Indian Railways is yet to notify.

**Conclusion:** Committee was of the view that MSEDCL should file a petition before Hon'ble Commission for adjudication.

**14. Issues in the implementation of Open Access for consumers having mixed load.**

**Observations:** It was observed that the consumer M/s. Garrison Engineer Khadakwasla (NDA) is having mixed load i.e. residential, commercial and public services. MSEDCL cannot grant STOA to the consumer because the Open Access billing is not possible for mixed load. M/s. Garrison Engineer Khadakwasla (NDA) requested MSEDCL that billing to be done as per the tariff category (HT-VI) Residential Group Housing Society as major part of power is consumed by residential areas. As discussed in 5<sup>th</sup> DOA meeting, a joint survey has been carried between representative of MSEDCL and M/s. Garrison Engineer

**Conclusion:** MSEDCL issued guidelines to their respective field offices in respect of Tariff applicability to connections of Armed forces/Defence and Paramilitary establishments. MSEDCL ensured that once the correct Tariff is levied open access permission will be granted to M/s. Garrison Engineer Khadakwasla (NDA).

**15. Levy of Relinquishment charges of Partial Open Access consumers by Distribution Licensee for relinquishing Open access rights fully or partially.**

**Observations:** MSEDCL has unilaterally cancelled Open access granted to M/s Ultratech Cement Ltd. without consent from STU and MSEDCL has not remitted relinquishment charges to STU collected from the consumer. As per Clause No. 27.2 of MERC TOA Regulations, 2016, consumer has to give notice of thirty days for cancellation of MTOA and have to pay the applicable Transmission Charges for the period of relinquishment or thirty days, whichever is less. M/s Ultratech Cement Ltd has given notice of one month and applied for cancellation of open access to MSEDCL.

**Conclusion:** M/s Ultratech Cement Ltd has now paid relinquishment charges to MSEDCL. The issue is resolved.

**16. Payment of transmission charges collected from Partial Open Access consumers as per Regulation 14.5 of Distribution Open Access Regulations, 2016 by Distribution Licensees.**

**Observations:** MSEDCL has not paid transmission charges collected from Partial Open Access consumers for FY 2019-20 onwards. The distribution licensees are not following timeframe of paying transmission charges collected from partial open access consumers to STU within seven (7) days as per Regulation 14.5 of Distribution Open Access Regulations, 2016.

**Conclusion:** STU, MSEDCL, AEML-D and TPC-D needs to submit the write-up. STU has submitted the write-up on 07.11.2023 and MSEDCL, AEML-D and TPC-D has not submitted write-up.

(Peeyush Sharma)  
Chief Engineer, (STU)



CIN: U40109MH2005SGC153646

**MAHARASHTRA STATE ELECTRICITY TRANSMISSION CO. LTD.**

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MSETCL/CO/STU-R&amp;C/

Date:

To,

No - 1796

16 MAR 2023

The Secretary,  
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Mumbai- 400005

**Sub:** Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC.

**Ref:** MSETCL/CO/STU-R&C/ 05510 dtd 20.09.2021.

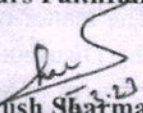
Dear Sirs,

With reference to above subject, as per the directives of Hon. Commission in MERC (Distribution Open Access) First amendment Regulations 2019, a committee is constituted by CE (STU) vide letter under reference. Accordingly, 3<sup>rd</sup> meeting was held on 08.12.2022 through VC which was attended by a member each of the Distribution Licensee, MSLDC and Hon<sup>ble</sup> MERC.

Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting is enclosed herewith.

Thanking you.

Yours Faithfully,

  
(Peeyush Sharma)  
Chief Engineer (STU)

Sub: Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on dt.08.12.2022 through VC.

Following members have attended the meeting through Video Conference:

Members	Organisation
Shri. Sanjeev Bhole	CE, STU
Shri. Sanjeevkumar Suradkar	SE, STU-R&C
Shri. Popat Khandare	Deputy Director, MERC
Shri Santosh Bhujbal	Executive Engineer (RA), MSLDC
Shri Sachin Pakhide	Executive Engineer (EA), MSLDC
Shri Pravin Patil	Additional Executive Engineer, MSLDC
Shri Prashant Kumar	Group head, Regulatory, TPC-D
Shri. Abaji Naralkar	Assistant Vice president, AEML-D
Shri Laxman Pirwani	Executive Engineer, Commercial, MSEDCL
Shri S N Bhinge	Deputy Chief Engineer, BEST

CE, STU welcomed all the participants. Central Railway representative was not present in the meeting.

Following Points were discussed and deliberated during the meeting:

**AEML-D agenda points:**

**Point-1:**

**Pending approval of 4 Nos. of MTOA applications of partial OA consumers of AEML-D from MSEDCL.**

Now, in the meeting, AEML-D stated that issue of pending approval of 4 Nos. of MTOA applications of partial OA consumers is resolved as the same have been processed by MSEDCL.

**Point No.2**

**Inconsistency in the Regulation 14 & Regulation 22 of MERC (Distribution Open Access) Regulations 2016 with respect to billing and recovery charges.**

The matter is with regard to the transmission charges in which partial OA consumer pays to the Distribution Licensees as per the 1st amendment of DOA Regulation 2016; regulation 14.1 (v) of MERC (Distribution Open Access) (1st Amendment) Regulations 2019, which is reproduced below:

**Sub:** Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

*14.1 (v) Transmission Charges:*

*Provided that a Partial Open Access Consumer, Generating Station or Licensee, as the case may be, shall pay the Transmission Charges to the Distribution Licensee instead of the Transmission Licensee for using a transmission network which shall be passed on to the STU within the stipulated time period as specified under Regulations 14.5;*

AEML-D stated that a Partial open access consumer is not a State Pool Participant and its demand is embedded within the demand of the Distribution Licensee. Now, as per the current methodology, the Transmission Charges of a Distribution Licensee are determined considering its share of Co-incident and Non-coincident Peak Demand in the system. Therefore, since the demand of such consumers is embedded within the demand of the Licensee, the Transmission Charges payable by the Distribution Licensee also includes the share of Transmission Charges attributable to Partial Open Access consumers. Since CPD/NCPD of distribution Licensees includes the demand of Partial Open Consumers (embedded) the transmission charges are already being paid by the concerned distribution licensee, hence remittance of transmission charges collected from partial open access consumers to STU as per regulation 22, will result into double payment.

Therefore, the Distribution Licensees must necessarily recover these charges from such open access consumers and shall be retained by the Distribution Licensee because we have already paid to the pool. Today what is happening instead of retaining the transmission charges collected from the POA consumer, we are paying to the pool.

AEML-D further suggested that the CPD/NCPD of Distribution Licensees, for the purpose of working out their transmission charge liability, should exclude the open access capacity of partial open access consumers. This way, the Transmission Charge liability of the Distribution Licensees will correctly reflect only the charges corresponding to their own consumers.

Hence the AEML suggested that the transmission charges collected from a Partial OA consumers may be retained by concerned distribution licensee.

MERC stated that this aspect was raised in TPC-T's petition for review of InSTS order and the commission has upheld the stand taken in regulation.

MERC further stated that if Distribution Licensee collect the transmission charges and paid to STU pool then it becomes non-tariff income and it will decrease the ARR of InSTS; it will be beneficial to all the consumers. InSTS network is constructed on cost of all the consumers of Maharashtra. Suppose MSEDCL collect open access charges and kept with them that will be beneficial only to their consumers.

AEML-D stated that the regulation is already in place and the current DOA committee is platform where the operational points needed to be discussed. Their suggestion was whenever upcoming modification or amendment is happens, this DOA committee may recommend or suggest Hon'ble Commission for review in the matter as 'Distribution Licensee is paying the transmission charges as well as it is not getting the transmission charges as a reimbursement.'

**Sub:** Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

TPC-D suggested that if there is a total collective transmission charges to be levied on all the beneficiaries in state of Maharashtra is Rs 100 and 85% beneficiaries CPD/NCPD average is taken for purpose of sharing of Rs 100 among the beneficiaries in state of Maharashtra who are pool participants for transmission network 100% charges are being shared among these Licensees and the load of POA consumer is part of these Licensees pool account only i.e. when we are collecting from these POA consumers transmission charges and depositing to STU then the other consumer of that distribution licensee suffer in the extent of that amount because other consumers of that distribution licensee is paying their own transmission charges for unit consumed as well as part of that POA consumer transmission charges when we are depositing transmission charges collected from these POA consumer to the extent of open access quantum then that is leaving gap in the transmission charges which are allowed to be covered by distribution licensee at the beginning of the year so this give disadvantage to other consumer of distribution licensee compared to open access consumer to the extent of open access quantum.

AEML-D also shown the illustration of allocation of transmission charges in case POA consumer.

**Conclusion/ Recommendation:** MERC asked TPC-D & AEML-D to prepare the illustration in this regard and circulate to all the members and the same will be discussed in next meeting.

**Point No. 3**

**Process for Timely issuance/submission of GCN (Generator Credit Note) by MSEDCL/consumer. GCN's should be issued directly by MSEDCL to DISCOMs for seamless coordination, billing & credit.**

AEML-D stated that the billing of POA-consumers (wind/solar) is done by MSEDCL and the GCN is issued by MSEDCL. On the basis of TOD slot wise energy units in GCN issued by MSEDCL, AEML-D gives the credit to the consumers. Some consumers submits the GCN in subsequent month and some in 5-6 months. This delay leading to Revision of bills and creation of provisional data while filing FAC, MYT, MTR, etc. AEML-D requested to develop mechanism so that MSEDCL can issue GCN in time frame.

MSEDCL stated that there are group meters installed for RE Generators and no individual meters installed at generator side. MSEDCL gets group meter reading installed at generator side and on the basis of apportionment of energy by RE developer MSEDCL is issuing GCN. Hon'ble MERC also directed to install individual meter at generator side; the generators are not installing individual meters. This matter is under litigation in the High Court, Mumbai and awaiting for final judgment.

TPC-D suggested SOP regulations says to install smart meters at RE generator side with access of reading to MSEDCL so as to get data accurately and timely. Practice directions can be issued by the commission in the matter.

**Conclusion/ Recommendation:**

MERC suggested AEML-D to submit a write -up to address the issue and circulate to all.



Sub: Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

**Point No. 4**

**Additional Transmission Recovery with respect to Base TCR or monthly NCPD.**

AEML-D suggested that Base TCR calculation shall be based on monthly CPD/ NCPD. Presently, the average of the 12 monthly figures of CPD/ NCPD are being considered by the STU for computing the Base TCR. When the demand is high, thereby resulting in levy of very high additional transmission charges. AEML-D suggested that instead of taking the average of 12 monthly figures, each month's CPD/ NCPD should be considered separately for computation of additional transmission charges. This was explained with example by AEML. Annexure-I submitted by AEML-D is enclosed.

**Conclusion/ Recommendation:** MERC stated that this issue is required to be studied.

**STU agenda points:**

**Point No. 5**

**Strengthening of recovery mechanism of transmission charges.**

STU stated that some utilities are not paying the charges towards MTC, OA consumers & cumulative DPC timely.

MERC stated that the issue has been addressed in its order in case no. 97 of 2022 which is reproduced below:

*'24.6 The Commission rules that the existing MYT Regulations, 2019 and TOA Regulations, 2016 have the provisions to deal with the issues raised by STU in the Petition in respect of settlement of Monthly Transmission Charges, Late Payment Charges and Payment Security Mechanism.'*

**Conclusion/ Recommendation:**

MERC suggested to STU to take action as per Commission's order in case no. 97 of 2022.

**Point No. 6**

**STU raised issue about encashment of LC due to non-payment of Arrears and DPC.**

STU stated that MSEDCL & AEML-D have opened LC with in-sufficient amount. As per regulation LC should be opened with an amount equivalent to 2-times MTC amount.

MERC & STU requested MSEDCL to take up the matter with their higher authorities and resolve the same.

MSEDCL stated that they will take up the matter with their higher authority.

**Conclusion/ Recommendation:** MERC asked MSEDCL & AEML-D to take up the matter with their higher authorities and open the LC with required amount as per regulation.

Sub: Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

MSLDC agenda points:

**Point No. 7**

Non-adherence of the timelines in regard to submission of consent from DISCOMs for processing of STOA applications as specified in TOAR/DOAR regulations 2016 and subsequent amendments thereof.

**Processing of FCFS intrastate Applications only for Distribution Licensee and DDL for Transmission Open Access.**

MSLDC stated that they are not receiving the MSEDCL's NOC in time. Hence, MSLDC cannot process the OA application as per the timelines of OA regulation.

MSEDCL stated that they are trying to streamline the processing of applications and will try to forward its consent by 24<sup>th</sup>-25<sup>th</sup> of the month. Some approvals may get delayed due to shortfalls in OA applications sent by the applicants. MSEDCL can issue its approval after the compliance of OA applications.

MSLDC further stated that there was provision of processing of FCFS (First come first serve) category in TOA Regulation 2014 which was in line with the CERC regulation. However, TOA Regulation 2016 and its subsequent amendments were silent on processing of FCFS STOA applications within the state. Distribution Licensee and DDL's short term power planning is generally fulfilled by short term contracts, thus in order to fulfil the peak load demand of these distribution licensee, MSLDC is processing FCFS STOA applications for intrastate STOA transactions for distribution licensees.

**Conclusion/ Recommendation:** MSLDC requested MERC to introduce FCFS category for distribution licensees. MERC has taken note on this issue.

**Point No. 8**

**Go live of GOAR Portal for processing of Green Open Access Applications.**

MSLDC stated that Green Open Access Registry (GOAR) portal is opened on 11.11.2022 for processing of Green Open Access Applications. GOAR portal is developed by NLDC for processing of interstate and intrastate GOAR applications. STU is nodal agency for long term and medium term intrastate GOAR applications. MSLDC is nodal agency for short term intrastate GOAR applications. MSLDC requested MERC to issue the practice directions for processing of Green Open Access Applications.

AEML-D suggested that there needs guidelines to address the issues in respect of metering, credit, load generation balancing. AEML-D further stated that eligibility criteria for GOAR is 100 KW & as per MERC OA regulation it is 1 MW. Then how to address on this issue.

**Conclusion/ Recommendation:** MERC acknowledged the matter and stated that they will study in this matter.

Sub: Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

Points discussed in 1<sup>st</sup> and 2<sup>nd</sup> DOA meeting:

Point No. 9

**Revision in DSM Bills due to delay in credit notes, development of mechanism for timely completion of energy accounting.**

MSLDC informed that in DSM mechanism credit is not being utilised in DSM billing and Hon'ble Commission has mentioned in its order dated 02.08.2021 that schedule replacement to be done at PSS level.

BEST has raised issue that their 1<sup>st</sup> DSM bill dated 11.10.2021 is not yet revised.

MSLDC informed that as per Hon'ble Commission order dated 02.08.2021, DSM bill will be revised after development of software. The work of development of software is in progress by PwC.

Point No. 10

**Common platform/website for application of Open Access.**

STU stated that they have conducted meetings with IT teams of AEML-D & TPC-D for development of common platform/website for application of Open Access with MSETCL's IT team on 19.04.2022 and 16.06.2022 respectively. STU is taking follow up with their IT team. STU asked their IT team to visit AEML-D & TPC-D offices to see their software for more clarity. IT team of MSETCL will suggest whether to develop in existing SAP or develop in separate software.

**Conclusion/ Recommendation:** MERC asked STU to submit the schedule/action plan for development of OA software.

Point No. 11

**Applications for issuance of NOC of partial Medium Term Distribution Open Access (MTOA) consumers to be submitted through MSEDCL.**

STU stated that currently STU is in receipt of applications for issuance of NOC directly from MSEDCL consumers which needs to be submitted to STU through MSEDCL. As per Distribution Open access regulation 2016, concerned distribution licensee is the Nodal agency and is responsible for processing of MTOA applications and forward the documents to STU for issuance of NOC. STU requested MSEDCL to forward the applications of POA consumers for grant of NOCs timely as the same practice is being adopted by all other distribution licensees.

**Conclusion/ Recommendation:** MSEDCL agreed for the same.

The meeting was concluded with vote of thanks.

Sub: Minutes of 3rd Distribution Open Access Monitoring & Review Committee meeting held on 08.12.2022 through VC

To,

- 1) The Director (Electrical Engineering),MERC,  
13th Floor, Centre No.1, World Trade Centre, Cuffe Parade,  
Colaba, Mumbai-400005.
- 2) The Chief Engineer,  
Maharashtra State Load Dispatch Centre,  
Kalva,Thane-Belapur Road, Airoli Navi- Mumbai-400 708.
- 3) The Chief Engineer(Commercial),  
Maharashtra State Electricity Distribution Co. Ltd,  
5th floor Prakashgad, Plot No.G-19, Anant Kanekar Marg,  
Bandra (East), Mumbai-400 051
- 4) Assistant Vice President  
Adani Electricity Mumbai Ltd (distribution Business)  
CTS 407/A, (New), 408 (old) village, 7<sup>th</sup> floor, Eksar Devi Das lane of SVP road,  
Borivali (west), Mumbai 400103
- 5) Group head Regulatory  
M/s. Tata Power Co. Ltd,  
Backbay receiving Station, 148, Lt. Gen. J. Bhonsale Marg,  
Nariman Point, Mumbai-400021
- 6) The Deputy Chief Engineer (Power), BEST  
1st Floor Multistoried Annexe Building BEST Marg,  
Colaba, Mumbai-400 001.
- 7) The Chief Electrical Distribution Engineer Central Railway,  
Electrical Branch, 2nd floor, Parcel office Building, CST, Mumbai-400001



**MAHATRANSCO**  
Maharashtra State Electricity Transmission Co. Ltd.

CIN: U40109MH2005SGC153646

**MAHARASHTRA STATE ELECTRICITY TRANSMISSION CO. LTD.**

Name of office: Chief Engineer (STU)  
Office address: 'Prakashganga', MSETCL, Plot no. C-19, E-Block, Bandra Kurla Complex, Bandra (E),  
Mumbai-400051  
Contact no: (O) 022-2659 5176,  
Email Id: cestu@mahatransco.in  
Website: www.mahatransco.in

MSETCL/CO/STU-R&C/

No - 3559

Date: 26 MAY 2023

To,  
The Secretary,  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> floor, Centre No.1, World Trade Centre,  
Cuffe parade Colaba,  
Mumbai- 400005

**Sub:** Minutes of 4th Distribution Open Access Monitoring & Review Committee meeting held on 27.04.2023.

**Ref:** (i) MSETCL/CO/STU-R&C/ 05510 dtd 20.09.2021.  
(ii) Mail regarding 4<sup>th</sup> meeting dated 25.04.2023.

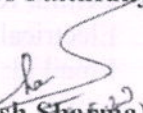
Dear Sirs,

With reference to the above subject, as per the directives of Hon. Commission in MERC (Distribution Open Access) First amendment Regulations 2019, a committee is constituted vide letter under reference (i). Accordingly, 4th meeting was held on 27.04.2023. The same was attended by the representative of all the Distribution Licensees, MSLDC and Hon'ble MERC.

Minutes of 4th Distribution Open Access Monitoring & Review Committee meeting is enclosed herewith.

Thanking you.

Yours Faithfully,

  
(Poojash Sharma)  
Chief Engineer (STU)

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

To,

- 1) The Director (Electrical Engineering),  
MERC,  
13th Floor, Centre No.1, World Trade Centre, Cuffe Parade,  
Colaba, Mumbai-400 005.  
Email id: [popat.khandare@merc.gov.in](mailto:popat.khandare@merc.gov.in)
- 2) The Chief Engineer,  
Maharashtra State Load Dispatch Centre,  
Kalwa, Thane-Belapur Road, Airoli Navi- Mumbai-400 708.  
Email id: [cesldc@mahatransco.in](mailto:cesldc@mahatransco.in)
- 3) The Chief Engineer(Commercial),  
Maharashtra State Electricity Distribution Co. Ltd.  
5th floor Prakashgad, Plot No.G-19, Anant Kanekar Marg,  
Bandra (East), Mumbai-400 051.  
Email id: [cecomm@mahadiscom.in](mailto:cecomm@mahadiscom.in) , [cecommho@mahadiscom.in](mailto:cecommho@mahadiscom.in)
- 4) Assistant Vice President,  
Adani Electricity Mumbai Ltd (Distribution Business),  
CTS 407/A, (New), 408 (old) village,  
7<sup>th</sup> floor, Eksar Devi Das lane,  
Off SVP road, Borivali (west), Mumbai 400 103.  
Email id: [abaji.naralkar@adani.com](mailto:abaji.naralkar@adani.com)
- 5) Group head Regulatory,  
M/s. Tata Power Co. Ltd,  
Backbay receiving Station, 148, Lt. Gen. J. Bhonsale Marg,  
Nariman Point, Mumbai-400021.  
Email id: [prashant.kumar@tatapower.com](mailto:prashant.kumar@tatapower.com)
- 6) The Deputy Chief Engineer (Power),  
BEST,  
1st Floor Multistoried Annexe Building, BEST Marg,  
Colaba, Mumbai-400 001.  
Email id: [dyceetrderlv@gmail.com](mailto:dyceetrderlv@gmail.com)
- 7) The Chief Electrical Distribution Engineer,  
Central Railway,  
Electrical Branch, 2nd floor, Parcel office Building, CST, Mumbai-400 001.  
Email id: [dcet@bestundertaking.com](mailto:dcet@bestundertaking.com)

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

**Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on dt. 27.04.2023.**

Following members have attended the meeting through Personal /Video Conference:

Members	Designation and Organisation
Shri. Popat Khandare	Deputy Director, MERC
Shri. Pravin Ganvir	Deputy Director, MERC through VC
Shri: M. B. Bhagwat	CE, MSLDC
Shri D R Bansode	CE, Commercial, MSEDCL
Shri. Sanjeevkumar Suradkar	SE, STU-R&C
Smt Anjana Thakkar	SE, EA, MSLDC
Shri. Prashant Buradkar	EE, STU-Reg.
Shri. Parag Bhangale	EE, STU-Comm.
Shri. Dhiraj Patil	AdEE, STU-Reg.
Shri Santosh Bhujbal	EE (RA), MSLDC
Shri A M Pakhan	AdEE (RA), MSLDC
Shri Tushar Gaidhane	AE (RA), MSLDC
Shri Rahul Tapase	AdEE, Commercial, MSEDCL
Shri. Abaji Naralkar	Assistant Vice president, AEML-D
Shri Ranjeet Savardekar	Assistant Vice president, ABT, AEML-D
Shri. Sunil Bhinge	Deputy CE, BEST
Shri. Bhushan Gosavi	Superintendent, BEST
Smt Sujata Gurruji	TPC-D
Shri. Vikram Yermalkar	Eon Kharadi through VC
Smt. Shruti Radkar	Eon Kharadi through VC
Shri. Nisar Shaikh	Eon Kharadi through VC

STU welcomed all the participants. Central Railway representative was not present in the meeting.

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

At the beginning, review of agenda points of 3<sup>rd</sup> Distribution Open Access Monitoring & Review Committee meeting was taken. The same is given below:

**Agenda No.1 : Inconsistency in the Regulation 14 & Regulation 22 of MERC (Distribution Open Access) Regulations 2016 with respect to billing and recovery charges.**

STU informed that MERC in its Order in Case No. 239 of 2022 dated 31.03.2023 filed by State Transmission Utility (STU) for Truing-up of Intra-State Transmission System Tariff (InSTS) for FY 2020-21 and FY 2021-22 and determination of revised InSTS Tariff for FY 2023-24 and FY 2024-25 has clarified the issue of transmission charges for Partial Open Access (OA) Consumer . The Commission in the said Order at Para 7.3 has ruled as follows:

*"7.3 Directive 3: Distribution Licensees shall not retain the transmission charges collected from partial open access consumers and shall arrange to remit the same to STU."*

AEML-D stated that demand of Partial OA consumers is embedded within the demand of the Distribution Licensee. Now, as per the current methodology, the Transmission Charges of a Distribution Licensee are determined considering its share of Co-incident and Non-coincident Peak Demand in the system. Therefore, since the demand of such consumers is embedded within the demand of the Licensee, the Transmission Charges payable by the Distribution Licensee also includes the share of Transmission Charges attributable to Partial Open Access consumers. Since CPD/NCPD of distribution Licensees includes the demand of Partial Open Consumers (embedded), the transmission charges are already being paid by the concerned distribution licensee. Hence remittance of transmission charges collected from Partial OA consumers to STU will result into double payment of transmission charges.

At present, instead of retaining the transmission charges collected from the Partial OA consumer, the same are being remitted to the STU pool account. Therefore, Representatives of AEML-D suggested that the Distribution Licensees must necessarily recover these charges from such open access consumers and shall be retained by the Distribution Licensee.

MERC representative stated that collection of transmission charges by Distribution Licensee and its remittance to STU pool account becomes non-tariff income of the Transmission Licensee and it helps to decrease the total TTSC and further benefits to all the consumers in the state of Maharashtra. InSTS network is constructed through the contribution of all the consumers of Maharashtra state. Suppose TPC-D collects open access charges and kept with them then it will be beneficial only to their consumers. Also in the past , the Commission has maintained its stand on the issue.

**Conclusion:** The collection of the transmission of the partial OA consumers charges is as per the provisions of the MYT Regulations 2019, DOA Regulations 2016 and InSTS Order. Also the Commission in the past has ruled that the OA charges of Partial OA consumers' needs to be collected as per the provisions of the Regulations. Hence, no further deliberations/discussion is required on this issue.



**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

**Agenda No.2: Go live of GOAR Portal for processing of Green Open Access Applications.**

MSLDC stated that Green Open Access Registry (GOAR) portal is opened on 11.11.2022 for processing of Green Open Access Applications. GOAR portal is developed by NLDC for processing of interstate and intrastate GOAR applications. STU is nodal agency for long term and medium term intrastate GOAR applications. MSLDC is nodal agency for short term intrastate GOAR applications. MSLDC is in receipt of letter from Ministry of power regarding Green open access i.e scheduling green power in the state.

MSLDC stated that they have appraised the launching of Green energy open access portal by NLDC in the 3rd DOA meeting. In view of implementation of above portal, the essential amendment in the existing TOA/DOA regulation is required for processing of Green open access applications. MSLDC further stated that Karnataka and Punjab state has notified draft regulation.

**Conclusion/ Recommendation:** DOA monitoring Committee has acknowledged the issue and requested MSLDC to provide the inputs for amendment in the OA Regulation.

**Agenda Points for 4<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting:**

**Agenda No. 1 (Agenda of MSLDC) Methodology in Collection of Transmission charges of M/s Eon Kharadi Infrastructure Pvt. Ltd (Phase-I & II) in r/o power purchased from RE source.**

M/s Eon Kharadi Infrastructure Pvt. Ltd (Phase-I & II) had availed STOA for the period of Apr-2022 to Dec-2022 for sourcing power from various wind generators through trader M/s KEIPL. Eon Kharadi Phase- I and Phase-II had started operation prior to issuance of the MTR Order i.e. Case No 327 of 2019 dtd 30.03.2020 and hence did not get any BPCR approved. Since EON-I and II are not sharing the monthly transmission charges, MSLDC had applied the transmission charges to all STOA approvals on the full approved quantum. Now, M/s KEIPL and EON-I & II has requested to levy the transmission charges on per unit basis since the power is procured from RE Generators. MERC vide practice direction has provided guidelines for RE transactions in regard to transmission and wheeling charges on actual energy consumption. RE being non-firm power in nature, detailed discussion and clarification is required in this matter for levy.

Eon Kharadi referred the clause 4.1.9 of MERC order in Case no. 327 of 2019 of MSETCL for Determination of Multi-Year Tariff for InSTS for the 4th MYT Control Period from FY 2020-21 to FY 2024-25 and is reproduced below:

*"4.1.9 In case any new TSU (including deemed distribution licensees such as SEZs) avails open access during the year, or starts operation prior to issuance of the MTR Order, such TSU shall be liable to pay the Transmission Charges as applicable at the rate of short term Transmission Tariff determined as per this Order, corresponding to the energy units procured."*

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

Eon Kharadi stated that MSLDC is levying the transmission charges on MW basis; however as per para 4.1.9 of MERC order in case no. 327 of 2019, the transmission charges shall be levied on actual energy basis.

MSLDC representative stated that at the time of processing of OA application the actual energy data is not available with MSLDC, hence MSLDC cannot levy the transmission charges on actual energy. They further stated that the transmission charges can be levied on actual energy after receipt of Generation Credit Note (GCN) from applicant.

MERC representative pointed out that it is clearly mentioned in MERC order that the transmission charges are to be levied on actual energy basis and not on MW basis and asked MSLDC to levy the transmission charges on MW basis at the time of processing of application and reconcile the bill after receipt of GCN from the applicant.

EON Kharadi assured to submit the data to MSLDC by 29.04.2023.

MSLDC stated that the bills of transmission charges on actual energy would be prepared in 15 days after receipt of data/GCN from applicant.

Eon Kharadi further stated that as the Commission has approved the Base TCR in its order in Case No. 239 of 2022, the scheduling charges and processing fee should not be levied by SLDC. On this MERC representative asked Eon Kharadi to submit its details.

**Conclusion/ Recommendation:** DOA Monitoring Committee suggested that MSLDC & EON Kharadi to resolve this matter & reconcile the all the pending bills by May end.

**Agenda No. 2: Directions of Hon'ble Commission in Order in Case No. 106 of 2022 in case of M/s. JSW Steel Ltd**

MERC representative briefed about the issue of petition filed by M/s. JSW Steel Ltd. in Case No. 106 of 2022 before MERC seeking appropriate directions for addressing difficulties of Open Access with regards to change in injection point in case of contingencies arising on account of forced outage of source generator.

The prayers of the Petitioner in the JSW are as under:

*a) Hold and declare that:*

*i) Revision in contract demand can only be done at the option of the Open Access Consumer, and*

*ii) MSEDCL is not permitted to unilaterally reduce the contract demand maintained by a consumer with MSEDCL;*

*b) Issue appropriate directions/ practice directions and/ or initiate a process to amend the Open Access Regulations such that during the period of unforeseeable, uncontrollable and exigent circumstances (such as generation outage):*

*i) Unutilised Open Access capacity is permitted to be utilised as long as the Open Access capacity is well under the Total Contract Demand; and*

*ii) Change in injection point in the Medium Term Open Access already availed is permitted forthwith (and not later than 24 hours) upon request, in order to ensure continued access to supply of power for consumers availing Medium Term Open Access, for whole or part of the capacity;*

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

*c) In the alternative to the above, issue appropriate directions/ practice directions and/ or initiate a process to amend the Open Access Regulations to enable Open Access consumers suffering loss of power supply on account of unforeseeable, uncontrollable and exigent circumstances (such as generation outage) to:*

*i) Avail additional capacity on Short Term Open Access/ Day Ahead Open Access by permitting utilisation of existing unutilised Long Term/ Medium Term/ Short Term Open Access capacity, by Open Access*

*OR*

*ii) Seek additional Open Access, beyond the Total Contract Demand, till the cessation of such unforeseeable, uncontrollable and exigent circumstances, forthwith upon request, in order to ensure continued access to supply of power for such Open Access consumers;*

*d) Formulate a timeline for granting of Open Access permission in lieu of unutilised Medium Term or Short Term Open Access forthwith, on request at the time of such exigencies."*

The Hon'ble MERC in its Order dated 13 February 2023 directed as below:

*".....the Commission is of the view that the OA Monitoring and review Committee is at liberty to study the issues posed by the Petitioner such as use of unutilised OA capacity (MTOA/STOA), change in injection point for MTOA in case of emergencies etc. Accordingly, the Committee may discuss these issues and submit its the recommendations with its justification in its half yearly report to the Commission."*

MERC representative stated that while issuing order in this case, Commission have analysed the issue of revision in contract demand and change in injection point as requested by M/s. JSW Steel Ltd. There is a provision in SOP regulation for revision in contract demand. We have to address the issue of change of injection point of source generator in emergency conditions. The change in injection point can be within state or out of state; also the availability of transmission corridor to be checked for required capacity. The issue was discussed in detail and decided to form a 'Study Group' in this regard and to see the possibility of alternative power can be made available to the consumer/applicant in minimum possible time in emergency situations, apart from the time given in the regulation..

**Conclusion/ Recommendation:** DOA Monitoring Committee has formed study group to discuss the above issues with following members and asked to submit study report by 10<sup>th</sup> June 2023.

1. Shri. Popat Khandare, Deputy Director, MERC
2. Shri Santosh Bhujbal, EE (RA), MSLDC
3. Shri A M Pakhan AdEE, (RA), MSLDC
4. Shri Tushar Gaidhane, AE (RA), MSLDC
5. Shri Prashant Buradkar, EE (STU-Reg), STU
6. Shri Vinay Khedekar, EE (I/C) (STU-Systems), STU
7. Shri Pravin Sute EE, MSEDCL

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

8. Shri Rahul Tapase, MSEDCL.

9. Shri Abaji Naralkar, AEML-D

**Agenda No. 3: (Agenda of MSEDCL): Non-payment of Cross Subsidy Surcharge and Additional Surcharge by Indian Railways.**

MSEDCL stated that Indian Railways is taking Transmission Open Access from 2015. Though Indian Railway is deemed distribution licensee, is a single entity procuring power for its own consumption for their TSS points which are situated in the area of MSEDCL. Hence, they are liable to pay the Cross Subsidy Surcharge and Additional Surcharge to MSEDCL as per the provisions of the MERC (DOAR) 2014 and MERC (DOAR) 2016.

MSEDCL has been raising the bills of Cross Subsidy Surcharge and Additional Surcharge to Indian Railways every month. As of now, MSEDCL has issued bills towards CSS & ASC amounting Rs 34,71,14,09,324/- for the period from the month of Nov. 2015 to Jan. 2023. The Indian Railways has not paid the bills of Cross Subsidy Surcharge and Additional Surcharge so far.

MSEDCL further stated that a letter is sent to STU for issuance of Notice for disconnection of open access to Indian Railway for non-payment of Cross Subsidy Surcharge and Additional Surcharge by Indian Railways in the 'Event of Default' as per the provisions of MERC (TOA) Regulation, 2016.

STU pointed that Hon'ble MERC has issued order in Case no 154 of 2019 in case of Indian Railways for issuance of Specific Conditions of Distribution Licensee, wherein following directives are given:

*"48. In light of the Judgment passed by the Hon'ble Supreme Court and the analysis in subsequent para, prima facie, Indian Railways would be required to pay cross subsidy surcharge and such other charges as may be applicable under the Open Access Regulations to the incumbent Licensee.*

*49. Under section 16 of the EA, the Commission may specify general or specific conditions applicable to a Licensee, and these conditions shall be deemed to be conditions of its Licence. In view of the definition of the term 'specified' in Section 2(62), the specific conditions applicable to Indian Railways are required to be laid down by way of Regulations framed after previous publication and cannot be stipulated through this Order. Accordingly, based on above issue-wise ruling recorded at Para. 8 to 48 of the Order, the Commission shall separately notify the Regulations specifying the specific conditions of Licence applicable to Indian Railways....."*

STU further stated that MERC has published a draft Regulation for Specific Conditions of Distribution Licence applicable to Indian Railways for its Distribution Operations in Maharashtra wherein the provision is proposed with regard to levy of CSS & ASC and the same is quoted below:

**Sub:** Minutes of meeting of 4th Distribution Open Access Monitoring & Review Committee held on 27.04.2023.

*15.1. Indian Railways shall pay Cross Subsidy Surcharge (CSS) and such other charges as may be applicable under the Open Access Regulations to the incumbent Licensee.*

Further, the provision in last para of clause 7 of Explanatory Memorandum for Draft MERC (Specific Conditions of Distribution Licence applicable to Indian Railways for its Distribution Operations in Maharashtra) Regulations, 2019 dated 09.12.2019 is reproduced below:

*“.....Further, these Open Access Charges shall be applicable immediately upon notification of these Regulations in official Gazette and hence on prospective basis.”*

The Regulation of Specific Conditions of Distribution Licence applicable to Indian Railways is yet to notify..

**Conclusion/ Recommendation:** As the DOA monitoring committee is the platform where the operational issues need to be discussed and therefore the DOA Monitoring Committee suggested that MSEDCL may avail appropriate remedy to resolve the issue.

Further , DOA Monitoring Committee noted that Distribution Utilities have not submitted the Agenda for the DOA Monitoring Meetings which leads to delay in the submission of the six-monthly Report to the Commission. Therefore, the DOA Monitoring Committee has requested all members to send agenda for meeting well in advance.

The meeting was concluded with vote of thanks.



Annexure-3

 <p><b>MAHATRANSCO</b> Maharashtra State Electricity Transmission Co. Ltd.</p>	<p><b>MAHARASHTRA STATE ELECTRICITY TRANSMISSION CO. LTD.</b></p> <p>CIN: U40109MH2005SGC153646</p> <p><b>Office of the Chief Engineer (STU)</b></p> <p>Address: 'Prakashganga', MSETCL, Plot no. C-19, E-Block, BKC, Bandra (E), Mumbai-400051</p> <p>Website: www.mahatransco.in</p> <p>Email Id: <a href="mailto:cestu@mahatransco.in">cestu@mahatransco.in</a> Contact no: (0) 022-2659 5176</p>
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MSETCL/CO/STU-R&C/

No- 7614

Date:

13<sup>th</sup> OCT 2023

To,  
The Secretary,  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> floor, Centre No.1, World Trade Centre,  
Cuffe parade Colaba,  
Mumbai- 400005

**Sub:** Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

**Ref:** (i) MSETCL/CO/STU-R&C/ 05510 dtd 20.09.2021.  
(ii) Mail regarding 5<sup>th</sup> meeting dated 20.10.2023.

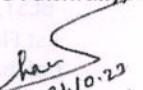
Dear Sirs,

With reference to the above subject, as per the directives of Hon. Commission in MERC (Distribution Open Access) First amendment Regulations 2019, a committee is constituted vide letter under reference (i). Accordingly, 5<sup>th</sup> meeting was held on 26.10.2023 through VC. The same was attended by the representative of all the Distribution Licensees, MSLDC and Hon'ble MERC.

Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting is enclosed herewith.

Thanking you.

Yours Faithfully,

  
(Peeyush Sharma)  
Chief Engineer (STU)

Encl: As above

Sub: Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

To,

- 1) The Director (Electrical Engineering),  
MERC,  
13th Floor, Centre No.1, World Trade Centre, Cuffe Parade,  
Colaba, Mumbai-400 005.  
Email id: [popat.khandare@merc.gov.in](mailto:popat.khandare@merc.gov.in)
- 2) The Chief Engineer,  
Maharashtra State Load Dispatch Centre,  
Kalwa, Thane-Belapur Road, Airoli Navi- Mumbai-400 708.  
Email id: [cesldc@mahatransco.in](mailto:cesldc@mahatransco.in)
- 3) The Chief Engineer(Commercial),  
Maharashtra State Electricity Distribution Co. Ltd,  
5th floor Prakashgad, Plot No.G-19, Anant Kanekar Marg,  
Bandra (East), Mumbai-400 051.  
Email id: [cecomm@mahadiscom.in](mailto:cecomm@mahadiscom.in) , [cecommho@mahadiscom.in](mailto:cecommho@mahadiscom.in)
- 4) Assistant Vice President,  
Adani Electricity Mumbai Ltd (Distribution Business),  
CTS 407/A, (New), 408 (old) village,  
7<sup>th</sup> floor, Eksar Devi Das lane,  
Off SVP road, Borivali (west), Mumbai 400 103.  
Email id: [abaji.naralkar@adani.com](mailto:abaji.naralkar@adani.com)
- 5) Group head Regulatory,  
M/s. Tata Power Co. Ltd,  
Backbay receiving Station, 148, Lt. Gen. J. Bhonsale Marg,  
Nariman Point, Mumbai-400021.  
Email id: [hawwa@tatapower.com](mailto:hawwa@tatapower.com)
- 6) The Deputy Chief Engineer (Power),  
BEST,  
1st Floor Multistoried Annexe Building, BEST Marg,  
Colaba, Mumbai-400 001.  
Email id: [derc@bestundertaking.com](mailto:derc@bestundertaking.com)
- 7) The Chief Electrical Distribution Engineer,  
Central Railway,  
Electrical Branch, 2nd floor, Parcel office Building, CST, Mumbai-400 001.  
Email id: [dyceetrdcrly@gmail.com](mailto:dyceetrdcrly@gmail.com)



Sub: Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

Minutes of meeting of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee held on dt. 26.10.2023 through VC.

Following members have attended the meeting:

Members	Designation and Organisation
Shri. Popat Khandare	Deputy Director, MERC
Shri. Pravin Ganvir	Deputy Director, MERC
Smt Sharda Takpere	SE, STU-R&C
Shri. Umesh Bhagat	SE, EA, MSLDC
Shri Laxman Pirwani	EE, Commercial, MSEDCL
Shri. Dhiraj Patil	EE(I/C), STU-Reg.
Shri Sachin Lomate	AdEE , MSLDC
Shri. Sunil Bhinge	Deputy CE, BEST
Shri. Abaji Naralkar	Assistant Vice president, AEML-D
Smt Hawaa Inamdar	Lead Regulatory WR - Compliances ,TPC-D
Shri. Nitin Lothe	Group Head –Power Mgmt (ST, LT & MT) ,TPC-D
Shri. Vismay Rane	Head-Power Purchase & DSM, TPC-D
Smt. Madhuri Bhosale	DYEE, Commercial, MSEDCL
Shri. Sandesh Sagaonkar	AE, STU-Reg.
Smt. Tareeni Soneri	AE, STU-Comm.

STU welcomed all the open access monitoring committee members. Central Railway representative was not present in the meeting.

Sub:- Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

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**Agenda Points for 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting:**

**Agenda No. 1 (Agenda of MERC):**

**Issues in the implementation of Open Access for consumers having mixed load.**

**Discussion:**

MERC stated that, they are in receipt of letter from National Defense Academy, Khadakwasla for not granting STOA from MSEDCL.

MSEDCL stated that the consumer premises – Garrison Engineers comes under NDA and is highly restricted area under Martial Law wherein there is no free access to premises for release of individual consumers and routine reading and checking of the consumer premises. So, in order to avoid such situations, MSEDCL has granted Single Point supply to the premises but in said premises, there is no single consumer i.e. there are group of consumers and the purpose of supply is not single and as such there are mixed load consumers.

Further, MSEDCL stated that, the consumer is having mixed load of total 1 MW i.e. residential, commercial and public services hence they can't grant STOA to the consumer because the Open Access billing is not possible for mixed load. The granting of Open Access may cause billing dispute between MSEDCL and Consumer which may be litigated before forums and courts.

The representative of the MERC suggested MSEDCL to provide the communication with National Defense Academy, Khadakwasla. He also suggested to schedule the meeting with the Army representative on 1 November 2023. Accordingly the meeting is scheduled on 01.11.2023 @ 11:00 am at Prakashganga.

**Conclusion/ Recommendation:**

MERC directed to send the copy of the letter from MSEDCL to open access consumer regarding denial of STOA. Also MERC directed MSEDCL to submit the details of the above issue and submit up to 28.10.2023 and also requested MSLDC, AEML-D and TPC-D to submit the write up. The same will be discussed in the meeting scheduled on 01.11.2023.

**Agenda No. 2 (Agenda of STU):**

**Application to be forwarded by MSEDCL for NOC from STU for grant of partial MTOA/LTOA.**

**Discussion:**

This matter was already discussed in 3<sup>rd</sup> DOA monitoring & review meeting held on 08.12.2022. In that meeting, MSEDCL had agreed to forward the open access applications to STU for NOC.

**Sub:** Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

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STU stated that MSEDCL is not forwarding the application of consumer for issuance of NOC from STU but MSEDCL is forwarding the copy of open access granted to consumer without the consent of STU. The consumers are directly approaching STU for issuance of NOC. In partial open access the open access applicant is the consumer of distribution licensee and as per Clause 14.1 (iv) of DOA regulations, 2016 distribution licensee collected transmission charges from open access consumers, hence the nodal agency for grant of open access should be distribution licensee even if the consumer is connected to EHV network of STU and distribution licensee will have to take consent/NOC from STU. If the consumer is taking full open access and connected to EHV network of STU, then the nodal agency is STU transmission open access.

MSEDCL has stated that, STU is the nodal agency for grant of open access to consumers connected to the EHV network even if the consumer is taking partial/full open access.

**Conclusion/ Recommendation:**

MERC requested STU, MSEDCL, AEML-D and TPC-D to submit the write up. The same will be discussed in the next Distribution Open Access Monitoring & Review Committee meeting.

**Agenda No. 3 (Agenda of STU):**

**Levy of Relinquishment charges of Partial Open Access consumers by Distribution Licensee for relinquishing Open access rights fully or partially.**

**Discussion:**

STU stated that, MSEDCL is unilaterally cancelling open access without consent of STU also MSEDCL is not paying transmission charges collected from partial open access consumers for the period of relinquishment. STU further stated that, MSEDCL has unilaterally cancelled Open access granted to M/s Ultratech Cement Ltd. without consent from STU and MSEDCL has not remitted relinquishment charges to STU collected from the consumer. As per Clause No. 27.2 of MERC TOA Regulations, 2016, consumer has to give notice of thirty days for cancellation of MTOA and have to pay the applicable Transmission Charges for the period of relinquishment or thirty days, whichever is less.

MSEDCL stated that, M/s Ultratech Cement Ltd has given notice of one month and applied for cancellation of open access. Hence there is no need of further collection of any charges.

**Conclusion/ Recommendation:**

MERC requested STU, MSLDC, MSEDCL, AEML-D and TPC-D to submit the write up. The same will be discussed in the next Distribution Open Access Monitoring & Review Committee meeting.

Sub: Minutes of 5<sup>th</sup> Distribution Open Access Monitoring & Review Committee meeting held on 26.10.2023.

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**Agenda No. 4 (Agenda of STU):**

**Payment of transmission charges collected from Partial Open Access consumers as per Regulation 14.5 of Distribution Open Access Regulations, 2016 by Distribution Licensees.**

**Discussion:**

STU stated that, MSEDCL has not paid transmission charges collected from Partial Open Access consumers for FY 2019-20 onwards. STU also stated that, distribution licensees are not following timeframe of paying transmission charges collected from partial open access consumers to STU within seven (7) days as per Regulation 14.5 of Distribution Open Access Regulations, 2016.

MSEDCL stated that, the matter of payment of transmission charges collected from partial OA consumers is pending with their management.

**Conclusion/ Recommendation:**

MERC requested STU, MSLDC, MSEDCL, AEML-D and TPC-D and to submit the write up. The same will be discussed in the next Distribution Open Access Monitoring & Review Committee meeting.

**Agenda No. 5 (Agenda of STU):**

**Insufficient amount of LC in respect of MSEDCL & AEML-D.**

**Discussion:**

This matter was already discussed in 3<sup>rd</sup> DOA monitoring & review meeting held on 08.12.2022. STU requested AEML-D and MSEDCL to provide sufficient amount of Letter of Credit i.e. two times of MTC amount. MSEDCL stated that they will take up the matter with their higher authority. AEML-D stated that, they have submitted the Letter of Credit of amount excluding the share of AEML-T. MERC stated that, the AEML-T and AEML-D are separate companies, hence they cannot be exclude the AEML-T share from Letter of Credit of AEML-D.

**Conclusion/ Recommendation:**

MERC requested STU, MSEDCL, and AEML-D to submit the write up. The same will be discussed in the next Distribution Open Access Monitoring & Review Committee meeting.

The meeting was concluded with vote of thanks.

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Annexure - 4

 <p><b>MAHATRANSCO</b> Maharashtra State Electricity Transmission Co. Ltd.</p>	<p><b>MAHARASHTRA STATE ELECTRICITY TRANSMISSION CO. LTD.</b> CIN: U40109MH2005SGC153646 <b>Office of the Chief Engineer (STU)</b> Address: 'Prakashganga', MSETCL, Plot no. C-19, E-Block, BKC, Bandra (E), Mumbai-400051 Website: www.mahatransco.in Email Id: <a href="mailto:cestu@mahatransco.in">cestu@mahatransco.in</a> Contact no: (O) 022-2659 5176</p>
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MSETCL/CO/STU-R&C/

Date:

No - 7754

15/3 NOV 2023

To,  
The Secretary,  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> floor, Centre No.1, World Trade Centre,  
Cuffe parade Colaba,  
Mumbai- 400005

**Sub:** Issues in implementation of Open Access in respect of M/s Garrison Engineer (NDA Khadakwasla).....Minutes of meeting thereof.

**Ref:** (i) MoM of 5th Distribution Open Access Monitoring & Review Committee meeting dtd. 26.10.2023.  
(ii) E-Mail dtd 29.10.2023.

Dear Sirs,

With reference to the above subject, as per the Minutes of Meeting (MoM) of 5th Distribution Open Access Monitoring & Review Committee meeting cited under ref (i), a meeting was held on 01.11.2023 to resolve the issue of implementation of Open Access in respect of M/s Garrison Engineer Khadakwasla (NDA).

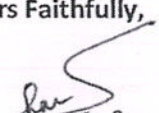
The meeting was attended by representatives of M/s Garrison Engineer Khadakwasla (NDA), Hon'ble MERC, MSEDCL, MSLDC and STU.

The MoM is finalized by STU after confirmation from representatives of M/s Garrison Engineer Khadakwasla (NDA) and Hon'ble MERC.

Minutes of meeting is enclosed herewith.

Thanking you.

Yours Faithfully,

  
(Peeyush Sharma)  
Chief Engineer (STU)

Encl: As above

Sub: Issues in implementation of Open Access in respect of M/s Garrison Engineer Khadakwasla (NDA).....Minutes of meeting thereof.

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To,

- 1) The Director (Electrical Engineering),  
MERC,  
13th Floor, Centre No.1, World Trade Centre, Cuffe Parade,  
Colaba, Mumbai-400 005.  
Email id: [popat.khandare@merc.gov.in](mailto:popat.khandare@merc.gov.in)
  
- 2) The Chief Engineer,  
Maharashtra State Load Dispatch Centre,  
Kalwa, Thane-Belapur Road, Airoli Navi- Mumbai-400 708.  
Email id: [cesldc@mahatransco.in](mailto:cesldc@mahatransco.in)
  
- 3) The Chief Engineer(Commercial),  
Maharashtra State Electricity Distribution Co. Ltd,  
5th floor Prakashgad, Plot No.G-19, Anant Kanekar Marg,  
Bandra (East), Mumbai-400 051.  
Email id: [cecomm@mahadiscom.in](mailto:cecomm@mahadiscom.in) , [cecommho@mahadiscom.in](mailto:cecommho@mahadiscom.in)
  
- 4) M/s Garrison Engineer Khadakwasla,  
NDA (Khdakwasla),  
Pune-411024  
E-mai.-arpit.rautaray@yahoo.in.

Sub: Issues in implementation of Open Access in respect of M/s Garrison Engineer Khadakwasla (NDA).....Minutes of meeting thereof.

**MINUTES OF MEETING HELD ON 1ST NOVEMBER 2023 AT PRAKASHGANGA**

**Agenda:**

Issues in the implementation of Open Access for consumer M/s. Garrison Engineer Khadakwasla (NDA) having mixed load.

This issue was discussed in 5th DOA meeting held on 26.10.2023. In that meeting, representative of the Hon'ble MERC had asked MSEDCL to submit its correspondence with M/s. Garrison Engineer Khadakwasla (NDA) related to the applications to avail the STOA by 28.10.2023 and directed to schedule a meeting to resolve the issue on 01.11.2023.

Accordingly, a meeting was held on 01.11.2023 at Prakashganga with representative of CWE, Khadki, M/s Garrison Engineer Khadakwasla (NDA), M/s Garrison Engineer (CME), representatives of MSEDCL, MSLDC and STU.

**Discussion:**

In the meeting:

1. Representative of MSEDCL stated that;

- a) In the past, they have not replied to the STOA applications of M/s. Garrison Engineer.
- b) M/s. Garrison Engineer comes under NDA and is highly restricted area under Martial Law wherein there is no free access to premises for release of individual consumers and routine reading and checking of the consumer premises. Further, MSEDCL stated that, the consumer is having mixed load of total 2 MW i.e. residential, commercial and public services.
- c) Hence, MSEDCL cannot grant STOA to the consumer because the Open Access billing is not possible for mixed load. The granting of Open Access may cause billing dispute between MSEDCL and Consumer which may be litigated before forums and courts. Hence the Open Access application of the said consumer was not considered.

2. Representative of M/s. Garrison Engineer Khadakwasla (NDA) stated that;

- a) The premises of NDA, Khadakwasla is spread across 9000 acres of area with 70% residential quarters along with 27% of public services and 3% commercial.
- b) MSEDCL has granted Single Point supply to the premises and the billing is being done in proportionate to the Consumption (Type of Category).
- c) M/s. Garrison Engineer (CME-College of Military engineering) has installed 5 MW solar plant and has applied for Open Access. However, MSEDCL has not approved the OA till date.
- d) M/s. Garrison Engineer Khadakwasla requested MSEDCL to grant Open access considering mixed load and billing to be done as per the tariff category (HT-VI) Residential Group Housing Society as major part of power is consumed by residential

Sub: Issues in implementation of Open Access in respect of M/s Garrison Engineer Khadakwasla (NDA).....Minutes of meeting thereof.

areas. He also clarified that, MSEDCL's staff have access for routine reading and checking of the consumer premises by following appropriate protocols of defense.

3. Further MSEDCL stated that to check the feasibility of granting OA, MSEDCL needs to survey the area and explore the possibility for metering for residential staff quarters and public services separately it will make survey of the site.
4. MSEDCL is also evaluating the option of change of category of the consumer from HT (VI) to HT VII-(B) Public Service – Others (GE NDA is being billed under HT VIII A with proportionate billing) to resolve the issue of mixed load.

After discussion in the meeting the members agreed for following Line of action:

**Line of action:**

- i. Representative of MSEDCL will visit the NDA premises to carry out the survey for separate metering for residential purpose and Public Services. MSEDCL to reply the OA application of the M/s Garrison Engineer by 4 November 2023 mentioning the reasons for delay in grant of OA.
- ii. M/s Garrison Engineer Khadakwasla will reply to the MSEDCL's letters by 7 November 2023.
- iii. MSEDCL and M/s Garrison Engineer Khadakwasla to resolve the OA issue amicably.
- iv. The next meeting of the Committee to discuss the issues is scheduled on 20 November 2023. The venue and time of the meeting will be communicated separately.

The meeting was concluded with vote of thanks.

Following members have attended the meeting:

Members	Designation and Organization
Shri. Peeyush Sharma	Chief Engineer (STU)-Convener
Shri. Popat Khandare	Deputy Director, MERC
Shri. Pravin Ganvir	Deputy Director, MERC
Smt Sharda Takpere	SE, STU-R&C
Shri. Umesh Bhagat	SE, EA, MSLDC
Shri Laxman Pirwani	EE, Commercial, MSEDCL
Engr. L.N. Katki	Asst Commander, Works Engineer, Khadki
Capt. Arpit Rautray	AGE, E/M, NDA
Capt. Mukhrit	AGE, E/M, CME