

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005
Tel. No. 022 22163964/ 65/ 69
Email: mercindia@merc.gov.in Website: www.merc.gov.in

CASE No. 28 of 2023

In the matter of Petition for determination of Project Specific Tariff for supply of electricity generated from waste-to-energy project of Mira Bhaindar Municipal Corporation (MBMC) with cumulative capacity of 575 kVA (3 x 125 kVA and 4 x 50 kVA)

M/s Mira Bhaindar Municipal Corporation (MBMC)...	Petitioner
1. Adani Electricity Mumbai Ltd. – Distribution (AEML-D)	}... Respondents
2. M/s. Guruji Infrastructure Ltd. (GIL)	

Coram

Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member

Appearance:

For the Petitioner :	Mr. Ghanashyam Thakkar (Rep.)
For the Respondents :	Mr. Abaji Naralkar (Rep)
	Mr. Mohnish Shukla (Rep)
For the Objector :	Mr. Sanjay Pange (Rep)

ORDER

Date: 2 May 2024

1. Mira Bhaindar Municipal Corporation (MBMC) has filed this Petition on 1 February 2023 under Regulation 9.1 and 10.2 of MERC (Terms and Conditions for Determination of Renewable Energy Tariff) Regulations, 2019 (herein referred as RE Tariff Regulations-2019) and Section 62(1)(a) and 86(1)(e) of the Electricity Act, 2003 for determination of Tariff for sale of electricity to AEML-D from 575 kVA (3 x 125 kVA and 4 x 50 kVA) waste-to-energy project to be commissioned at (7) distinct locations in its Municipal limits.
2. Post scrutiny, the Petition was admitted on 29 November 2023 and through Public Notice published in two daily English Newspapers, viz., The Free Press Journal & The Economic

Times and two daily Marathi Newspapers, viz. Loksatta & Sakal, MBMC has sought suggestions and objection on its proposal from stakeholders.

3. During E-Public Hearing held in the matter on 30 January 2024, Shri. Sanjay Pange has objected that MBMC has not followed the land reservation and Municipal bylaws scrupulously while developing the project. He alleged that MBMC has change the reservation of land, without any permission/clearance form Government of Maharashtra. Considering the submission, the Commission directed MBMC to clarify the aspect of land used for the project and its reservation.
4. MBMC vide its submission dated 26 February 2024 submitted following details of land reservations vis-à-vis land used/being used for setting up of Waste to Energy projects at 7 locations:

Sr. No.	Project Location	Capacity of Waste Treatment Plant in TPD	Capacity of Power Generation in kVA	Existing Reservation	Status of the Project
1	Reservation No 122/D, Navghar Gaon	10	50	Daphanbhumi	Commissioned
2	Reservation No. 122/D, Navghar Gaon	20	125	Daphanbhumi	Commissioned
3	Reservation No 139 (wrongly mentioned as 140), Bhayander (w)	10	50	Bageecha	Commissioned
4	Reservation No. 271, 272, 273 Kanakiya	10	50	No Reservation	Commissioned
5	City Sr. No. 1442 to 1446, 1723 to 1726 Mira	10	50	No Reservation	Under Construction
6	Reservation No. 353, Penkarpada	20	125	Bageecha	Under Construction
7	Reservation No. 368, Mahajanwadi	20	125	Bageecha	Under Construction
	Total	100 TPD	575 kVA		

There is no reservation at 2 locations and for the other (5) locations, MBMC has already initiated action for change of reservation as per extant rules and regulations i.e, The Maharashtra Regional Town Planning Act, 1966 and Maharashtra Municipal Corporation Act, 1949. It has already passed the resolution for change of reservation and forwarded the proposal to Government of Maharashtra (GoM) for the said change.

5. The Commission notes that as per MBMC's own submission, land reservations at 5 locations are yet to be changed. At present these locations are reserved for Daphanbhumi and Bageecha as shown in above table. Clearly, as per present reservation, Waste to Energy plant cannot be installed at these locations. Although the Commission notes MBMC submission that they have already initiated process for change in land reservation, but the fact is that as on date such locations are reserved for other purpose,

therefore the Commission finds it inappropriate to proceed further for tariff determination of the project which is being construct at location reserved for other purpose.

6. Accordingly, at present, the Commission cannot go into merits of the Petition. The Commission directs MBMC to approach a fresh post receipt of approval of change in land reservation by the Government of Maharashtra. In meantime, for (2) commissioned projects, MBMC is free to utilize it for captive consumption under MERC (Green Energy Open Access) Regulations, 2023.

ORDER

The Petition is Case No. 28 of 2023 is disposed off with liberty to file afresh after receipt of Government of Maharashtra's approval to change of land reservation.

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary



Appendix – 1: List of at the Public Hearing held on 30 January 2024

Sr. No.	Name	Organisation
1	Shri. Ghynashyam Thakkar, Consultant (for MBMC)	Energy Optimaa
2	Mr. Abaji Naralkar	AEML-D
3	Mr. Mohnish Shukla	Guruji Infrastructure Ltd.
4	Mr. Sanjay Pange	Individual Objector