

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 137 of 2021

Case of Maharashtra Airport Development Company Ltd seeking approval of power procurement plan, Power Purchase agreement (PPA) and adoption of Tariff for medium term procurement of power starting from 1 November, 2021 to 31 October, 2025

Coram

Sanjay Kumar, Chairperson
I.M.Bohari, Member
Mukesh Khullar, Member

Maharashtra Airport Development Company Ltd.	Petitioner
Vs	
1. Manikaran Power Ltd.	Respondent No. 1
2. Sai Wardha Power Generation Ltd.	Respondent No. 2
3. Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)	Respondent No. 3
4. Maharashtra State Load Despatch Centre Ltd. (MSLDC)	Respondent No. 4
5. Abhijeet MADC Nagpur Energy Pvt. Ltd.	Respondent No. 5

Appearance

For the Petitioner	Shri Vasant Pandey(Rep.)
For Respondent No. 1	None
For Respondent No. 2	None
For Respondent No. 3	Shri. Sanjeev Bhole (Rep.)
For Respondent No. 4	Shri. E.T. Dhengle (Rep.)
For Respondent No. 5	None

ORDER

Date: 28 October, 2021

1. Maharashtra Airport Development Company Ltd (**MADC**), being deemed Distribution Licensee for MIHAN SEZ area at Nagpur, has filed this Petition dated 30 September 2021 under Section 86 and Section 63 of the Electricity Act, 2003 (**EA, 2003**) read with

Competitive Bidding Guidelines issued by the Ministry of Power (**MoP**), Government of India (**GoI**) dated 30 January, 2019 seeking approval of Power Procurement Plan for FY 2021-22 to FY 2024-25; adoption of tariff determined through transparent bidding process for a Medium-Term power procurement starting from 1 November, 2021 to 31 October, 2025 and for approval of PPA with Manikaran Power Ltd (**MPL**).

2. MADC's main prayers are as under:

- a) *Petition for approval and directions under Section 86 of the Electricity Act, 2003 read with "Revised Guidelines for Procurement of Electricity for Medium Term from Power Stations set up on Finance, Own and Operate (FOO) basis" dated 30th January, 2019 issued by Ministry of Power, Government of India.*
- b) *Adopt the Lumpsum Tariff offered by M/s MPL of Rs. 4.48 per unit discovered through competitive bidding process;*
- c) *Approve the plan for Medium Term Procurement of power in its capacity as a Distribution Licensee as per 'Guidelines for Medium Term procurement of power by Distribution Licensees through Tariff based bidding process' dated 30th January 2019 issued by the Ministry of Power for the period of four (4) years starting from 01.11.2021 to 31.10.2025;*
- d) *Allow the deviation for interface point as 220 kV AMNEPL Bus and MSETCL transmission Network at Khairi-Khurd, Hingana, Nagpur.*
- e) *Allow MADC to charge consumers in the MIHAN SEZ area, the tariff that is applicable for the respective category of consumers in the MSEDCL area of supply, as modified from time to time, as the 'maximum ceiling tariff' in its area of supply, till such time the ARR and the tariff determined by this Hon'ble Commission, and approve the appropriate tariff schedule as applicable in the MSEDCL area of supply;*
- f) *In case the requirement of power in the MIHAN SEZ increases from maximum quantum estimated for every year, then in that case MADC be please allowed to procure the additional requirement through IEX*
- g) *Direct MSETCL and AMNEPL (in liquidation) for extending their co-operation and support to MADC in supplying power to consumers in MIHAN SEZ.*

3. MADC in its Petition has stated as follows:

- 3.1 MADC, a Company incorporated under the Companies Act, 1956 has been constituted in year 2002 by the Government of Maharashtra as the nodal agency in the planning and implementation of a Multi Modal International Hub Airport at Nagpur (**MIHAN**) for development of Vidarbha region along with a Multi-Product SEZ.

3.2 The Commission vide its Order in Case No. 16 of 2011 dated 3 August, 2012 declared MADC to be a deemed Distribution Licensee under Section 14 of the EA, 2003 for the notified SEZ area.

3.3 Before the present Petition, MADC had approached the Commission for approval of power procurement plan and adoption of tariff of Rs. 5.25 per kWh discovered through bidding process in Case No 20 of 2021. The Commission vide its Order dated 3 May, 2021 had rejected the adoption of tariff and had directed MADC to carry out rebidding within six month from the date of the Order and till that time allowed scheduling of power at Rs 5.25 per kWh as per Letter of Award (**LoA**) placed with MSEDCL.

3.4 Accordingly, MADC floated a tender on Discovery of Efficient Electricity Price (**DEEP**) Portal on 16 July, 2021 for procurement of power up to 16 MW for the period from 1 November, 2021 to 31 October, 2025. The maximum requirement for first year was stated to be 13 MW with increase of 1 MW every year so that maximum requirement for fourth year would become 16 MW. The requirement was worked out based on Availability based Tariff (**ABT**) meter data of MADC for March to June 2021.

3.5 MADC has made major change in billing methodology in new tender. The payment of Energy Charge is based on ‘final implemented schedule’ at interface point i.e. Interface of MSETCL and AMNEPL at 220 kV Khiri Khurd Hingana substation. In earlier tender, payment of Energy Charge was based on actual drawal data recorded in interface meter.

3.6 The Tender was floated on DEEP portal with a deviation in interconnection point. Tender notice advertisement was published in The Indian Express (Pune, Nagpur, Lakhnow, Jaipur, New Delhi, Chandigarh, Kolakata, Mumbai, Vadodara and Ahamadabad editions) and in Loksatta (Pune, Nagpur, Delhi, Mumbai and Aurangabad editions) on 17 July, 2021. Bid submission date was extended from 17 August, 2021 to 21 August, 2021 at the request of Bidder, MSEDCL. Request of MPL to further extend the date for 10 days was rejected considering the timelines for power procurement process.

3.7 Load profile for Energy calculation for Availability is as follows:

Sr. No.	Time Period	No. of Hours	Availability requirement in MW			
			A	B	C	D
			01.11.2021 to 31.10.2022	01.11.2022 to 31.10.2023	01.11.2023 to 31.10.2024	01.11.2024 to 31.10.2025
1	00:00 to 06:00	6	8.00	8.00	9.00	9.00
2	06:00 to 09:00	3	10.00	10.00	11.00	11.00
3	09:00 to 17:00	8	13.00	14.00	15.00	16.00
4	17:00 to 22:00	5	10.00	10.00	11.00	11.00
5	22:00 to 24:00	2	8.00	8.00	9.00	9.00
Energy in MUs for one day		24	0.248	0.256	0.280	0.288
Energy in MUs for one year period from 1.11.2021 to 31.10.2025			90.52	93.44	102.48	105.12

- 3.8 MSEDCL and MPL responded to the bid and their bids were found technically qualified. The E-Reverse Auction (**E-RA**) was carried out on 31 August, 2021. MPL emerged as the lowest bidder with quoted lump sum rate of Rs. 4.48 per kWh which included fixed charges as Rs. 2.24 per kWh to be paid on the basis of 'Declared Capacity' as per load profile and energy charges as Rs. 2.24 per kWh to be paid on the basis of 'final implemented schedule' at interface point.
- 3.9 In order to ascertain market rates, MADC has considered Power market rates from 24 August, 2021 to 31 August, 2021. It is seen that maximum rate is Rs. 19.96 per kWh and average rate of Rs. 7.45 per kWh for 8 days. Further, the rates quoted by MPL are 16.67 % less than existing tariff of Rs. 5.25 per kWh being paid by MADC to MSEDCL.
- 3.10 The successful bidder would supply power at the interface point of 220 kV AMNEPL (bus) and MSETCL transmission network at Khari-khurd Hingna, Nagpur. Hence, in this regard, MADC seeks a deviation in the interconnection point considering that MADC distribution network in MIHAN SEZ is not directly connected to State Transmission Utility (**STU**).
- 3.11 MADC has already sought Medium Term Open Access (**MTOA**) from STU (i.e. MSETCL) from 1 April, 2021 to 31 March, 2025 for existing contract with MSEDCL. MADC is in the process of seeking amendment to MTOA approval for change of source to Sai Wardha Power Generation Company Ltd (**SWPGCL**) and period of MTOA beyond 31 October, 2021 as 1 November, 2021 to 31 October, 2025.
- 3.12 Presently MADC has 3 HT consumers on 33 kV level, 17 HT consumers on 11 kV level and 53 consumers on LT level.
- 3.13 It is requested to approve applicability of MSEDCL Tariff for the respective categories as maximum ceiling tariff as per the proviso to Section 62(1) (d) of the EA, 2003 till such time its Aggregate Revenue Requirement (**ARR**) is finalised and the tariff is duly determined by the Commission.
- 3.14 Further in case the requirement of power in the MIHAN SEZ increases above the mentioned quantum due to any event which MADC could not reasonably foresee, then in that case MADC may be allowed to procure the same through Power Exchanges.

4. MSETCL in its submission dated 21 October, 2021 has stated as follows:

- 4.1 STU has already granted MTOA for 16 MW to MADC for the period 1 April, 2021 to 28 February, 2025 vide letter dated 25 March, 2021. MADC vide letter dated 27 September, 2021 had requested for amendment in MTOA.

- 4.2 MADC is planning to purchase power from SWPGCL through MPL. It is brought to the kind notice of the Commission that because of non-payment of transmission charges, STU has already discontinued the open access permission granted to SWPGCL.
- 4.3 Also, insolvency resolution plan passed by National Company Law Tribunal (NCLT) Hyderabad Bench, Hyderabad is challenged before Hon'ble Supreme Court by MSETCL vide Civil Appeal No. 3354 of 2020. The outcome of the said appeal is awaited.
- 4.4 Hence, as per MADC request STU has not amended MTOA for the transfer of 16 MW power through Intra-State Transmission System for the period of 1 November,2021 to 31 October,2025.

5. MSLDC in its submission dated 21 October, 2021 has stated as follows:

- 5.1 As per directives of the Commission in Case No 236 of 2020, it is requested to direct MADC to complete the connectivity with STU network within specified time in a time bound manner.
- 5.2 During implementation of Deviation Settlement Mechanism (DSM) Regulation 2019, MSLDC has registered MADC in State Entity Registration Module on provisional basis considering interface point mentioned in the Commission's Order in Case No 236 of 2020. Accordingly, MADC will have to meet all the relevant provisions stipulated in MERC (Transmission Open Access) Regulation 2016 and Maharashtra State Grid Code Regulation 2020, while granting MTOA and connectivity (change of interface point with MSETCL) to MADC.

6. At the time of E- hearing held on 22 October, 2021

- 6.1 MADC reiterated the submission made in Petition. On the issue of amendment in MTOA with a change in source, MADC stated that being Distribution Licensee, it had been recognised as Transmission System User (TSU) as per InSTS Order and hence requested the Commission to direct MSETCL for providing MTOA.
- 6.2 MSETCL and MSLDC also reiterated the submissions made in the Petition.

Commission's Analysis and Ruling

7. MADC has been recognized by the Commission as a deemed Distribution Licensee vide its Order in Case No. 16 of 2011 dated 3 August,2012 under Section 14(b) of the EA, 2003 being the Developer of the MIHAN SEZ.
8. MADC had earlier approached the Commission in Case No. 20 of 2021 for adoption and approval of medium-term power procurement at Rs. 5. 25 per kWh. The Commission vide its Order dated 3 May, 2021 had rejected the adoption of tariff as it was not market reflective. Further, in the same order, the Commission directed MADC to carry out

rebidding for power procurement within six months from the date of issue of the Order and till that time (for ensuring continuity of power supply to consumers in MIHAN SEZ area) allowed scheduling of power at Rs 5.25 per kWh as per Letter of allotment (LoA) placed with MSEDCL. Relevant extract of the Order is reproduced below:

“2. The Commission approves the revised power procurement plan of Maharashtra Airport Development Company Ltd.

3. The Commission rejects adoption of tariff of Rs. 5.25/kWh, being non-reflective of market price.

4. Maharashtra Airport Development Company Ltd to undertake re-bidding of its power requirement, complete the procedure and file the petition for adoption of tariff within six months from the date of the Order.

5. The Commission allows Maharashtra Airport Development Company Ltd to continue scheduling of power against LoA issued by it at rate of Rs. 5.25/kWh in order to maintain continuity of power supply to consumers in MIHAN SEZ.

6. Such power purchase cost may not be allowed to be passed on fully to consumers as it is. The Commission will take appropriate view on this issue based on new rate as discovered in re-bidding process and accordingly may disallow certain power purchase expenses during Multi Year Tariff (MYT) Order.”

9. Accordingly, post completing rebidding process, MADC has filed the present Petition for adoption and approval of medium-term power procurement. Based on the submissions made during the proceedings, following issues need to be decided in the present matter:
- a. Approval of Medium-Term Power Procurement Plan
 - b. Adoption of tariff and approval of PPA
 - c. MTOA Permission
 - d. Other issues

The Commission is addressing above issues in the following paragraphs.

10. Issue A: -Approval of Medium-Term Power Procurement Plan

10.1 The Commission vide its Order in Case No 236 of 2020 dated 14 January, 2021 has approved the medium power procurement plan submitted by MADC for four years starting from 1 March, 2021 to 28 February, 2025 as follows:

Period	09:00-13:45Hrs	14:00-16:45 Hrs	17:00-19:45 Hrs
Base Demand (RTC) of 6 MW			
1.03.2021 to 28.02.2022	7 MW	6 MW	5 MW
1.03.2022to 28.02.2023	8 MW	6 MW	5 MW
1.03.2023 to 28.02.2024	9 MW	8 MW	6 MW
1.03.2024 to 28.02.2025	10 MW	8 MW	6 MW

10.2 Further considering the difficulty in execution of the earlier power procurement plan, the Commission vide its Order in Case No 20 of 2021 dated 3 May, 2021 had approved the revised Medium Term Power Procurement Plan as “up to 16 MW” and load profile for every year as follows:

Hours	Capacity Required (In MW)	Commencement of Supply	Delivery Point
00:00 to 24:00	Upto 16 MW	1.03.2021 to 28.02.2025	At the interface point of 220 KV AMNEPL Bus and MSETCL Transmission Network at Khairi-Khurd, Hingana Nagpur

Load profile

Period	00:00 to 06:00	06:00 to 09:00	09:00 to 14:00	14:00 to 17:00	17:00 to 20:00	20:00 to 24:00
1.03.2021 to 28.02.2022	6	9	13	12	11	6
1.03.2022to 28.02.2023	6	9	14	12	11	6
1.03.2023 to 28.02.2024	6	9	15	13	12	6
1.03.2024 to 28.02.2025	6	9	16	14	12	6

10.3 The Commission notes that MADC in the present petition has slightly changed the load profile for every year by keeping the maximum demand for years the same as approved in above table. Details of the same are as follows:

Period	00:00 to 06:00	06:00 to 09:00	09:00 to 17:00	17:00 to 22:00	22:00 to 24:00
1.11.2021 to 31.10.2022	8	10	13	10	8
1.11.2022 to 31.10.2023	8	10	14	10	8
1.11.2023 to 31.10.2024	9	11	15	11	9
1.11.2024 to 31.10.2025	9	11	16	11	9

10.4 The Commission notes that MADC has not provided any reasoning for changes in the load profile. It is also noticed that there is addition of 1 or 2 consumers in HT and LT Network.

10.5 The Commission notes that MADC being distribution licensee has limited area of SEZ and is having limited number of consumers. It is best suited to project its load profile in consultation with its consumers. Also, there is no change in peak power requirement of “up to 16 MW demand” approved by the Commission in the previous Order. Hence, the

Commission approves the power procurement plan as submitted by MADC in the present proceedings.

11. Issue B: Adoption of tariff

11.1 The Commission notes that Competitive Bidding Guidelines dated 30 January, 2019, require the Commission to adopt the tariff discovered through competitive bidding process based on provisions of guidelines as reproduced below:

3. The tariff determined through the DEEP e-Bidding process using e-reverse Auction based on these Guidelines comprising the Model Bidding Documents shall be adopted by the Appropriate Commission in pursuance of the provisions of section 63 of the Act.

11.2 The Commission notes that based on projected load / power procurement plan, MADC has undertaken procurement of power on Medium-Term basis for the period of 1 November, 2021 to 31 October, 2025 as per competitive bidding guidelines notified by the Central Government under Section 63 of the EA, 2003 with deviation of interconnection point in bidding conditions.

11.3 The Commission finds that MADC has also published Notice on 17 July, 2021 in Indian Express and Loksatta for giving publicity to bids. Further, in accordance with Clause 3.1 of the Standard Bidding Guidelines, MADC has appointed PFCCCL as the Authorised Representative to conduct the e-bidding for Medium Term Power Procurement.

11.4 Last date for submission of bid was 17 August, 2021 which was further extended to 21 August, 2021 at the request of the prospective bidder(s). After extending the bid submission deadline, 2 bidders participated for supplying the demand.

11.5 Post E-Reverse Auction process conducted on 31 August, 2021, rate of Rs. 4.48 per kWh has been discovered as lowest rate. The Commission notes that the rate discovered by MADC through competitive bidding process i.e. Rs. 4.48 per kWh is lower than existing power procurement rate of Rs. 5.25 per kWh and the previous contract rate of 4.89 per kWh

11.6 On the issue of rate discovered through competitive bidding, the Commission notes that in the recent past it has adopted following Short Term power procurement rates for various SEZ based Distribution Licensees:

Sr No	Particulars	Quantum in MW	Rate in Rs/ kWh
1	Laxmipati Balaji Supply Chain Management Limited (Case No 211 of 2020)	1MW (RTC)	Rs 4.48 / kWh at Distribution periphery
2	Jawaharlal Nehru Port Trust (Case No 5 of 2021)	2MW (RTC)	Rs 3.60 / kWh at Distribution

Sr No	Particulars	Quantum in MW	Rate in Rs/ kWh
			periphery
3	KRC DISCOMs (MindSpace Business Parks Private Limited; Gigaplex Estate Private Limited; KRC Infrastructure and Projects Private Limited) (Case No 69 of 2021)	5 MW; 4.5 MW and 3 MW (RTC)	Rs 3.18 / kWh at STUperiphery
4	Nidar Utilities Panvel LLP (Case No 94 of 2021)	2.60 MW (RTC)	Rs 3.59 / kWh at STUperiphery
5	Eon Kharadi Infrastructure Private Limited (SEZ Phase I) (Case No 105 of 2021)	7 MW (RTC)	Rs 3.95 / kWh at Distribution periphery

11.7 The Commission has also analyzed the result of recent Short-term bidding carried out on e-bidding portal (DEEP Portal) by Distribution Licensees in Maharashtra and summarized the same as under:

Sr No	Particulars	Quantum in MW	period	Rate Discovered in Rs/ kWh
1	BEST	50	16.10.2021 to 31.10.2021 RTC	11.26
		50	16.10.2021 to 31.10.2021 (17 Hrs)	9.99
		50	1.11.2021 to 30.11.2021 RTC	8.11
		50	1.12.2021 to 31.12.2021 RTC	8.11
		100	1.12.2021 to 15.12.2021 (17 Hrs)	8.68
2	AEML-D	200	1.10.2021 to 31.10.2021 RTC	5.75
		100	1.10.2021 to 31.10.2021 RTC	6.74
3	TPC-D	26	1.10.2021 to 31.10.2021 RTC	5.54
		75	15.11.2021 to 30.11.2021 RTC	5.54
		50	1.12.2021 to 15.12.2021 RTC	5.54
4	AEML-D	120	1.09.2021 to 30.09.2021 RTC	4.5
		60	1.09.2021 to 30.09.2021 RTC	4.5
		100	1.09.2021 to 30.09.2021 RTC	4.95
		120	1.09.2021 to 30.09.2021 RTC	4.95

11.8 It is important to note that all above rates discovered by other licensees are for short term contract (less than one year) whereas MADC's proposed contract is for medium term (4 years). Hence, such rates are not strictly comparable, but as can be seen, MADC's medium term rates are around the same rates.

11.9 Section 63 of the EA mandates the Commission to adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.

11.10 In view of the foregoing, the Commission notes that Power Procurement rate discovered by MADC fulfils mandate and requirements for adoption as set out in Section 63 of the EA, 2003. Accordingly, the Commission adopts following Power

Procurement rate for MADC for the period from 1 November, 2021 to 31 October, 2025

Type of Load	Name of the Bidder	Source	Price Rs/kWh
Up to 16 MW (RTC) based on load profile	Manikaran Power Limited	Sai Wardha Power Generation Private Ltd Warora, Maharashtra	4.48

11.11 The Commission notes that MADC has stated that as compared to earlier bidding conditions, in present bid they have made changes in billing methodology. Earlier payment of Energy Charge was based on actual drawal data recorded in interface meter, but in the present bidding process same has been made as ‘final implemented schedule’ at interface point. The Commission notes that through above change, payment of energy charge has been made based on scheduled energy which is consistent with Deviation Settlement Mechanism being implemented in Maharashtra with effect from 11 October, 2021.

11.12 The Commission also notes that PPA signed with MPL is in line with Standard Bidding documents issued by MoP. Accordingly, the Commission approves PPA signed with above successful bidder at the rate and for the quantum mentioned in the above table. MADC shall submit copies of final PPA for the records of the Commission.

11.13 Having adopted competitively discovered tariff as above, the Commission notes that in its Order dated 3 May, 2021, it has clearly stated that power supply at the rate of Rs. 5.25 per kWh was allowed as a temporary measure for maintaining continuity of power supply and once re-bidding is conducted, the Commission may take appropriate view of allowing differential cost at the time of tariff proceeding. Accordingly, the Commission notes that such differential rate is Rs. 0.77 per kWh (5.25 – 4.48) and the Commission may take view on disallowing power purchase expenses to that extent for the period of 1 March, 2021 to 31 October, 2021 during tariff proceedings.

12. Issue D: MTOA Permission

12.1 The Commission notes that State Transmission Utility has given approval to MTOA for 16 MW to MADC for the period 1 April, 2021 to 28 February, 2025 but has not amended the same as per request of MADC for change in source i.e. from MSEDCL to SWPGCL. STU has cited non-payment of transmission charges by SWPGCL and pendency of Civil Appeal No. 3354 of 2020 as reasons for the same.

12.2 In this regard, the Commission notes that in its InSTS Order dated 30 March, 2020 in Case No. 219 of 2019 it has already recognised MADC (being Distribution Licensee) as Transmission System User and has already considered transmission capacity rights of 12-13 MW for MADC. Accordingly, MADC is paying InSTS monthly charges and MSLDC charges. As per regulatory provisions, Distribution Licensee is not required to

seek open access of sourcing power from any InSTS connected generating source, if such capacity is within transmission capacity rights. Further any drawal beyond the transmission capacity rights by transmission system users needs to be dealt with as per applicable provisions of MYT Regulations. Hence, MADC being distribution licensee and recognised as Transmission System User under InSTS order, it need not apply for open access for sourcing power from any generator connected to Maharashtra STU.

12.3 Accordingly, the Commission directs STU and MSLDC to not insist on MADC asking it to seek medium term Open Access for sourcing power from SWPGL. They should allow scheduling of such power in a similar manner as is being scheduled for other Distribution Licensees in the State.

13. Issue C: -Other issues

13.1 MADC has again prayed for approval for deviation in bidding documents relating to interconnection point, allowing levy of MSEDCL's tariff as ceiling tariff

13.2 The Commission has already ruled on these issues in its Order 3 May,2021 in Case No 20of 2021 as follows:

“11. Issue b: Deviation in the bidding document for interconnection

.....
11.3 The Commission notes that in its earlier Orders, it has approved deviation in interconnection point considering the infrastructure developed and the circumstances of MADC. As same conditions still exist, the Commission allows deviation with regard to the interconnection point for the procurement of medium-term power.

.....
12. Issue c: Approval for applicability of ceiling tariff of MSEDCL

12.1 The Commission further notes that MADC in the present Petition has again prayed that it should be allowed to levy tariff to its consumers by considering MSEDCL's tariff as ceiling tariff till Commission decides tariff for MADC. The Commission in its Order in Case No 174 of 2020 dated 29 August 2020 has already raised concern as regards MADC seeking the same relief again and again in each Petition. Relevant extract of the Order is as follows:

13. The Commission further notes that in present Petition, MADC has also prayed that it should be allowed to levy tariff to its consumers by considering MSEDCL's tariff as ceiling tariff till Commission decides tariff for MADC. In this regard, the Commission notes that such relief has already been granted by this Commission in its Order dated 20 January 2015 in Case No. 149 of 2014 as follows:

“20. In its capacity as a Deemed Distribution Licensee and to fulfil its obligation to supply electricity to consumers in the MIHAN SEZ, MADC has sought approval for short term power procurement and provisional tariff for supplying power to consumers. The Commission notes that MSEDCL is another Distribution Licensee in the same area. Thus, MADC’s Licence area falls under the proviso to Section 62(1) of the EA, 2003 which provides that, in case of distribution of electricity in the same area by two or more Distribution Licensees, the Commission may fix a ceiling tariff for retail sale of electricity. MSEDCL’s tariff is the only approved tariff for the area. Hence, the Commission rules that the tariff approved for the respective consumer categories of MSEDCL will be the ceiling Tariff for the MIHAN SEZ area.”

Based on the above dispensation only, MADC is levying tariff to its consumers for the last five years. Therefore, the Commission does not understand propriety of seeking same relief again.

Now again MADC is again praying for the same relief in present Petition which only shows casual approach of MADC not commensurate with the statutory responsibilities of a Distribution Licensee. The Commission also notes that MADC has recently filed its MYT Petition before the Commission which is being processed separately. Till that time, above quoted ruling shall be applicable in respect of levying tariff to consumers in MADC area.

Above rulings are squarely applicable to the present matter.

13.3 MADC has also requested to direct MSETCL for cooperation and support to supply power to MADC consumers. In this regard considering the AMNEPL’s dedicated transmission line as the only connection point to STU, the Commission vide its Order in Case No 236 of 2020 has directed MADC and MSETCL to make conjoint speedy efforts to execute the project of 132 KV GIS substation. Detailed Project Report of MIHAN GIS has been approved by the Commission in June, 2021 and the Commission expects MSETCL and MADC to work for execution of the project on fast track in view of NCLT proceedings of AMNEPL and MADC having to bank on a single source of interconnection in the present situation.

13.4 Further, MADC has requested the Commission to allow additional procurement of Power through Power Exchanges in case the demand exceeds the projections. The Commission allows MADC for procurement of such additional power ensuring that the procurement is through the cheapest available power source.

14. Hence following Order.

ORDER


1. The Case No. 137 of 2021 is allowed.

2. The Commission approves the revised power procurement plan of Maharashtra Airport Development Company Ltd. as stated in para 10.5 above.
3. Under Section 63 of the Electricity Act, 2003, the Commission adopts Short Term Power Procurement for the period of 1 November, 2021 to 31 October, 2025 by Maharashtra Airport Development Company Ltd as stated in para 11.10 above.
4. Accordingly, PPA signed with M/s Manikaran Power Limited is approved. Maharashtra Airport Development Company Ltd., to submit copy of Final PPA to the Commission for records.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Abhijit Deshpande)
Secretary

