



Maharashtra State Electricity Distribution Co. Ltd.

(A Govt. of Maharashtra Undertaking)
CIN : U40109MH20005SGC153645

PHONE No. 26474753 (P)/26474211 (O)
FAX No. 26472366
Email: cecomm@mahadiscom.in
Website: www.mahadiscom.in

PLOT No. G-9, PRAKASHGAD
Prof. ANANT KANEKAR MARG
BANDRA (East)
MUMBAI-400051

No. Comm/Petition / SWPGL/

No 0995.6

Date:

2 MAY 2018

To,
The Secretary,
Maharashtra Electricity Regulatory Commission,
Mumbai

Sub: Filing of Petition for Review of Corrigendum order and main order in Case No. 159 of 2016.

Ref: MERC order dated 19.03.2018 in case no. 159 of 2016.

Dear Sir,

Please find enclosed herewith the MSEDCL's petition, seeking review of Corrigendum order and main order in Case No. 159 of 2016.

The requisite fee is submitted herewith in the form of demand draft no. 634943 dated 11.04.2018.

Thanking You,

Yours faithfully,

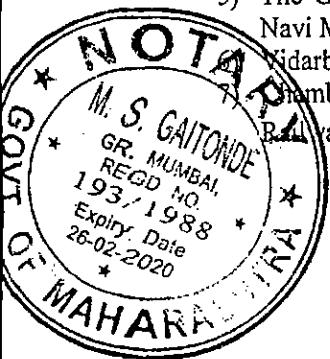
Chief Engineer (Commercial)

Copy S.w.r. to:-

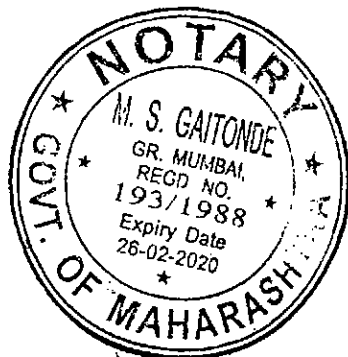
- 1) The Director, (Commercial), MSEDCL, Mumbai.

Copy to:

- 1) M/s Sai Wardha Power Generation Ltd., 8-2-293/82/A/431/A, Road No.22, Jubilee Hills, Hyderabad-500033.
- 2) Maharashtra Energy Development Agency, II Floor, MHADA Complex, Tridal Nagar, Pune-411006.
- 3) Prayas (Energy Group), Amrita Clinic, Athawale Corner, Deccan Gymkhana Karve Road, Pune 411 004.
- 4) Mumbai Grahak Panchayat, Grahak Bhavan, Behind Cooper Hospital, Vile Parle (West), Mumbai 400 056.
- 5) The General Secretary, Thane Belapur Industries Association, Robale Village, Post Ghansoli, Navi Mumbai 400 701:
Kidarbha Industries Association, 1st Floor, Udyog Bhavan, Civil Line, Nagpur 440 001.
Member of Marathwada Industries & Agriculture, Bajaj Bhavan, P-2, MIDC Industrial Area, Railway Station Road, Aurangabad - 431005



- 8) Maharashtra Chamber of Commerce, Industries & Agriculture, Oricon House, 6th Floor, 12 K, Dubash Marg, Fort, Mumbai – 400001.
- 9) Tata Power Company Limited, Bombay House, 24, Homi Mody Street, Fort, Mumbai 400 001.
- 10) Reliance Infrastructure Limited H-Block, 1st floor, Dhirubhai Ambani Knowledge City (DAKC), Navi Mumbai - 400 710
- 11) M/s. Mahindra & Mahindra Limited, Igatpuri Plant, Mouje Talegaon Igatpuri, Talegaon.
- 12) M/s. Mahindra & Mahindra Limited, Automotive Division, PB No.89, MIDC Satpur, Nashik.
- 13) M/s. Mahindra & Mahindra Limited, Plot No. F1/F2, MIDC Hingana, Nagpur 440016.
- 14) M/s.Navyug Special Steel Pvt. Ltd. (Formerly M/s Mahindra Ugine Steel Company Ltd), Khopoli, Khalapur, Raigad, Khopoli 410216.
- 15) M/s. Mahindra Forgings Ltd, 557-860 Chakan Ambethan Road Talkhed, Dist. Pune Vill. Chakan 410501.
- 16) M/s. Mahindra Vehicle Manufacturers Limited, P No. A-1, Phase IV, Ckakan MIDC, Village Nighoje, Talkhed, Dist. Pune.
- 17) M/s. Mahindra Hinoday Industries Limited, (formerly DGP Hinoday Ind. Limited) GAT No.318, Urse Gaon, Tal-Maval, Pune.
- 18) M/s Mahindra CIE Automotive Ltd., Bhosari Ind. Estate, Bhosari, Pune – 411026.
- 19) M/s Viraj Profiles Ltd. Unit III, Plot No.G 23, Tarapur MIDC, Boisar, Dist. Thane.
- 20) M/s Viraj Profiles Ltd. Unit I, Plot No.G 75, MIDC Tarapur, Boisar, Dist. Thane.
- 21) M/s Viraj Profiles Ltd. Unit II, Plot No.G 2, MIDC Tarapur, Boisar, Dist. Thane.
- 22) M/s Viraj Profiles Ltd. Unit I, Survey No.140/1, Saravli, Boisar, Dist Thane.
- 23) M/s Viraj Profiles Ltd. Unit V, Survey No.114, At Mahagaon, Boisar (R), Dist. Thane
- 24) M/s Viraj Profiles Ltd. Unit II, Plot No.G-1/3, MIDC Tarapur, Boisar, Dist. Thane
- 25) M/s Bebitz Flanges Works (P) Ltd. Survey No.140/2, Saravali, Boisar, Dist. Thane
- 26) M/s. R L Steel Pvt Ltd, GAT.NO.81 Pangra Sivar Chite, Paithan Road, Paithan, Aurangabad 431 000.
- 27) M/s Sona Alloys Pvt Ltd. Plot No C-1, MIDC Gno 399/402. 407 to 417, 421 to 425, Lonad, MIDC Dist Satara, Maharashtra – 412801.
- 28) M/s India Steel Works Limited, C 53, MIDC Estate, Turbhe.
- 29) M/s Mahalaxmi TMT Pvt. Ltd., Plot No- C 2, oli Growth Centre, Deoli MIDC, Deoli, Dist - Wardha, Maharashtra – 442101.
- 30) M/s Cosmo Films Limited. AL-24/1, MIDC, SHENDRA, Dist. Aurangabad – 431001.
- 31) Hindustan Petroleum Limited, Chief Manager (Elect. Maintenance), Mumbai, Refinery, B.D. Patil Marg, Mahul, Chembur – 400 074.
- 32) Lupin Limited. Plot No. T-142, MIDC Tarapur – 401506.



BEFORE THE HON'BLE MAHARASHTRA ELECTRICITY
REGULATORY COMMISSION

AT MUMBAI

REVIEW CASE NO: _____ OF 2018

IN

CASE NO: 159 OF 2016

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

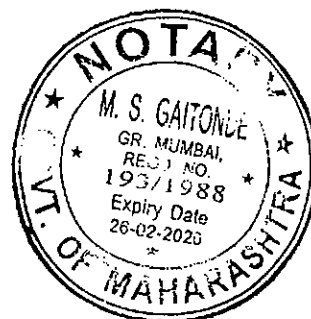
REVIEW OF ORDER DATED 19.03.2018 IN CASE NO. 159 OF 2016
PASSED BY THE HON'BLE COMMISSION.

AND

IN THE MATTER OF:

PETITION OF SAI WARDHA POWER GENERATION LTD. FOR
DECLARATION OF CAPTIVE GENERATING STATUS OF ITS UNITS 3
AND 4 FOR FY 2015-16

AND



IN THE MATTER OF:

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

....Review Petitioner/Applicant

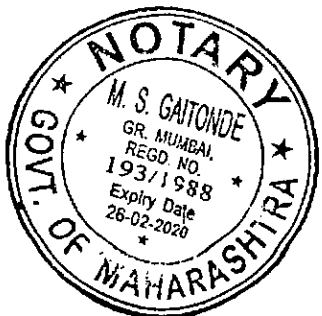
Versus

1. Sai Wardha Power Generation Limited
8-2-293/82/A/431/A Road No.22
Jubilee Hills, Hyderabad-500033
Email: - sreekanth_a@skk.co.in
2. Tata Power Company Limited
Bombay House, 24, Homi Mody Street,
Fort, Mumbai 400 001.
E-mail: bhaskar.sarkar@tatapower.com
3. Reliance Infrastructure Limited
W.E Highway Dindoshi, Goregaon (East)
Mumbai-400 097
E-mail: - kapil.sharma@relianceada.com
4. Maharashtra State Load Dispatch Centre, Kalwa,
Thane - Belapur Road, Airoli,
Navi Mumbai - 400 708
E-mail: cesldc@mahasldc.in

....Respondents

MOST RESPECTFULLY SHOWETH:**1. DESCRIPITON OF PARTIES:****PETITIONER:**

- (i) Maharashtra State Electricity Distribution Company Limited (*hereinafter referred to as "MSEDCL" or "The Petitioner"*) is a Company constituted under the provisions of Government of Maharashtra General Resolution No. PLA – 1003 / C. R. 8588 dated 25th January 2005 and is duly registered with the



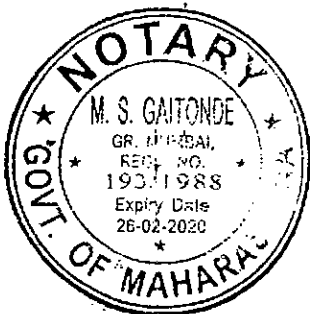
Registrar of Companies, Mumbai on 31st May 2005.

RESPONDENTS:

(ii) M/s Sai Wardha Power Limited (*hereinafter referred to as "SWPGL" or "Respondent No. 1"*) has a Generating Plant at Warora, Dist. Chandrapur with a capacity of 540 MW consisting of four Units of 135 MW each, of which two Units (3 and 4) have been identified for captive generation for Captive Users. SWPGL through its Petition No. 159 of 2016 sought declaration of the captive status of these two Units for FY 2015-16.

(iii) Respondent No. 2 & 3 are the Distribution Licensees in Mumbai. Respondent No. 2 is Tata Power Company Limited (*hereinafter referred to as "TPC" or "Respondent No. 2"*) and Respondent No. 3 is Reliance Infrastructure Limited (*hereinafter referred to as "RInfra" or "Respondent No. 3"*)

(iv) Maharashtra State Load Dispatch Centre (*hereinafter referred to as "MSLDC" or "Respondent No. 4"*) is the apex body for integrated operation of electricity grid in the State of Maharashtra and constituted under Section 31 of the Electricity Act, 2003.



2. PROVISIONS FOR REVIEW:

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

85. Review of decisions, directions, and orders:

Annexed hereto as Annexure 2

- Section 94 (1) (f) of Electricity Act, 2003:

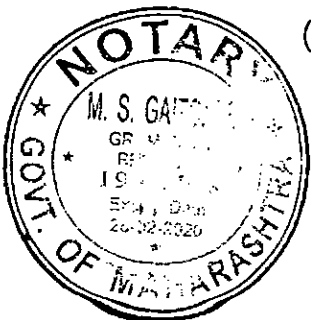
Section 94. (Powers of Appropriate Commission):

Annexed hereto as Annexure 3

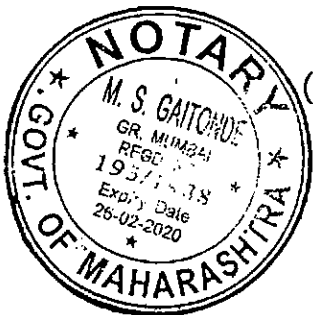
3. ISSUES RAISED IN REVIEW (WITHOUT PREJUDICE TO

ONE ANOTHER):

- (a) No SEM data for 15 minutes time block available as per admission of SWPGL and MSLDC. (Para 19.7)
- (b) Basing an order on probability when law mandates clear establishment of ownership vis a vis shareholding (Para 19.9)
- (c) Error apparent as MSLDC vide its own admission stated that it does not have GT wise data to ascertain GT wise generation. (Para 19.7).
- (d) Irrespective of the date of creation of equity, generation vis a vis consumption has to be considered for the entire financial year as per order in Case No. 117 of 2012.



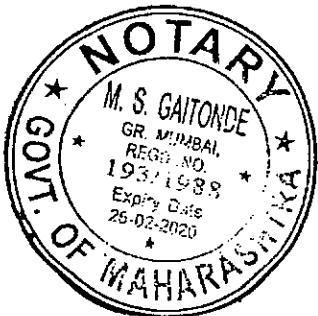
- (e) Error apparent as the Commission has taken computation of energy on monthly basis and not on 15 minute block basis (The data for day wise generation has been provided by M/s SWPGL).
- (f) Admission of SWPGL for injection of power from Unit 1 & 2 (Non CPP Units) in CPP unit 3 & 4. (Para 19.6)
- (g) Data of IPP injection contrary to submissions made by SWPGL for day wise basis.
- (h) IPP units to the tune of 56.63 MU's allowed instead of 118 MU's as is evident from SWPGL' data.
- (i) Even after accepting that SWPGL has injected power from IPP units, the Commission has erroneously considered 56.63 MU's (Based on assumptions) instead of 118 MU's (as per day wise IPP and CPP generation data submitted by SWPGL and FBSM data finalized by SLDC).
- (j) Reduction of IPP units in proportionality incorrect as 15 minute settlement data may reveal an absolutely contrary case.
- (k) Error apparent as a Petition has to stand on its own legs and not on presumptions and assumptions.
(Case No. 117 of 2012)



- (l) Error apparent as power injected from IPP units in CPP matrix against the mandate of law and without a valid open access permission.
- (m) Data and analysis based on glaring deficiencies cannot form the basis of ascertaining the CPP status. Para 19.8) (Case No. 117 of 2012)

4. GROUNDS (WITHOUT PREJUDICE TO ONE ANOTHER):

- (i) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission even after appreciating that there are no 15 Minute SEM's available to establish the generation as well as commensurate consumption, has held that SWPGL is a CPP. Having a 15 Minute SEM is a precondition to establish the generation and consumption. Moreover SEM is vital to establish real time generation and consumption which is missing.
- (ii) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has failed to appreciate that under the law, a mandatory obligation is casted upon the SWPGL to prove that he is a CPP which SWPGL has failed to demonstrate in view of the anomalies and data gaps. However the Hon'ble Commission has



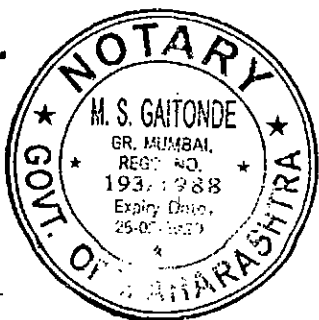
erroneously not considered the said fact and still held that SWPGL is a CPP.

- (iii) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has put the onus of defaults on all the parties without appreciating that the mandate of law puts the onus entirely on the CPP holder to prove that he is a CPP and not on any other party.
- (iv) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has erroneously failed to appreciate its own order in Case No. 117 of 2012 and has considered the date of creation of equity/shareholding to be the date of calculation of generation and consumption which in fact has to be done for the entire financial year irrespective of the date of creation of shareholding/equity.
- (v) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission even after holding that the data provided by SWPGL was glaringly deficient, still held that SWPGL is a CPP that too after the establishment of fact that SWPGL injected power from its IPP units without



valid permission/intimation or knowledge to any of the parties.

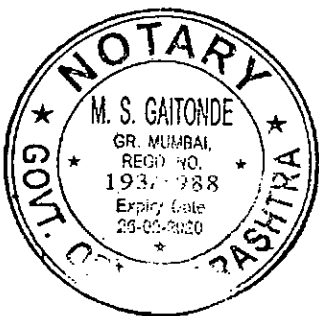
- (vi) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has failed to appreciate that non-availability of 15 minute SEM, no data available generating station wise and the fact of injection of IPP units into CPP matrix makes it impossible to ascertain the CPP matrix. All these facts have erroneously not been considered by the Hon'ble Commission.
- (vii) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has erroneously computed the energy (consumption & generation) on monthly basis and not on 15 minute time block settlement. When energy settlement happens on 15 minute time block basis then there can be no question of considering the same on monthly basis. Moreover injection of power from IPP units on 15 minute time block completely defeats the CPP matrix.
- (viii) In view of above, the M/s SWPGL has failed to meet the CPP status for FY 2015-16.



(ix) Without prejudice to above, even if the data as submitted by SWPGL and MSLDC is considered, still the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has erroneously not considered the daily wise data provided by M/s SWPGL which establishes injection of IPP units to the tune of 118 MU's instead of 56.63 MU's. Hence there is a mistake apparent from the fact of record.

(x) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has erroneously formed its opinion on the preliminary submissions made by MSEDCL and TPC to demonstrate the injection of IPP units without considering the later submission of daily data filed by SWPGL which clearly demonstrates injection of IPP units to the tune of 118 MU's instead of 56.63 MU's.

It is to submit that, MSEDCL in its preliminary submission dated 09.05.2017, has submitted that, M/s SWPGL has scheduled for their captive consumers from IPP Units. Further as SWPGL's generation unit-wise data was not available at that point of time, to substantiate the argument of IPP injection some assumption were made. It was



submitted earlier that, when one of the captive generation unit was under breakdown/tripped (as per SLDC data) the captive power scheduled by SWPGL was more than what could have been maximum generated by other captive unit.

In absence of unit-wise generation data, it was assumed that the maximum generation possible from one captive unit was 2.9 MU's per day. This assumption is purely theoretical and was made in only order to prove the point that, captive power scheduled could not be generated from one unit alone even if considering the maximum possible capacity of such generating set.

Subsequently, M/s SWPGL on 24.07.17 has submitted consolidated day-wise generation and consumption data for FY 2015-16 annexed hereto as **Annexure 4.**

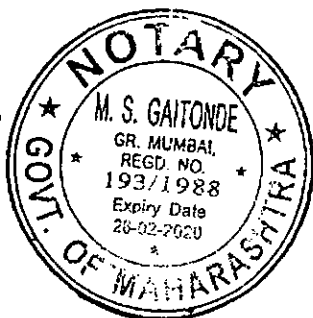
The SLDC has also finalized FBSM settlement for FY 2015-16 for FY 2015-16.

It can be calculated from the generation data as submitted by M/s SWPGL (***Annex B -1 -Unit wise Gross & Net Generation vis-à-vis Consumption.xlsx***) and FBSM as finalized by MSLDC that, 118 MU were injected from IPP Units of M/s SWPGL against captive schedule for FY 2015-16.

The same is annexed hereto as Annexure 5.



- (xi) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission even after appreciating that SWPGL admittedly has injected power from IPP units has failed to hold that in view of no valid permission to inject power from IPP units into CPP units, the whole CPP matrix falls.
- (xii) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has erroneously reduced the IPP units from the CPP matrix in uniform proportionality against each equity holder. Such an analogy is contrary to real time scenario, consumption via a vis generation as in real time it may happen that one entity can consume more and other may consumer less or consumer not at all.
- (xiii) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has failed to appreciate that a Petition has to stand on its own legs that too a petition which is mandated by law to prove on its own. However the Hon'ble Commission has erroneously allowed the petition even after glaring deficiencies. By no means M/s



SWPGL has established actual generation vis a vis actual consumption.

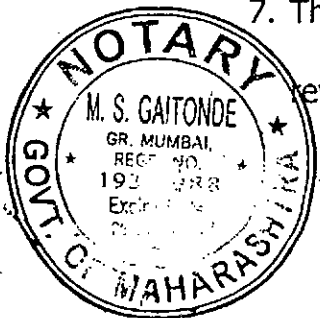
(xiv) That the Hon'ble Commission's order is vitiated by error apparent as the Hon'ble Commission has based its entire order on presumptions and assumptions which is contrary to the law governing CPP establishment.

(xv) That the Hon'ble Commissions order is based entirely on assumptions/presumptions that cannot be allowed. Moreover the Hon'ble Commissions order leads to absurdity has it is against the mandate set by the Hon'ble Commission vide its earlier order.

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

6. The Petitioner states that this Hon'ble Commission has the jurisdiction to adjudicate the present dispute.

7. The Petitioner states that there is no delay in filing the review petition and the same is filed well within limitation.



8. The Petitioner craves leave of this Hon'ble Commission to add/amend/substitute the present petition with the prior permission of this Hon'ble Commission.

PRAYER

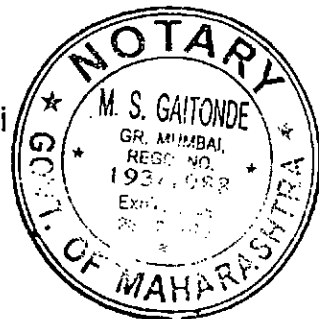
In view of the above, it is therefore most respectfully prayed that this Hon'ble Commission may graciously be pleased to:

- (a) Review the order dated 19.03.2018 in case no. 159 of 2016 by allowing the present review petition.
- (b) Hold and declare that SWPGL has failed to prove that he is a CPP for the financial year- 2015-2016.
- (c) Rectify the quantum of units injected from IPP units to 118 MU's instead of 56.63 MU's.
- (d) Pass such further orders as this Hon'ble Commission deems fit and proper in the interest of justice and good conscience.

It is prayed accordingly.

Date:

Place: Mumbai



MSEDCL

Superintending Engineer (Commercial)
M.S.E.D.C.L. Prakashgad, 5th Floor,
Prof. Anant Kanekar Marg, Bandra (E),
Mumbai-400 051.

**BEFORE THE HON'BLE MAHARASHTRA ELECTRICITY
REGULATORY COMMISSION**

AT MUMBAI

REVIEW CASE NO: ____ OF 2018

IN

CASE NO: 159 OF 2016

IN THE MATTER OF:

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AND

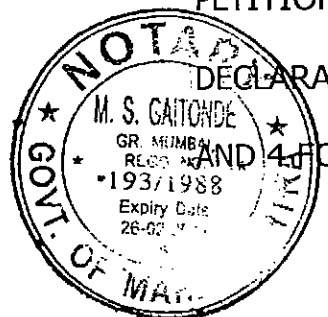
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AND

IN THE MATTER OF:

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DECLARATION OF CAPTIVE GENERATING STATUS OF ITS UNITS 3
AND 4 FOR FY 2015-16



AND

IN THE MATTER OF:

Maharashtra State Electricity Distribution Co. Ltd
Through its The Chief Engineer (Power Purchase)
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....Review Petitioner/Applicant

Versus

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Email: - sreekanth_a@ksk.co.in
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E-mail: bhaskar.sarkar@tatapower.com
3. Reliance Infrastructure Limited
W.E Highway Dindoshi, Goregaon (East)
Mumbai-400 097
E-mail: - kapil.sharma@relianceada.com
4. Maharashtra State Load Dispatch Centre, Kalwa,
Thane - Belapur Road, Airoli,
Navi Mumbai - 400 708
E-mail: cesldc@mahasldc.in

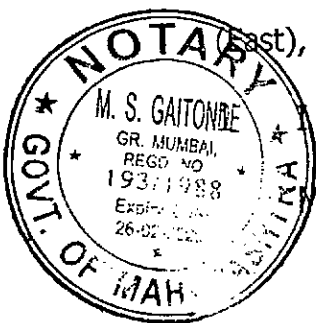
....Respondents

AFFIDAVIT VERIFYING THE REVIEW PETITION

I, Anil Mahajan Wasudeo Mahajan, age 50 years, having office
at MSEDCL, Prakashgad, Plot No.G-9, Anant Kanekar Marg, Bandra

(East), Mumbai 400 051 do solemnly affirm and say as follows:

I am Superintending Engineer (II), Commercial Section, of
Maharashtra State Electricity Distribution Co. Ltd., the Review



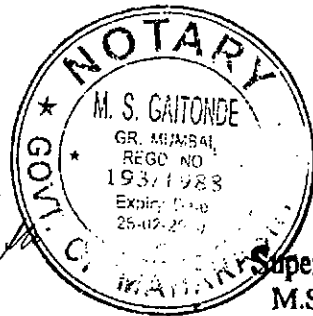
Petitioner in the above matter and am duly authorized by the said Petitioner to make this affidavit.

2 The statements made in paragraphs 1 to 8 of the petition are true to my knowledge and belief and are based on information and I believe them to be true. That the statements made in Para 3 to 7 are legal submissions based on the advice of my advocate.

3 I say that there is one appeal bearing DFR No. 1494 of 2018 filed by M/s Sai Wardha Power Generation Limited on 24.04.2018 challenging the MERC order dated 19.03.2018 is pending before Appellate Tribunal of Electricity, New Delhi. However there is no stay or further direction in the matter.

Solemnly affirm at Mumbai on this 3rd day of may, 2018 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified before me
Mumbai



Deponent

Superintending Engineer (Commercial)
M.S.E.D.C.L. Prakashgad, 5th Floor,
Prof. Anant Kanekar Marg, Bandra (E),
Mumbai-400 051.

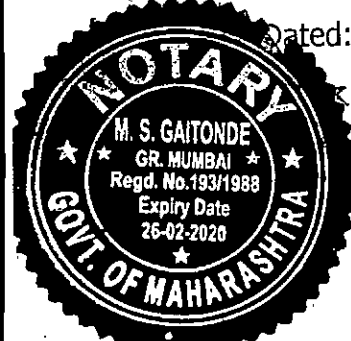
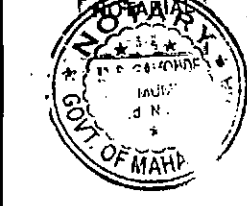
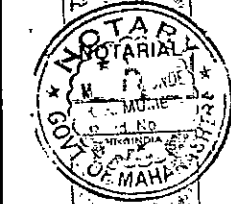
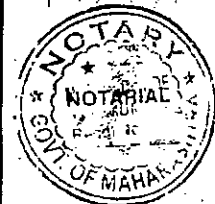
Dated: 3rd May 2018

BEFORE ME

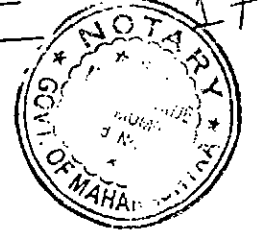
SHILESH TRIPATHI
M.S. GAITONDE
ADVOCATE HIGH COURT
Office: Lawyer's Chamber,
Gar Building, 2nd Floor, A. K. Marg,
Bandra (East), Mumbai - 400 051.

NOTARY
EATER MUMBAI
T OF MAHARASHTRA
INDIA

NOTED	REGISTER
Sr. No. 1198	3-5-2018



Annexure 1



Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in/ www.merc.gov.in

CASE No. 159 of 2016

In the matter of
Petition of Sai Wardha Power Generation Ltd. for declaration of Captive Generating
status of its Units 3 and 4 for FY 2015-16

Coram

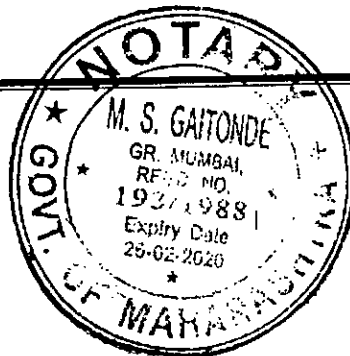
Shri Azeez M. Khan, Member
Shri Deepak Lad, Member

M/s Sai Wardha Power Generation Ltd.	Petitioner
V/s	
Maharashtra State Electricity Distribution Co. Ltd.	Respondent No.1
Reliance Infrastructure Ltd. (Distribution)	Respondent No.2
Tata Power Company Ltd. (Distribution)	Respondent No.3
Maharashtra State Load Despatch Centre	Respondent No.4

Appearance

For the Petitioner	: Smt. Swapna Seshadri (Adv.)
For the Respondent No. 1	: Shri. Ashish Singh (Adv.)
For the Respondent No. 2	: Shri. Sushant Gaikwad
For the Respondent No. 3	: Smt. Deepa Chawan (Adv.) Shri. Abhishek Munot (Adv.)
For the Respondent No. 4	: None
For Authorized Consumer Representatives	: Dr. Ashok Pendse, TBIA Ms. Ashwini Chitnis, Prayas

MERC Order in Case No. 159 of 2016



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ORDER

Dated: 19 March, 2018

1. M/s Sai Wardha Power Generation Ltd. (SWPGL) (formerly Sai Wardha Power Ltd. (SWPL)), Road No. 22, Jubilee Hills, Hyderabad, has filed a Petition on 29 November, 2016, citing Section 42 of the Electricity Act (EA), 2003, Rule 3 of the Electricity Rules, 2005 for declaration of its compliance of obligations in respect of its 2 X 135 (Units 3 and 4) MW Captive Generating Plant (CGP) in FY 2015-16.

2. SWPGL's prayers are:

"a) Hold and declare the Captive generating units (2x135 MW) being Unit No. 3 and 4 of the Petitioner have complied with the obligations attached to captive generating units for the financial year 2015-16.

b) Hold and declare that the Petitioner and its captive consumers are entitled to all the benefits of captive power plant and captive consumption including exemption from payment of Cross Subsidy Surcharge..."

3. In its Petition, SWPGL has stated as follows:

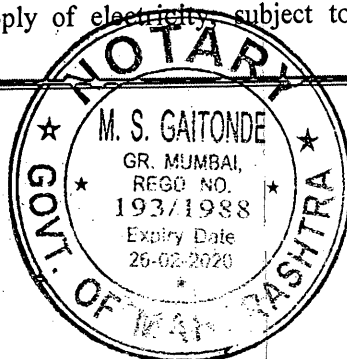
3.1. SWPGL has a Generating Plant (at Warora, Dist. Chandrapur) with a capacity of 540 MW consisting of four Units of 135 MW each, of which two Units (3 and 4) have been identified for captive generation for Captive Users. SWPGL is seeking declaration of the captive status of these two Units for FY 2015-16.

3.2. In November, 2016, the name of the Company was changed from SWPL to SWPGL. Copy of the Certificate of Incorporation dated 7 November, 2016 issued by the Ministry of Corporate Affairs is submitted.

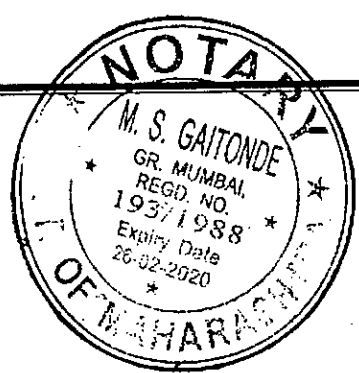
3.3. The supply of power to the Captive Users is done by obtaining Open Access (OA) through the system of the Maharashtra State Transmission Company Ltd. (MSETCL) and No Objection Certificate (NOC) from concerned Distribution Licensees in Maharashtra.

3.4. On account of various issues and acts of commission and omission on the part of MSEDCL, the OA was effectively made available to SWPGL only from March, 2012, which was also upon the intervention of the Commission.

3.5. Under the EA, 2003 and the Electricity Rules, 2005, the compliance of the obligations by a CGP has to be determined at the end of the financial year after considering the particulars of the generation and supply of electricity, subject to meeting the two obligations of a CGP:



- a) The Captive Users should hold not less than 26% equity in the Captive Generating Unit or Units.
 - b) The Captive Users should consume not less than 51% of the electricity generated from the Captive Generating Units, to be determined on an annual basis.
- 3.6. The Commission vide its Order dated 28 August, 2013 in Case No. 117 of 2012 has categorically held that the CGP is to be determined on an annual basis and not on monthly basis. As FY 2015-16 is over and the compliance of the obligations by the Captive Users for that financial year is to be confirmed by the Commission, SWPGL has filed this Petition.
- 3.7. For FY 2015-16, the shareholding of SWPGL with regard to its Captive Users as on 01 April, 2015 and the consumption of electricity by them is summarized as under:
- Total Generation from its Unit 3 and 4 for FY 2015-2016: 1296.57 MU
 - Total Consumption of the Captive Users for the FY 2015-2016: 1177.71 MU
 - % of Consumption by the Captive Users for FY 2015-2016: 90.83 %
- 3.8. SWPGL has submitted the shareholding certificate, generation and consumption details of these Captive Units for FY 2015-16. As stated above, the two obligations to be discharged for the purpose of captive consumption of electricity are that Captive Users should not hold less than 26 % shareholding and they should consume not less than 51% of electricity generated from the Captive Generating Units.
- 3.9. In FY 2015-16, the Captive Users held more than 26% of the shareholding in the Generating Units. This translates to 13% shareholding for the Generating Units of SWPGL's Company as a whole as only two Units 3 and 4 have been identified as Captive Units. The Commission in its Order dated 23 August, 2013 has recognized the shareholding as fulfilling the purposes of Rule 3 of the Electricity Rules, 2005.
- 3.10. In terms of the above, in FY 2015-16 SWPGL has fulfilled the captive status for its Generating Units and for the supply of electricity to its Captive Users. In terms of Rule 3 of the Electricity Rules, 2005 the shareholding is to be not less than 26% and consumption not less than 51% of annual generation. The compliance with regard to proportionality is within the permissible limit of $\pm 10\%$. SWPGL has adopted the same methodology as has been adopted by the Commission for FY 2013-14 for the purpose of calculation of the captive status of SWPGL and its users.



- 3.11. In any event, by considering the total shareholding of the Captive Users who had consumed power during FY 2015-16, the conditions for captive consumption are fulfilled. During FY 2015-16, there was a change in shareholding. The same was duly intimated to the Respondents. The calculation of equity ownership of the Captive Users has been made taking into account such change in shareholding for part of the year. SWPGL had duly intimated to the Respondents the details of the shareholding pattern of SWPGL for FY 2015-16.
- 3.12. In the light of the above, it is clear that all the conditions for the consumption by the shareholders of SWPGL to the extent of 13% (which relates to 26% for the two Units of 135 MW each) are fulfilled. In the circumstances, SWPGL and its Captive Users are entitled to all the benefits available, including exemption from payment of cross-subsidy surcharge (CSS), as provided in the proviso to Section 42(2) of the EA, 2003.
- 3.13. As per the EA, 2003, the Commission is vested with the jurisdiction for the determination of the captive status and for ancillary issues with regard to the compliance of the obligations by a Captive Generator. The jurisdiction of the Commission has also been upheld by the Appellate Tribunal for Electricity (APTEL) in Chhattisgarh Power Distribution Company Ltd. v. Hira Ferro Alloys Ltd. and Others vide Order dated 18 May, 2010
- 3.14. SWPGL had also filed Petitions before the Commission for determining the Captive Status for FY 2013-14 and for FY 2014-15. The Commission vide Order dated 20 August, 2014 held that the said Units of SWPGL fulfilled the criteria as per the Electricity Rules, 2005 for FY 2013-14. That Order has also been upheld by the APTEL in its Judgment dated 3 June, 2016 in Appeal No. 252 of 2014 filed by MSEDCL. The very same methodology has been adopted by SWPGL for FY 2014-15 and FY 2015-16 by which the captive status has been calculated and satisfied. SWPGL has kept informed on the compliance of these conditions for FY 2015-16 vide its communication dated 23 June, 2016. Details of Generation and shareholding is as below:

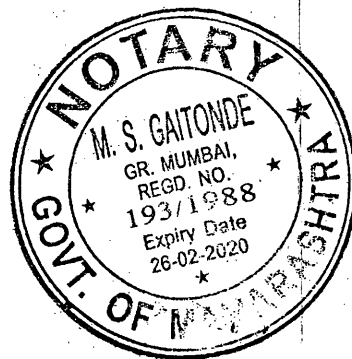
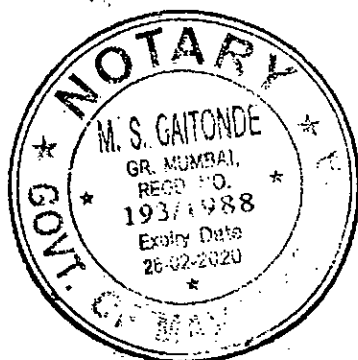
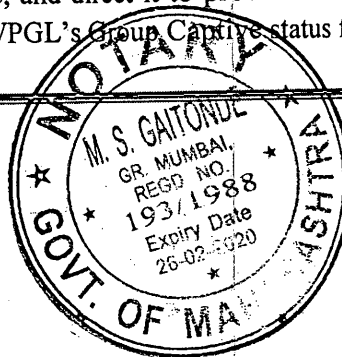


Table 1: Details of Equity Holding and Consumption by Captive Users during FY 2015-16, as submitted by SWPGL

Sr. No.	Name of the Shareholder	No. of Class A-Equity Shares of Rs. 10/- each		Gross Generation (considered after considering impact of delay in granting Open Access)	% of consumption to be done by Captive User for meeting 51% consumption criterion	Permissible Range for shareholding pattern for 51% consumption criterion			Actual Consumption	Consumption permissible as per Shareholding
		As per share certificates as on 1.04.2016	% of shares in Ownership			With variation				
						0%	-10%	+10%		
						MU a	MU b	MU c		
								MU d	$e = \text{if}(b > d, d, \text{Min}(c, d, e))$	
1	Viraj Profiles Ltd.	2,32,98,938	5.77%	661.25	40.3%	266.5	239.85	293.15	346.28	293.15
2	Bebitz Flanges Works Pvt. Ltd.	2,65,346	0.07%	661.25	0.5%	3.04	2.73	3.34	9.60	3.34
3	Mahindra & Mahindra Ltd.	19,45,867	0.48%	661.25	3.4%	22.26	20.03	24.49	90.36	24.49
4	Mahindra Vehicle Manufacturers Ltd.	12,38,279	0.31%	661.25	2.2%	14.16	12.75	15.58	43.68	15.58
5	Mahindra CIE Automotive Ltd. (Formerly Mahindra Forgings Ltd.)	8,84,485	0.22%	661.25	1.5%	10.12	9.11	11.13	23.35	11.13
6	Mahindra Hinoday Indu. Ltd.	17,68,970	0.44%	661.25	3.1%	20.23	18.21	22.25	45.56	22.25
7	Mahindra Sanyo Special Steels Ltd.	61,91,395	1.53%	661.25	10.7%	70.82	63.74	77.90	98.85	77.90
8	RL Steels & Energy Ltd.	26,53,455	0.66%	661.25	4.6%	30.35	27.32	33.39	50.9	33.39
9	India Steel Works Ltd.	10,61,382	0.26%	661.25	1.8%	12.14	10.93	13.35	32.30	13.35
10	Sona Alloys Private Ltd.	14,15,176	0.35%	661.25	2.4%	16.19	14.57	17.81	30.44	17.81
11	Cosmo Films Ltd.	22,99,661	0.57%	622.11	4.0%	24.75	22.27	27.23	82.35	27.23
12	Mahalaxmi TMT Private Ltd.	78,87,669	1.95%	661.25	13.6%	90.22	81.20	99.24	200.69	99.24
13	Hindustan Petroleum Co. Ltd.	38,91,734	0.96%	233.02	6.7%	15.69	14.12	17.26	58.26	17.26
14	Lupin Ltd.	30,07,237	0.74%	454.95	5.2%	23.67	21.30	26.04	65.08	26.04
Total		5,78,09,594	14.31%			620.14	558.13	682.15	1177.7	682.15
Total Shares		40,41,40,146								



4. In its Reply dated 20 February, 2017, Reliance Infrastructure Ltd (Distribution) (RInfra-D) has stated that:
- 4.1. SWPGL has supplied power from Units 1 and 2 (non –Captive Generating Units) to its Captive User, Mahindra & Mahindra (M&M), in RInfra-D's area of supply, when the designated Captive Generating Units 3 and 4 were under outage in FY 2015-16. M&M had opted for OA for 3 MW of supply from SWPGL (Unit No.3 and 4) for the period 1st April, 2015 to 31st March, 2018.
 - 4.2. During FY 2015-16, SWPGL has supplied power to M&M from other Units, i.e. Unit 1 and 2, when it had designated Units 3 and 4 as captive or both were under outage. RInfra-D's letter dated 30 September, 2016 to M&M and MSEDCL raising this concern is submitted.
 - 4.3. OA was granted to M&M for supply from SWPGL's Unit No. 3 and 4. However, during the outages of these Units, SWPGL continued to supply from other Units. It appears that SWPGL in its submission has considered the entire supply from the Power Plant (irrespective of the Unit from which it was supplied) as captive supply. The power supplied from Unit 1 and 2 cannot be considered and will not qualify under captive supply. For the quantum of power supplied from Units 1 and 2, CSS would be payable by M&M.
 - 4.4. Therefore, the Commission may direct SWPGL to submit the details of power supplied to Captive Users from Units 1 and 2 and accordingly exclude the said supply while considering the prayers of SWPGL. In case the power is supplied from Units 1 and 2 to its Captive Users, the Commission may issue necessary directions to SWPGL or its Captive Users to pay applicable CSS to RInfra-D from FY 2015-16.
5. Vide its Reply dated 21 February, 2017, Tata Power Company Ltd. (Distribution) (TPC-D) has stated as follows:
- 5.1. In order to accurately assess SWPGL's Group Captive status for FY 2015-16, it is essential that all consumption and scheduling data be collectively verified and validated by the Commission.
 - 5.2. Maharashtra State Load Despatch Centre (MSLDC) is responsible for scheduling and despatch of power within the State, and hence it has the relevant information/data qua scheduling despatch and consumption of power by Captive Users of SWPGL. Therefore, the Commission may implead MSLDC, and direct it to provide all relevant information and assist the Commission to assess SWPGL's Group Captive status for FY 2015-16.

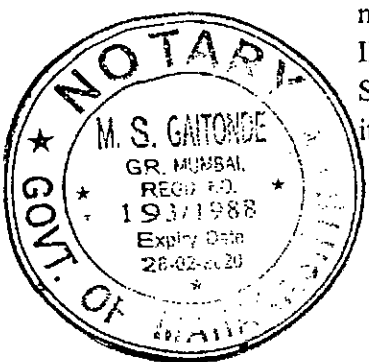


- 5.3. Adherence to the conditions qua Captive Status by the two identified Units 3 & 4 of SWPGL is crucial for the common users, as the captive status results in denial of CSS and therefore adversely impacts the common users.
- 5.4. SWPGL must provide the following data/ documents for making any assessment on its Group Captive status for FY 2015-16 in terms of Section 9 of the EA, 2003 and Rule 3 of the Electricity Rules, 2005:

- a) The scheduling of power to users of TPC-D availing OA through Group Captive route by SWPGL for FY 2015-16.
- b) Metering data duly certified by the MSLDC to show entire generation on a 15 minute time block basis distinctively from the Captive Units and Independent Power Producer (IPP) Units of SWPGL during FY 2015-16.
- c) Date-wise revision of schedules (duly certified by MSLDC) of TPC-D's users availing OA on 15 minute time block basis through Group Captive route from SWPGL during FY 2015-16.
- d) Outage details of Captive Units during FY 2015-16 (duly certified by MSLDC).
- e) Reconciliation of the entire generation from Captive Units vs. Scheduling of power to Captive Users during FY 2015-16.
- f) Shareholding/ Purchase Agreements executed between SWPGL and its Group Captive Users, reduction/ enhancement/ changes in the share holding pattern during FY 2015-16; and SWPGL's Charter documents.
- g) All filings made by SWPGL before the Ministry of Company Affairs and the Registrar of Companies.
- h) Any other relevant document/ data/ information in this regard.

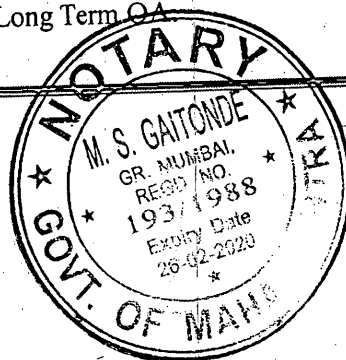
5.5. From the data submitted by SWPGL and the data available in public domain, TPC-D has the following prima facie observations/ submissions:

- a) From the data available on MSLDC's website, it is evident that SWPGL has on multiple (25) occasions in FY 2015-16 supplied power to its Captive Users from its IPP Units 1 & 2. That has been observed during outage/ tripping of either/ both of SWPGL's Captive Units 3 & 4. SWPGL is selling power to its Captive Users from its IPP Units, violating the NOC provided by TPC-D:
 - i. Without any contract/ agreement with such Captive Users for supply of such power from IPP Units.
 - ii. Without applying for change of source and without declaring the change of source to MSLDC.
 - iii. Without there being any scheduling from MSLDC.



A summary along with screenshots from MSLDC's website providing the details of sales from SWPGL's IPP Units to its Captive Users is submitted along with the Petition.

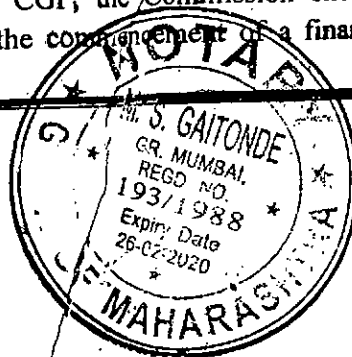
- b) The details sought are essential to ascertain/ demonstrate that power has indeed been supplied by SWPGL to its Captive Users from the CGP Units as well as to assess whether the power supplied by SWPGL's IPP Units to the Captive Users has been accounted for while computing the units consumed to meet the requirement under Rule 3 of the Electricity Rules. If the power from the IPP Units has been accounted for to meet the requirement under Rule 3, then the entire Group Captive arrangement becomes null and void. Consequently, CSS and other applicable charges in terms of the MERC (Distribution Open Access) Regulations, 2014 ('DOA Regulations') and other applicable provisions become leviable on the entire consumption of SGWPL. The supply of electricity through OA would then be treated as a supply from a non-CGP source.
- c) From the details of net generation and consumption of Units 3 & 4 as submitted in the Petition, it is evident that in several months (viz., April, July, August, 2015 and January & February, 2016), the captive consumption has been greater than the total generation of power from the Captive Units (i.e., 3 & 4). This indicates that power has been injected from a source other than the Captive Units 3 & 4 to meet the schedules of the Captive Users.
- d) Further, the power injected by SWPGL from its IPP Units 1 & 2 without there being any agreement and/ or any generation schedule from MSLDC ought to be treated as unscheduled injection of power and the applicable Unscheduled Interchange (UI) charges/ penalties levied upon SWPGL under the Regulations.
- e) The current arrangement of procuring power as borne out from the preliminary examination of the documents provided and those available in public domain appears to be miserably short of bona fides and is contrary to the intent and objectives for such arrangements envisaged in the EA, 2003, Rules and Regulations. Moreover, SWPGL may be put to strict proof of the legitimacy and legality of its equity structure and that the investments are in compliance with the governing law. If it is proved otherwise, SWPGL would be disentitled to claim captive status.
- f) Even though the present arrangement is of captive generation, the OA availed is of Short Term on monthly basis, which is typically of bilateral OA procurement, without applying for Medium Term/ Long Term OA.



g) The quantum of power consumed by the Captive Users does not conform to the proportionality as per the equity shares purchased by the Captive Users in the Power Plant of SWPGL and the variation allowed as per Rule 3. In SWPGL's submission (details of Equity Holding & Consumption of Captive Users during FY 2015-16), the maximum consumption of Hindustan Petroleum Corporation Ltd. (HPCL), one of the users in the area of TPC-D, as per the maximum variable allowable under Rule 3, was supposed to be 17.26 MUs. However, HPCL has actually consumed 58.26 MUs, which clearly demonstrates that its consumption was not in proportion to its equity shares (ownership) in the Power Plant within a variation of $\pm 10\%$, thus flouting the basic statutory requirements of the captive arrangement as per Rule 3 of the Electricity Rules.

h) At Para 16 of the Petition, SWPGL has stated that there was a change in shareholding, which was duly intimated to the Respondents. Further, the calculation of equity ownership of the Captive Users has been done taking into account such change in shareholding for part of the year. In this regard, only one Auditor's Certificate has been submitted with a statement of equity share capital as on 31 March, 2016 of the Captive Users who consumed power during FY 2015-16. The Auditor's Certificate does not depict the change and/ or the number of changes in the shareholding of SWPGL during FY 2015-16. SWPGL has also failed to explain/ demonstrate precisely the methodology adopted by it/ the Auditors for calculating the equity ownership of the Captive Users with changing shareholding patterns during the year. Further, the Commission may also have to determine the methodology of computing the consumption requirement (under Rule 3 of the Electricity Rules) vis-à-vis changing shareholding pattern during the financial year. From the data provided on Details of Equity holding and consumption by Captive Users during FY 2015-16, it appears that the proportionality aspect of Rule 3 has not been adhered to, which is in violation of the conditions of captive generation. Hence, SWPGL may be directed to place all necessary and relevant data/ information to demonstrate the change in shareholding and the methodology of computing the consumption pattern to establish the sanctity of the captive status. The Commission would also be required to investigate into the intent for such frequent changes in shareholding pattern.

5.6. It is settled law that the Generator is responsible for informing/ declaring any change in shareholding pattern of the Captive Users at the start of the financial year and any subsequent changes during the year. In the absence of such declaration, such shareholder shall not be considered as a Captive User for that financial year. To ensure that a Power Plant has in fact qualified as a CGP, the Commission should in addition to the shareholding pattern provided at the commencement of a financial year also have to

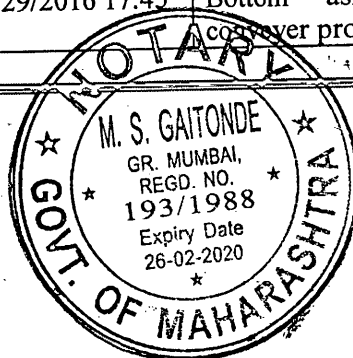


be suggested by SWPGL. The issue of change of source of power also has to be dealt with in under the provisions of DOA Regulations, 2016.

- 6.4. The Commission decided to implead MSLDC, and directed SWPGL to serve its Petition to MSLDC and the Respondents to provide their Replies. Time was given to MSLDC to and MSEDCL file their Reply and to SWPGL to file its Rejoinder.
7. Vide its letter dated 17 March, 2017 to SWPGL, MSLDC provided the tripping details for FY 2015-16 as below.

Table 2: Outage details of Units 3 and 4 as submitted by MSLDC

Sr. No.	Unit	Trip Date	Synchronization Date	Reason of Outage
1.	Unit 4	4/1/2015 11:44	4/21/2015 15:15	No Load Schedule till 19 April, 2015
2.	Unit 3	4/11/2015 23:56	4/19/2015 11:27	ID Fan Bearing vibration high
3.	Unit 4	4/22/2015 11:44	4/23/2015 11:16	PA Fan- B vib. HH
4.	Unit 3	5/11/2015 18:16	5/11/2015 22:32	Station Black out
5.	Unit 4	5/11/2015 18:20	5/12/2015 4:40	Station Black out
6.	Unit 3	5/18/2015 3:07	5/21/2015 10:23	Unit 3 Upper eco Tube leakage
7.	Unit 4	6/4/2015 9:35	6/4/2015 10:35	Trip due to furnace pressure low
8.	Unit 3	6/17/2015 0:04	6/29/2015 20:37	No Load Schedule
9.	Unit 3	7/1/2015 16:18	7/1/2015 18:46	Furnace pr LL
10.	Unit 3	7/4/2015 17:45	7/12/2015 6:58	ID Fan-B vibration and GD screen work
11.	Unit 4	7/11/2015 6:58	7/26/2015 18:52	ID Fan-B Vibration
12.	Unit 3	7/12/2015 11:15	7/12/2015 12:11	ESP bag filter PLC problem
13.	Unit 3	7/28/2015 8:07	8/3/2015 0:00	ESP Bag filter Bag problem
14.	Unit 4	8/1/2015 21:57	8/25/2015 15:37	Boiler ID Fan -B Vibration high
15.	Unit 3	9/15/2015 23:53	9/17/2015 20:12	ESP Bag filter DP high
16.	Unit 4	10/10/2015 6:26	10/23/2015 13:51	ID Fan Vibration
17.	Unit 3	11/4/2015 22:58	11/5/2015 12:05	BFP Trip to BLR Trip/HP/LP Bypass SOV malfunction
18.	Unit 4	11/23/2015 0:04	11/24/2015 21:29	Boiler ID Fan -B Vibrations
19.	Unit 3	12/29/2015 5:56	1/6/2016 21:06	PA Fan -3A Bearing vibration
20.	Unit 3	1/24/2016 18:38	1/24/2016 22:10	Flame loss
21.	Unit 4	2/1/2016 17:35	2/2/2016 9:48	DEH tripped due to Electrical Fault
22.	Unit 4	2/10/2016 21:46	2/16/2016 14:26	Misc Short duration Maintenance
23.	Unit 3	2/22/2016 4:14	2/22/2016 14:13	Black out
24.	Unit 4	2/22/2016 4:14	2/22/2016 11:13	Black out
25.	Unit 3	2/23/2016 7:28	2/29/2016 17:45	Bottom ash submerged scraper conveyor problem



deal with all issues relating to OA vis-à-vis Captive/ Group Captive Power Plants as well as certifying its status at the end of each financial year.

5.10. Any action circumventing the provisions of the EA, 2003 (more particularly Section 42) ought to be scrutinized by the Commission and the claimant of the Captive status / benefit to be put to the strictest proof to establish the legitimacy of the entire transaction. If the circumstances relating to grant of OA to a CGP results in circumventing the provisions of law or a specious device or gaming, flouting of the spirit of the statutory provisions relating to CGPs just to overcome the liability to pay CSS, and ensure the benefit of low end consumers, the Commission is bound to consider the issues and problems associated therewith as a *parens patriae*.

5.11. Based on the available information, prima facie the Captive status of SWPGL cannot be established as per conditions under Rule 3 of the Electricity Rules and provisions of the EA, 2003. Therefore to arrive at a comprehensive decision the Commission may:

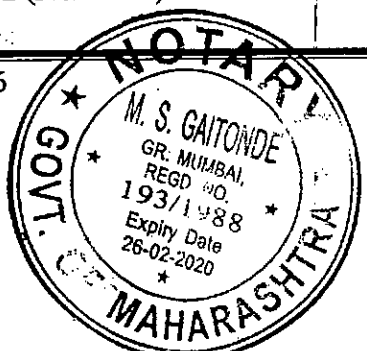
- (a) Direct SWPGL to produce all the documents/ data/ information as sought by the TPC-D and, and/ or as the Commission may deem fit. (Section 94(1) of the EA, 2003).
- (b) Order an investigation into the affairs of SWPGL's Company, so as to assess the compliance/ non-compliance of the provisions of the EA, 2003 and the Rules and Regulations made there under, qua its Group Captive status for FY 2015-16 in the interest of the common consumers and to ensure compliance of the provisions of the EA, 2003 particularly Section 42(2). (Section 94(1) and 128 of the EA, 2003 read with Regulation 82 of the MERC (Conduct of Business) Regulations, 2004).

6. At the hearing held on 23 February, 2017:

6.1. SWPGL stated that the Replies of TPC-D and RInfra-D were received on 22 February, 2017 and it has not yet received the Reply of MSEDCL. MSEDCL stated that it would file its Reply within two weeks.

6.2. TPC-D stated that its Miscellaneous Application (MA) filed on 22 February, 2017 requesting the Commission to implead MSLDC may be considered as its submission in the matter instead of as a separate MA. Further, the data collected from the MSLDC website has been analysed by TPC-D, on which there are some issues which it will present in its further submission.

6.3. RInfra-D stated that SWPGL has to pay CSS on the consumption of energy supplied to Captive Users from Units 1 & 2 (Non-CGP). A suitable method for levying the CSS may

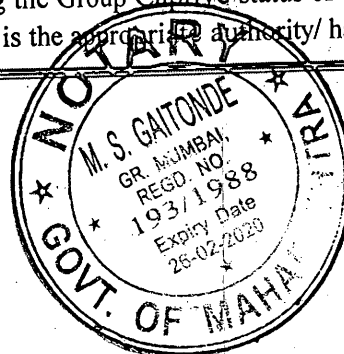


consider the shareholding pattern as it exists at the end of a financial year. The same is essential in light of the fact that, Captive Users of a Special Purpose Vehicle (SPV) operating as a CGP also have to satisfy the rule of proportionality. Therefore, to ensure that Captive Users have consumed power in proportion to their respective shareholding, this Commission will have to consider the original shareholding pattern as well as the changes during the year and the changed shareholding pattern at the end of the financial year.

- 5.7. Further, as per Article 13 of the Power Purchase Agreement (PPA) dated 08 July, 2016 between SWPGL and HPCL (one of the Captive Users in the area of TPC-D) that Bank Guarantees have been provided by SWPGL, which is a Public Limited Company, towards securing the equity subscription amount of the Captive User, as also securing any eventuality of payment of CSS being levied by the Distribution Companies. Such practices are violative of Section 67(2) of the Companies Act, 2013 which provides as under:-

"No public company shall give, whether directly or indirectly and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase or subscription made or to be made, by any person of or for any shares in the company or in its holding company."

- 5.8. The captive arrangement carved out by SWPGL apparently violates the provisions of the EA, 2003 the Rules and Regulations made there under, and also the Companies Act, with the intent of circumventing the payment of legitimate charges such as CSS, Transmission Charges and others as applicable, thereby burdening the consumers of the Distribution Licensee. This provides the necessary grounds for exercising the right to TPC-D to apply such charges as appropriate and applicable in law.
- 5.9. For assessing SWPGL's captive status for FY 2014-15 in Case No. 77 of 2015, similar request for data/ documents had been made by TPC-D on several occasions but to no avail. Therefore, in Case No.77 of 2015, TPC-D, owing to SWPGL's conduct, has filed an Application seeking directions against SWPGL to produce all documents/ data information as sought by it and/ or as deemed fit by the Commission. TPC-D has also sought investigation into the affairs of SWPGL so as to assess the compliance/ non-compliance of the provisions of the EA, 2003 and the Rules and Regulations qua its Group Captive status for FY 2014-15 [Sections 94(1) and 128 of the EA, 2003 read with Regulation 82 of the MERC (Conduct of Business) Regulations, 2004]. In this regard, apprehending a similar conduct by SWPGL in this case also, TPC-D seeks similar directions against SWPGL as sought in Case No.77 of 2015. Case No.77 of 2015 and the present Petition are identical (for certifying the Group Captive status of SWPGL) but for different financial years. The Commission is the appropriate authority/ has jurisdiction to



Sr. No.	Unit	Trip Date	Synchronization Date	Reason of Outage
26.	Unit 4	3/3/2016 0:00	3/7/2016 22:55	ESP Bag filter Bag Maintenance
27.	Unit 3	3/19/2016 0:00	3/25/2016 22:37	ESP Bag filter bag maintenance

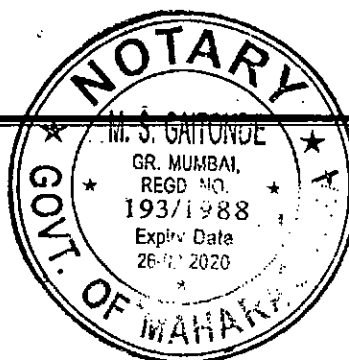
8. Vide letter dated 23 March, 2017 to SWPGL regarding the Energy Injection Report for FY 2015-16, MSLDC stated that it has verified the energy injection of SWPGL into the Maharashtra State Electricity Transmission Co. Ltd. (MSETCL) grid at 220kV Warora line-I and Warora line -II for FY 2015-16 as per the Availability-Based Tariff (ABT) meter data submitted by SE (EHV) O&M Circle, Chandrapur. The energy injection to the grid was as under.

Table 3: Energy Injection Report of SWPGL into State Grid as submitted by MSLDC

Month	Line -1 (MAR10000)	Line -2 (MAR10001)	Total
	Import	Import	
	In kWh	In kWh	
April-15	73021190	72860040	145881230
May-15	129863590	128618370	258481960
June-15	72599430	74976670	147576100
July-15	47557010	46336370	93893380
August-15	54340550	54377360	108717910
September-15	60028750	60489200	120517950
October-15	72893090	73164000	146057090
November-15	64573719	65087258	129660977
December-15	74928336	75436898	150365234
January-16	62668352	62996508	125664860
February-16	58556656	58706867	117263523
March-16	53327164	53733898	107061062

9. In its Reply dated 9 May, 2017, MSEDCL stated as follows:

- 9.1. Two of SWPGL's Units (i.e., Units 3 and 4) are identified as Captive Generating Units. The remaining two Units (i.e., Units 1 and 2) are IPP Units were used for supplying power to third parties. Adherence to the conditions qua captive status by the two identified Units 3 & 4 of SWPGL is crucial for the common consumers as the captive status results in denial of CSS and therefore adversely impacts them.



9.2. The Commission in its Order dated 20 August, 2014 in Case No. 101 of 2014 had specifically directed SWPGL to submit details such as generation outages, changes in equity shareholding, etc.

9.3. From the data submitted by SWPGL and the data available in public domain, MSEDCL has the following prima facie observations / submissions:-

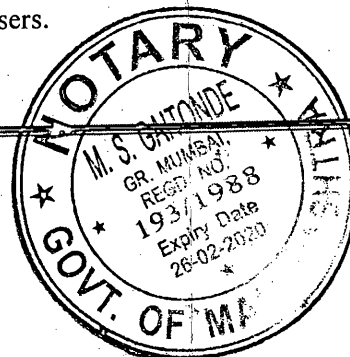
9.3.1. From the data available on MSLDC's website, it is evident that SWPGL has on 25 occasions in FY 2015-16 supplied power to its Captive Users from its IPP Units (i.e. Units 1 & 2). That has been observed during outage/ tripping of either/both of SWPGL's Captive Units. Thus, SWPGL is selling power to its Captive Users from its IPP Units, violating the NOC provided by MSEDCL:-

- i. Without any contract/ agreement with such Captive Users for supply of such power from IPP Units
- ii. Without applying for change of source and without declaring the change of source to MSLDC
- iii. Without there being any scheduling from MSLDC

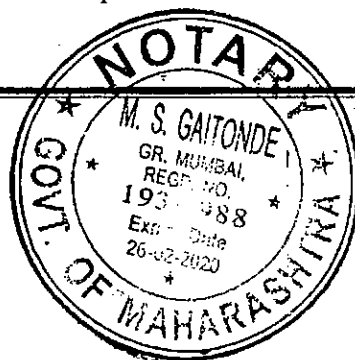
The summary along with screenshots from MSLDC's website providing the details of sales from SWPGL's IPP Units to its Captive Users is submitted.

9.3.2. The details sought are essential to ascertain/ demonstrate that power has indeed been supplied by SWPGL to its Captive Users from the CGP Units as well as to assess whether the power supplied by SWPGL's IPP Units to the Captive Users has been accounted for while computing the units consumed to meet the requirement under Rule 3 of the Electricity Rules. If the power from the IPP Units has been accounted for to meet the requirement under Rule 3, then the entire Group Captive arrangement becomes null and void. Consequently, CSS and other applicable charges in terms of the DOA Regulations and other applicable provisions become leviable on the entire consumption of SGWPL. The supply of electricity through OA would then be treated as a supply from a non-CGP source.

9.3.3. From the details of net generation and consumption of Units 3 & 4 as submitted in the Petition, it is evident that in several months (viz., April, July, August, 2015 and January & February, 2016), the captive consumption has been greater than the total generation of power from the Captive Units (i.e., 3 & 4). This indicates that power has been injected from a source other than the Captive Units 3 & 4 to meet the schedules of the Captive Users.



- 9.3.4. Further, the power injected by SWPGL from its IPP Units 1 & 2 without there being any agreement and/ or any generation schedule from MSLDC ought to be treated as unscheduled injection of power and the applicable Unscheduled Interchange (UI) charges / penalties levied upon SWPGL under the Regulations.
- 9.3.5. The current arrangement of procuring power as borne out from the preliminary examination of the documents provided and those available in public domain appears to be miserably short of bona fides and is contrary to the intent and objectives for such arrangements envisaged in the EA, 2003, Rules and Regulations. Moreover, SWPGL may be put to strict proof of the legitimacy and legality of its equity structure and that the investments are in compliance with the governing law. If it is proved otherwise, SWPGL would be disentitled to claim captive status.
- 9.3.6. The quantum of power consumed by the Captive Users does not confirm to the proportionality as per the equity shares purchased by the Captive Users in the Power Plant of SWPGL and the variation allowed thereof as per Rule 3 of the Electricity Rules.
- 9.3.7. At Para. 16 of the Petition, SWPGL has stated that there was a change in shareholding, which was duly intimated to the Respondents. Further, the calculation of equity ownership of the Captive Users has been done taking into account such change in shareholding for part of the year. In this regard, only one Auditor's Certificate has been submitted with a statement of equity share capital as on 31 March, 2016 of the Captive Users who consumed power during FY 2015-16. The Auditor's Certificate does not depict the change and/ or the number of changes in the shareholding of SWPGL during FY 2015-16. SWPGL has also failed to explain/ demonstrate precisely the methodology adopted by it/ the Auditors for calculating the equity ownership of the Captive Users with changing shareholding patterns during the year. Further, the Commission may also have to determine the methodology of computing the consumption requirement (under Rule 3 of the Electricity Rules) vis-à-vis changing shareholding pattern during the financial year. From the data provided on Details of Equity holding and consumption by Captive Users during FY 2015-16, it appears that the proportionality aspect of Rule 3 has not been adhered to, which is in violation of the conditions of captive generation. Hence, SWPGL may be directed to place all necessary and relevant data/ information to demonstrate the change in shareholding and the methodology of computing the consumption pattern to establish the sanctity of the captive status. The Commission would also be



required to investigate into the intent for such frequent changes in shareholding pattern.

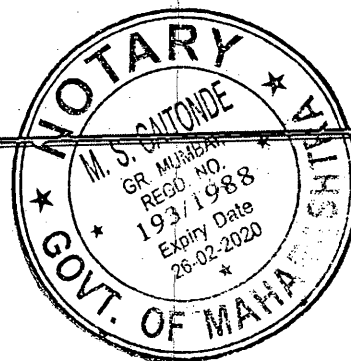
9.3.8. It is settled law that the Generator is responsible for informing/ declaring any change in shareholding pattern of the Captive Users at the start of the financial year and any subsequent changes during the year. The Commission has specifically given such ruling in Case no. 117 of 2013 and 101 of 2014. In the absence of such declaration, such shareholder shall not be considered as a Captive User for that financial year. To ensure that a Power Plant has in fact qualified as a CGP, the Commission shall in addition to the shareholding pattern provided at the commencement of a financial year also have to consider the shareholding pattern as it exists at the end of a financial year. That is essential in light of the fact that Captive Users of a SPV operating as a CGP also have to satisfy the rule of proportionality. Therefore, to ensure that Captive Users have consumed power in proportion to their respective shareholdings, the Commission will have to consider the original shareholding pattern as well as the changes during the year and the changed shareholding pattern at the end of the financial year.

9.3.9. The captive arrangement carved out by SWPGL is apparently violate of the provisions of the EA, 2003 the Rules and Regulations made there under, and also the Companies Act, with the intent of circumventing the payment of legitimate charges such as CSS, Transmission Charges and others as applicable, thereby burdening the consumers of the Distribution Licensee. This provides the necessary grounds for exercising the right of MSEDCL to apply such charges as appropriate and applicable in law.

9.3.10. In the previous financial years, SWPGL has failed to comply with the captive eligibility criteria and the matter of its captive status is sub-judice before various legal forums:

Table 4: Summary of decisions on CGP Status of SWPGL, as per MSEDCL

S. No.	Financial Year	Captive Status	Remark
01	FY 11-12	Non-captive	--
02	FY 12-13	Non-captive	The Commission vide order in case no. 117 of 2012.



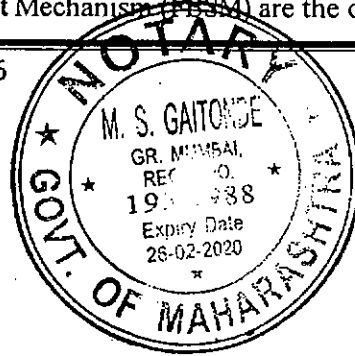
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S. No.	Financial Year	Captive Status	Remark
03	FY 13-14	Sub-judice	<p>The Commission's Order dated 20 August, 2014 in case No. 101 of 2014 has ruled as follows:</p> <p>38. <i>The Commission is of the view that certain issues regarding group Captive Generating Plant has been raised in this case. These have been elaborated in Paragraph 31 and 32 of this Order. The Commission directs MSEDCL to take up this issue and approach the Government of India for seeking clarifications regarding criterion laid down in the Electricity Rules, 2005, separately.</i></p> <p>39. <i>The Commission shall revisit the above matter based on the clarifications received in the matter, if required, and till such time the bills raised by MSEDCL shall be live and will be kept in abeyance. Further, upon receipt of clarifications, if the Cross Subsidy Surcharge is payable by Captive Users of WPCL, the Commission rules that MSEDCL shall be eligible to recover the same along with interest.</i></p> <p>The matter is also sub-judice before Supreme Court of India.</p>
04	FY 14-15	Sub-judice	<p>The matter is sub-judice before the Commission in Case no. 77 of 2015. MSEDCL also other distribution licensees in the State of Maharashtra has strongly objected to the captive status of Units 3 & 4.</p>

9.3.11. Based on the available information, prima facie the captive status of SWPGL cannot be established as per conditions prescribed under Rule 3 of the Electricity Rule and provisions of the EA, 2003. To arrive at a comprehensive decision the Commission may:-

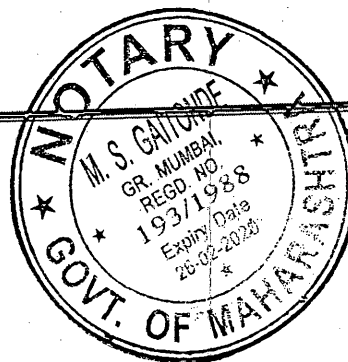
- a) Direct SWPGL to submit all the documents / data as sought by MSEDCL or as the Commission may deem fit.
- b) Order an investigation into the affairs of SWPGL, so as to assess the compliance/non-compliance of the provisions of the EA, 2003 and the Rules and Regulations qua its Group Captive status for FY2015-16 in the interest of the common consumers and to ensure compliance of the provisions of the EA, 2003, particularly Section 42(2).

10. In its letter dated 1 June, 2017 to TPC-D on energy injection data of SWPGL for FY 2014-15 to FY 2015-16, MSLDC stated that the interface points identified for SWPGL in respect of the Final Balancing and Settlement Mechanism (FBSM) are the outgoing feeders, i.e. 220 kV



Warora-I and Warora –II lines. Therefore, MSLDC has MRI data of SWPGL of these lines only, i.e. GT wise ABT data is not available with it. Meter data for outgoing 220 kV Warora-I and II lines have been provided to TPC-D vide letter dated 27 April, 2017.

11. SWPGL's Rejoinders dated 28 June, 2017 to the Replies of MSEDCL, RInfra-D and TPC-D are summarised below:
 - 11.1. SWPGL is seeking declaration of the captive status of its Units 3 and 4 for FY 2015-16. The Commission in its Order dated 20 August, 2014 in Case No. 101 of 2014 has already dealt with the principles for compliance of captive status. That Order has been upheld by the APTEL in its Judgement in Appeal No. 252 of 2014. SWPGL has followed the same principle and methodology, and has fulfilled the requirements of a CGP for FY 2015-16.
 - 11.2. MSEDCL, RInfra-D and TPC-D have raised similar objections that there are multiple occasions in FY 2015-16 when SWPGL has supplied electricity from its Units 1 and 2 when Units 3 and /or 4 were under shutdown, that the said supply would not amount to captive supply and that hence CSS should be payable on such generation and supply.
 - 11.3. SWPGL is not contesting that when the supply is from its Units 1 and/or 2 during period of shut-down of Units 3 and/or 4, to the extent of such supply it would not be captive supply of electricity. However, that does not in any manner affect the captive status of Generating Units 3 and 4 in FY 2015-16.
 - 11.4. As regards the authentication of generation and supply data, the Commission has for the previous years directed the MSLDC to provide the authenticated data. The same process may be followed for FY 2015-16, which would satisfy the apprehensions of MSEDCL.
 - 11.5. It is incorrect to contend that the supply from Units 1 and 2 should be treated as Unscheduled Interchange and charged penalty. The scheduling is at the bus-bar and for the Generating Station. The schedule has been met from the Generating Station. It is only for the purposes of captive supply that the generation needs to be from Units 3 and 4 and not for the purposes for Unscheduled Interchange.
 - 11.6. Regarding the objection of MSEDCL of not providing for the change in shareholding in Auditor's Certificate, The Auditor's Certificate provides for the shareholding as on 31 March, 2016 and those who have consumed electricity during the year. The change in shareholding during the year has been intimated by SWPGL to the concerned Distribution Licensee and only based on such intimation was the NOC for OA granted.

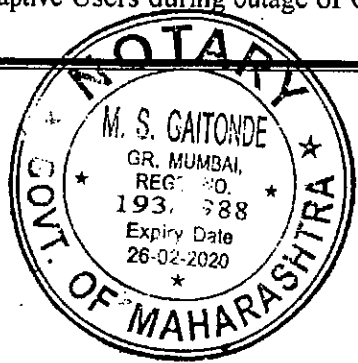


- 11.7. MSEDCL has contended that the proportionality requirement has not met. The allegations are vague. SWPGL has calculated the captive compliance including the issue of proportionality adopting the same principle as adopted by the Commission in the Order dated 20 August, 2015 for FY 2013-14, which has also been upheld by the APTEL. MSDECL has also stated that information/data was not being made available. SWPGL has filed the requisite information in the Petition. It is ready to file any further information as required and is not taking a position that any information is not to be provided.
- 11.8. TPC-D has requested for the filing made before the Ministry of Corporate Affairs, inter-se Agreements between shareholders, etc. SWPGL has provided the Auditor's Certificate intimating the shareholding. Further, with every application for OA, SWPGL provides a certificate containing the list of shareholders who propose to consume the electricity as Captive Users. Therefore, the contention raised is misconceived and factually incorrect.
- 11.9. The contention that captive consumption cannot be made using short term OA is also misconceived. There is no restriction in this regard in the EA, 2003 or the Regulations. The contention that short term OA can be used only for bilateral non-captive consumption is baseless and contrary to the legal provisions.
- 11.10. The principles for considering consumption as captive are well settled in various decisions of the Commission and APTEL, which is the minimum 26% shareholder and minimum 51% consumption which is to be considered. The manner in which proportionality is to be calculated is also well settled by the previous decision of the Commission. SWPGL has calculated the captive compliance including the issue of proportionality adopting the same principle as in the Order dated 20 August, 2014 for FY 2013-14, which has also been upheld by the APTEL. The Commission has also applied these principles for FY 2013-14

12. At the hearing held on 29 June, 2017,

12.1 SWPGL stated as follows:

- 1) The matter has been partly presented at the last hearing. SWPGL has received the submissions of the Respondents and filed its Rejoinder. SWPGL has adopted the same methodology for FY 2014-15 and FY 2015-16 as upheld by the APTEL vide its Order dated 3 June, 2016 in Appeal No. 252 of 2014 for verification of CGP status.
- 2) Units 3 and 4 of SWPGL are CGP. It has supplied the power from non-Captive Units (i.e. Units 1 and 2) to the Captive Users during outage of CGP Units 3 and 4 and, to

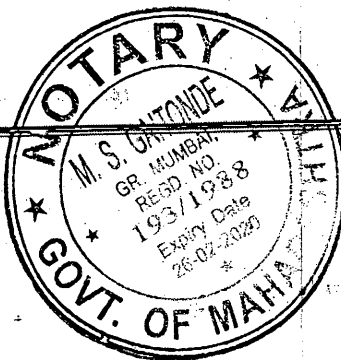


that extent, no captive status is claimed. SWPGL /Captive Users shall pay CSS to the extent of non-captive consumption.

- 3) To a query of the Commission, SWPGL stated that Special Energy Meters (SEM) have been installed at each of the Generating Units.

12.2 TPC-D and MSEDCL stated that:

- 1) SWPGL's Units 3 and 4 are Captive and Units 1 and 2 are IPP. SWPGL has stated in its Petition that it had supplied power from the identified CGP Units to its Captive Users as approved under Group Captive OA. However, only after discrepancies were raised by the Respondents, SWPGL has now admitted that it has supplied power to its Captive Users from IPP Units 1 and 2 also, for which it is liable to pay CSS. The Petition does not clarify whether permission of MSLDC was obtained for supply of power from Units 1 and 2 during outage of CGP Units 3 and 4. Even with the payment of CSS, the supply of power from IPP Units 1 and 2 has no legal authority without permission of the Distribution Licensees and MSLDC.
- 2) The provisions of Section 9 and 42 of the EA, 2003 may be referred to: OA under Section 9 is different from OA under Section 42 (2) of the EA, 2003.
- 3) In order to accurately assess SWPGL's Group Captive Status, it is essential that data of scheduling and consumption of power in respect of Units 1 and 2 and the Captive Users be validated by the Commission. There is a mismatch in the CGP generation and consumption data in the public domain and the matter needs to be investigated under Section 128.
- 4) SWPGL should provide the following data / information to enable the Commission to determine the captive status and for the Respondents to give their views:
 - a) The details of scheduling of power to consumers of SWPGL through Group Captive route for FY 2015-16.
 - b) Metering data to show all Unit-wise generation on a 15 minute time block basis separately the Captive Units and IPP Units of SWPGL for FY 2015-16.
 - c) Date wise revision of schedules on 15 minute time block basis of SWPGL availing OA through Group Captive route for FY 2015-16.
 - d) Forced and planned shutdown/ back down details of Captive Units (Units 3 and 4) for FY 2015-16.



- e) Reconciliation of the entire net generation on 15 minute time block basis from Captive Units (Units 3 and 4) vs scheduling of power to Captive Users for FY 2015-16.
- f) Details of the net generation of power from each of the units of SWPGL for FY 2015-16.
- g) Any other relevant document / data / information.

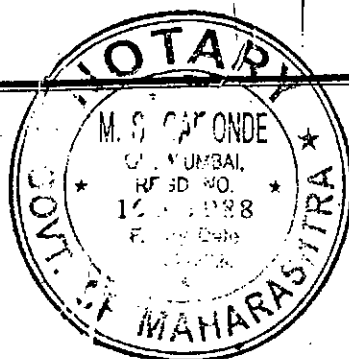
12.3 RInfra-D stated that it had filed its Reply and had nothing further to add.

12.4 In response to TPC-D and MSEDCL, SWPGL stated as follows:

- (i) SEMs have been installed at each Unit separately, and Unit-wise generation data of the CGP Units would be provided.
- (ii) It has intimated to MSLDC all instances of supplying power from IPP Units 1 and 2 in case of outage of CGP Units 3 and 4.
- (iii) It has regularly submitted information on all changes in the share-holding pattern.
- (iv) As per the provisions of the EA, 2003, and the Electricity Rules, 2005, two conditions needs to be fulfilled for CGP status :
 - a) The Captive Users should hold not less than 26% share-holding; in the Generating Unit or Units.
 - b) The Captive Users should consume not less than 51% of the electricity generated from the Captive Generating Units, to be determined on an annual basis.
- (v) SWPGL has fulfilled these conditions for FY 2015-16 and is entitled to avail CGP benefits. It is ready to provide additional information required by the Respondents, if any.

12.5 The Commission noted that SEMs are installed at each Unit of SWPGL. MSLDC does not have Generator Transformer (GT)-wise ABT data of generation as meters are installed for 220 kV outgoing Warora I and II Lines. Hence, the Commission directed SWPGL to provide Unit-wise ABT generation data to MSLDC, TPC-D, MSEDCL and RInfra-D for FY 2015-16. It also directed SWPGL to submit the information at para 3 (IV) of the Daily Order dated 29 June, 2017 duly certified by MSLDC within two weeks, with copies to the Respondents.

13. In its submission dated 22 July, 2017, SWPGL stated that :



- 13.1. During the proceedings held on 11 July, 2017 in Case No. 62 of 2017, SWPGL had confirmed that Unit-wise ABT meters are installed for each Generating Unit. Similar issue of supplying power to Captive Users from the other Units during the outages (forced and planned outages) of Unit 3 and 4 arose in FY 2013-14. The details of the outages of Units 3 and 4 and units injected from other Units were submitted. The Commission in the Order dated 20 August, 2014 for FY 2013-14 prorated the supply from Units 1 and 2 to the Captive Users.
- 13.2. The ABT meters installed at the Generating Units have the capability to store historical data for 35 days. Therefore, at present, the data for the last 35 days would be stored in the ABT meters installed for its Generating Units.
- 13.3. As directed by the Commission in its Daily Order, SWPGL has submitted summary of daily implemented schedule for FY 2015-16, full slot-wise implemented schedule details for the FY 2015-16, Unit-wise Gross and Net Generation vis-a-vis consumption by CGPs and IPPs, Unit-wise Generation on daily basis, month wise summary of IPP and CGP net generation vis-à-vis consumption, number of revisions including full revisions/slot wise to schedules on daily basis for FY 2015-16, outage details for IPP and CGP Units as certified by MSLDC for FY 2015-16, slot wise net Generation (MRI data V/s Consumption and MSLDC certified Line 1 and Line 2 data and Unit-wise Gross and Net Generation.

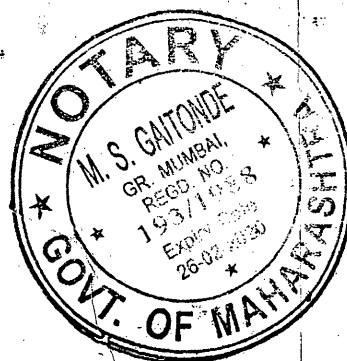
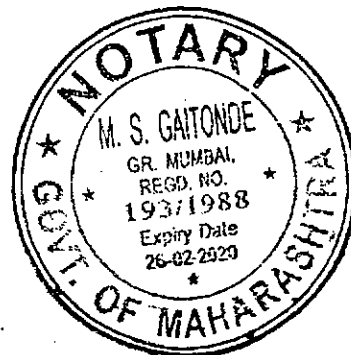
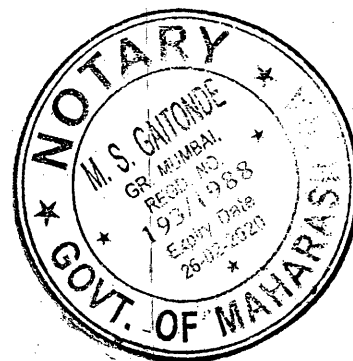


Table 5: CGP and IPP Units' Net Generation and Consumption, as submitted by SWPGL

Month	U 1 & U 2 Net Generation	U 3 & U 4 Net Generation	Total NET Generation	IPP- MSEDCL- Short Term	IPP-TPCL- Short Term	IEX	AP	IPP (Non-CGP)	CGP	Total
	A	B	C	D	E	F	G	H SUM(D:G)	I	
Apr 15	69,134,714	76,746,516	145,881,230	65,736,876	-	-	-	65,736,876	80,616,914	146,353,790
May 15	123,613,199	134,868,761	258,481,960	162,423,602	-	-	-	162,423,602	96,338,050	258,761,652
June 15	34,425,432	113,150,668	147,576,100	62,739,021	-	1,052,500	-	63,791,521	84,035,687	147,827,208
July 15	14,147,610	79,745,770	93,893,380	-	-	7,115,941	-	7,115,941	87,182,718	94,298,659
Aug 15	39,039,328	69,678,582	108,717,910	-	-	3,593,036	-	3,593,036	104,334,261	107,927,297
Sep 15	-	120,517,950	120,517,950	-	-	6,504,279	6,803,646	13,307,926	106,853,286	120,161,212
Oct 15	30,747,686	115,309,404	146,057,090	-	37,200,000	-	-	37,200,000	108,780,518	145,980,518
Nov 15	-	129,661,750	129,661,750	-	28,800,000	1,346,266	-	30,146,266	99,173,880	129,320,146
Dec 15	6,598,855	143,767,435	150,366,290	-	28,020,000	34,499	-	28,054,499	122,030,448	150,084,948
Jan 16	12,281,436	113,384,784	125,666,220	-	-	1,002,500	-	1,002,500	124,028,774	125,031,274
Feb 16	24,583,049	92,681,551	117,264,600	-	-	483,500	-	483,500	116,502,167	116,985,667
Mar 16	-	107,061,880	107,061,880	-	-	-	-	-	106,623,248	106,623,248
Total	354,571,309	1,296,575,051	1,651,146,360	290,899,499	94,020,000	21,132,521	6,803,646	412,855,666	1,236,499,952	1,649,355,619
MIUs	354.57	1,296.58	1,651.15	290.90	94.02	21.13	6.80	412.86	1,236.50	1,649.36

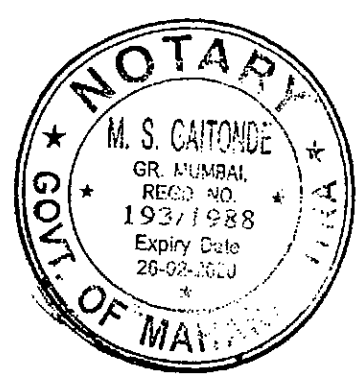


S. No.	Month	Unit	Gross Generation (kWh)	Auxiliary Consumption (kWh)	Net Generation (kWh)	Net Generation (kWh)	SLDC Certified Units (kWh)	Difference Net Generation v/s SLDC	Net Generation IPP & CGP (kWh)	Units
			A	B	D = A - B + C	D = A - B + C	E	F = D - E		
1	Apr'15	1	51,746,000	5,353,545	46,392,455	145,881,230	145,881,230	-	69,134,714	U 1 & 2
		2	25,936,000	3,193,741	22,742,259				76,746,516	U 3 & 4
		3	66,495,000	6,453,717	60,041,283					
		4	19,256,000	2,550,768	16,705,232					
2	May'15	1	68,294,000	7,808,381	60,485,619	258,481,960	258,481,960	0	123,613,199	U 1 & 2
		2	70,957,000	7,829,420	63,127,580				134,868,761	U 3 & 4
		3	71,584,000	7,635,375	63,948,625					
		4	78,929,000	8,008,864	70,920,136					
3	June'15	1	24,933,000	2,971,891	21,961,109	147,576,100	147,576,100	(0)	34,425,432	U 1 & 2
		2	14,322,000	1,857,678	12,464,322				113,150,668	U 3 & 4
		3	45,236,000	5,000,841	40,235,159					
		4	81,550,000	8,634,491	72,915,509					
4	July'15	1	16,514,000	2,366,390	14,147,610	93,893,380	93,893,380	(0)	14,147,610	U 1 & 2
		2	-	-	-				79,745,770	U 3 & 4
		3	50,401,000	5,691,831	44,709,169					
		4	39,621,000	4,584,399	35,036,601					
5	Aug'15	1	44,963,000	5,923,672	39,039,328	108,717,910	108,717,910	-	39,039,328	U 1 & 2
		2	-	-	-				69,678,582	U 3 & 4
		3	64,578,000	7,341,050	57,236,950					
		4	14,655,000	2,213,368	12,441,632					
6	Sept'15	1	-	-	-	120,517,950	120,517,950	-	-	U 1 & 2
		2	-	-	-				120,517,950	U 3 & 4
		3	65,450,000	7,408,818	58,041,182					
		4	70,162,000	7,685,232	62,476,768					
7	Oct'15	1	34,672,000	3,924,314	30,747,686	146,057,090	146,057,090	-	30,747,686	U 1 & 2
		2	-	-	-				115,309,404	U 3 & 4
		3	83,151,000	8,389,984	74,761,016					
		4	45,667,000	5,118,612	40,548,388					



S. No	Month	Unit	Gross Generation (kWh)	Auxiliary Consumption (kWh)	Net Generation (kWh)	Net Generation (kWh)	SLDC Certified Units (kWh)	Difference Net Generation v/s SLDC	Net Generation IPP & CGP (kWh)	Units		
8	Nov'15	1	-	-	-	129,661,750	129,660,977	773	-	U 1 & 2		
		2	-	-	-							
		3	73,410,000	7,713,544	65,696,456						129,661,750	U 3 & 4
		4	71,649,000	7,683,706	63,965,294							
9	Dec'15	1	7,514,000	915,145	6,598,855	150,366,290	150,365,234	1,056	6,598,855	U 1 & 2		
		2	-	-	-				143,767,435	U 3 & 4		
		3	76,087,000	7,632,607	68,454,393							
		4	83,765,000	8,451,957	75,313,043							
10	Jan'16	1	13,936,000	1,654,564	12,281,436	125,666,220	125,664,860	1,360	12,281,436	U 1 & 2		
		2	-	-	-				113,384,784	U 3 & 4		
		3	56,014,000	5,988,865	50,025,135							
		4	70,907,000	7,547,351	63,359,649							
11	Feb'16	1	13,465,000	1,728,694	11,736,306	117,264,600	117,263,523	1,077	24,583,049	U 1 & 2		
		2	14,663,000	1,816,257	12,846,743				92,681,551	U 3 & 4		
		3	50,992,000	5,776,185	45,215,815							
		4	53,281,000	5,815,264	47,465,736							
12	Mar'16	1	-	-	-	107,061,880	107,061,062	818	-	U 1 & 2		
		2	-	-	-				107,061,880	U 3 & 4		
		3	56,707,000	6,430,986	50,276,014							
		4	64,180,000	7,394,134	56,785,866							
GRAND TOTAL			1,855,642,000	204,495,640	1,651,146,360	1,651,146,360	1,651,141,276	5,084	1,651,146,360			

Export (kWh)	Units	Total Export Unit 1&2 MUs	354.57
243,390,405	U-1	Total Export Unit 3&4 MUs	1296.58
111,180,904	U-2		
678,641,197	U-3		
617,933,854	U-4		
1,651,146,360	Total		



14. Vide its submission dated 18 September, 2017, TPC-D stated that:

14.1. The Commission in its Daily Order dated 29 June, 2017 directed SWPGL to provide data for enabling the Commission to determine its Captive status. Vide letter dated 22 July, 2017, SWPGL filed an affidavit (dated 24 July, 2017) responding to the queries raised by the Commission. However, SWPGL has failed to provide the information in the form and manner as directed by the Commission in Para 6 read with para 3(IV) of the Daily Order. These discrepancies in data/non-compliance of the Commission directives were notified to SWPGL vide letter dated 18 September, 2017 with copy to the Commission.

14.2. SWPGL has failed to provide any requisite details/ information despite request by the Licensees and directions of the Commission. The information is essential to determine SWPGL's captive status. Therefore, TPC-D has requested an inquiry under section 128 of EA, 2003, after listing it for hearing, as sought in its Reply dated 22 February, 2017.

15. In a further submission dated 16 October, 2017, TPC-D reiterated its earlier submission and stated that:

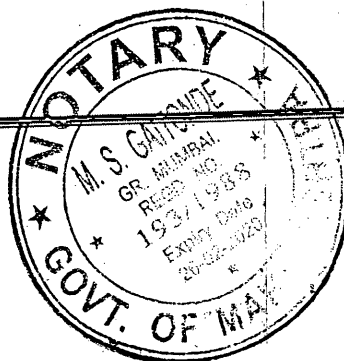
15.1. Since filing of the Petition, TPC-D has been following up with SWPGL for requisite details/information which is essential to determine its Group Captive Status.

15.2. SWPGL has also filed a Petition in Case No. 62 of 2017 stating that:

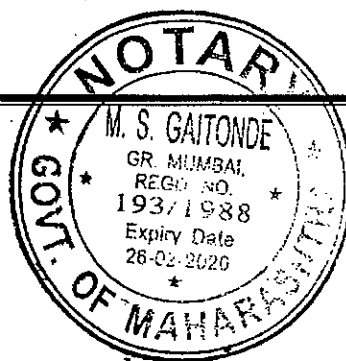
a. The Petition is filed pursuant to the direction given by the Commission at the hearing held on 14 September, 2017 with regard to the Unit-wise metering data for generating data for the Generating Units of SWPGL.

b. As confirmed in the previous filings, Unit-wise ABT meters are installed for each of the Generating Units of SWPGL's Generating Station. Till April, 2014, the Unit-wise generation data was being downloaded and taken by MSLDC for each of the Generating Units. This practice was however discontinued from June, 2014.

c. The ABT meters installed at the generation end gave capability to store historical data for 35 days. Therefore, as at present, the data for the last 35 days is stored in the ABT meters installed for Generating Units of SWPGL. The 15 minute time block wise injection data from Unit No. 3 and 4 of the Generating Station of SWPGL for the period from 29 July, 2017 to 1 September, 2017 was submitted along with the Petition.



- 15.3. SWPGL has admitted that, it does not have details of the Net Generation of Power from each of the 4 Units (i.e. 2 IPP Units and 2 CGP Units) of its Power Plant, since it failed to download and maintain a record of the Unit-wise generation for period of May, 2014 to 28 July, 2017 (i.e. approximately 3 years).
- 15.4. The Commission had sought the aforesaid 15 minutes data for all 4 Generating Units of SWPL, since it was not only demonstrated by TPC-D but also admitted and acknowledged by SWPGL that it had intermittently supplied power to its Captive Users from Units 1 & 2 (i.e. IPP Units) of its Generating Station, without any schedule, OA permission and /or intimation/approval for the change in source of injection. SWPGL has for FY 2014-15 in Case No. 77 of 2015 and the present Petition for FY 2015-16 and for FY 2016-17 (for which insufficient data has been provided to TPC-D), suppressed /failed to disclose the fact that power has been supplied to the Captive Users from Units 1 and 2 (i.e. IPP Units) of its Generating Station.
- 15.5. Considering the unscheduled/intermittent supply of power to Captive Users from IPP Units, other discrepancies highlighted by TPC-D and the absence of crucial metering data, SWPGL cannot conclusively demonstrate that it has fulfilled the requirements of Rule 3 if the Electricity Rules, 2005, so as to enjoy the benefits provided to CGPs for FY 2015-16. The onus to prove that all the requirements of Rule 3 read with the regulatory framework qua supply of power from the CGP have been met is on SWPGL.
- 15.6. The Commission at the hearing on 29 June, 2017 emphasised that the generation data from each of the 4 Units of SWPGL, duly certified by MSLDC, was crucial to ascertain SWPGL's captive status.
- 15.7. The affidavit dated 28 September, 2017 is clear admission that SWPGL has not complied with Regulation 14 (30) of the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulations, 2006 ('CEA Metering Regulations'). Regulation 14(3) of the CEA casts an obligation on the Generating Company to record the metered data, maintain data-base of all the information associated with energy accounting and audit meters and verify the correctness of the metered data. It also mandates it to prepare quarterly, half-yearly and early energy account for its system.
- 15.8. SWPGL's conduct (non-disclosure/ suppression of relevant facts), and belated admission that there is no record of Unit-wise Generation data for the past 3 years demonstrates that SWPGL has approached the Commission with unclean hands while seeking a declaration of compliance of its captive status for FY 2015-16.



- 15.9. The Petition was filed in December, 2016. SWPGL has failed to provide the requisite details/ information despite repeated requests from TPC-D and directions by the Commission. It is only at this belated stage, i.e., in September, 2017, that SWPGL in another Petition (Case No. 62 of 2017) has disclosed the crucial fact that it does not have the necessary details which are required to determine its Group Captive Status.
- 15.10. In terms of the EA, 2003, Rules, Regulations and the conditions imposed while granting OA, if a consumer fails to provide necessary information/ details to demonstrate its compliance with Rule 3 of the Electricity Rules and/ or does not comply with its requirements, then the entire electricity generated shall be treated as if it is a supply of electricity by a Generating Company and the consumer shall be liable to pay CSS and other applicable charges.
- 15.11. The new revelations/ admissions necessitate that the Commission revive the captioned matter, which was tentatively reserved for orders, subject to the nature of the submissions made by the Parties. In the alternative, in the absence of the critical data which is pertinent to determine the captive status of any Group Captive Power Producer, the Commission may dismiss the Petition of SWPGL seeking approval of its captive status for FY 2015-16 and direct that CSS becomes payable on the entire electricity generated by SWPGL during FY 2015-16.

Commission's Analysis and Ruling

16. The Electricity Rules, 2005 notified under the EA, 2003 prescribe as follows:

"3. Requirements of Captive Generating Plant.

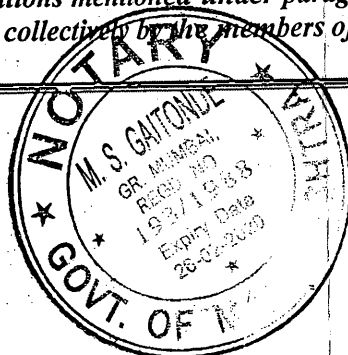
(1) No power plant shall qualify as a 'captive generating plant' under section 9 read with clause (8) of section 2 of the Act unless

(a) in case of a power plant

(i) not less than twenty six percent of the ownership is held by the captive user(s), and

(ii) not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use:

Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the cooperative society:



Provided further that in case of association of persons, the captive user(s) shall hold not less than twenty six percent of the ownership of the plant in aggregate and such captive user(s) shall consume not less than fifty one percent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten percent;

(b) in case of a generating station owned by a company formed as special purpose vehicle for such generating station, a unit or units of such generating station identified for captive use and not the entire generating station satisfy (s) the conditions contained in paragraphs (i) and (ii) of sub-clause (a) above including-

Explanation:

(1) The electricity required to be consumed by captive users shall be determined with reference to such generating unit or units in aggregate identified for captive use and not with reference to generating station as a whole; and

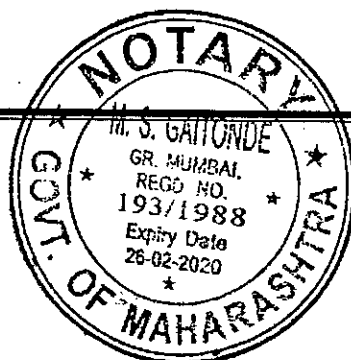
(2) the equity shares to be held by the captive user(s) in the generating station shall not be less than twenty six per cent of the proportionate of the equity of the company related to the generating unit or units identified as the captive generating plant.

Illustration: In a generating station with two units of 50 MW each namely Units A and B, one unit of 50 MW namely Unit A may be identified as the Captive Generating Plant. The captive users shall hold not less than thirteen percent of the equity shares in the company (being the twenty six percent proportionate to Unit A of 50 MW) and not less than fifty one percent of the electricity generated in Unit A determined on an annual basis is to be consumed by the captive users.

(2) It shall be the obligation of the captive users to ensure that the consumption by the Captive Users at the percentages mentioned in sub-clauses (a) and (b) of sub-rule (1) above is maintained and in case the minimum percentage of captive use is not complied with in any year, the entire electricity generated shall be treated as if it is a supply of electricity by a generating company."

Explanation.- (1) For the purpose of this rule.-

a. "Annual Basis" shall be determined based on a financial year;



b. "Captive User" shall mean the end user of the electricity generated in a Captive Generating Plant and the term "Captive Use" shall be construed accordingly;

c. "Ownership" in relation to a generating station or power plant set up by a company or any other body corporate shall mean the equity share capital with voting rights. In other cases ownership shall mean proprietary interest and control over the generating station or power plant;

d. "Special Purpose Vehicle" shall mean a legal entity owning, operating and maintaining a generating station and with no other business or activity to be engaged in by the legal entity."

17. Accordingly, the questions to be addressed for determining the CGP status or otherwise of SWPGL's Units 3 and 4 in FY 2015-16 are

a) Whether the Captive Users of SWPL held 26% equity shares with voting rights in the identified CGP Units 3 and 4 in FY 2015-16?

b) Whether the Captive Users of SWPL satisfied the following in FY 2015-16:

- Consumption of not less than 51% of the aggregate electricity generated by the Units identified for captive use, on an annual basis; and
- If so, whether such consumption is in proportion to their shares in the ownership of the Plant, within a range of 10%?

18. *ISSUE A - Whether the Captive Users of SWPL held 26% equity shares with voting rights in the identified CGP Units 3 and 4 in FY 2015-16?*

18.1 Units 3 and 4, which are claimed to be the Captive Generating Units of SWPGL's Power Plant, are supplying power to several shareholders/Users.

18.2 SWPGL has furnished the following certifications regarding the extent of ownership of the Captive Users:

- Auditor's Certificate dated 8 May, 2015 certifying the shareholding pattern as on 1 April, 2015, i.e. at the beginning of FY 2015-16; and
- Auditor's Certificate dated 18 June, 2016 certifying the shareholding pattern as on 31 March, 2016, i.e. at the end of FY 2015-16.

18.3 The shareholding pattern of the Captive Users as per these certifications was as follows:

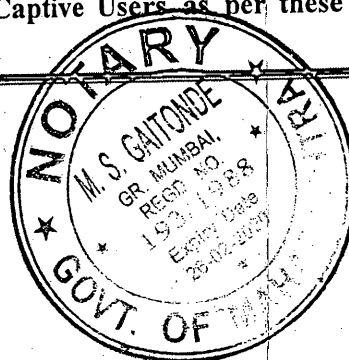


Table 6: Audited Shareholding of Captive Users in FY 2015-16, as submitted by SWPGL

Sr. No.	Shareholder	No. of Equity Shares of Rs. 10/- each (As on 1 April, 2015)		No. of Equity Shares of Rs. 10/- each (As on 31 March, 2016)	
		As per Auditor Certificate	% of shares in Ownership	As per Auditor Certificate	% of shares in Ownership
1	Viraj Profiles Ltd.	2,32,98,938	6.34%	2,32,98,938	5.77%
2	Bebitz Flanges Works Private Ltd.	2,65,346	0.07%	2,65,346	0.07%
3	Mahindra & Mahindra Ltd.	19,45,867	0.53%	19,45,867	0.48%
4	Mahindra Vehicle Manufacturers Ltd.	12,38,279	0.34%	12,38,279	0.31%
5	Mahindra CIE Automotive Ltd. (Formerly Mahindra Forgings Ltd.)	8,84,485	0.24%	8,84,485	0.22%
6	Mahindra Hinoday Industries Ltd.	17,68,970	0.48%	17,68,970	0.44%
7	Mahindra Sanyo Special Steels Ltd.	61,91,395	1.69%	61,91,395	1.53%
8	RL Steels & Energy Ltd.	26,53,455	0.72%	26,53,455	0.66%
9	India Steel Works Ltd.	10,61,382	0.29%	10,61,382	0.26%
10	Sona Alloys Private Ltd.	14,15,176	0.39%	14,15,176	0.35%
11	Cosmo Films Ltd	22,99,661	0.63%	22,99,661	0.57%
12	Mahalaxmi TMT Private Ltd.	78,87,669	2.15%	78,87,669	1.95%
13	Spentex Industries Ltd.	29,83,716	0.81%		
14	Hindustan Petroleum Corporation Ltd.			38,91,734	0.96%
15	Lupin Ltd.			30,07,237	0.74%
Total		5,38,94,339	14.68%	5,78,09,594	14.31%

18.4 Based on these certifications, the Commission has arrived at the equity shares held by the Captive Users at the SWPL Company level, which should have been an integral part of the Auditor's Certificates:

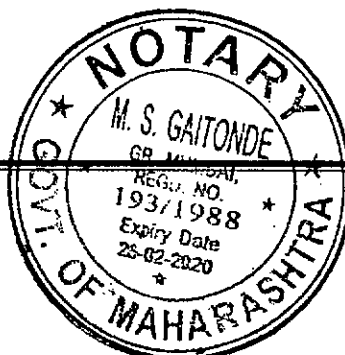
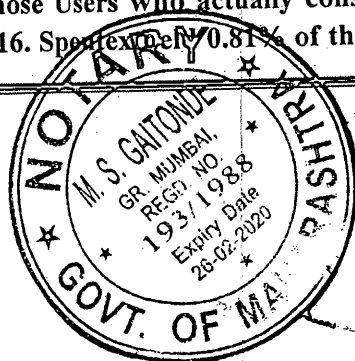


Table 7: Equity shareholding pattern of SWPGL as a Company vis-à-vis its Captive Users in FY 2015-16

Particulars	No. of Equity Shares of Rs. 10/- each (As on 1 April, 2015)		No. of Equity Shares of Rs. 10/- each (As on 31 March, 2016)	
	As per Auditor certificate	% of shares in Ownership	As per Auditor certificate	% of shares in Ownership
Total Equity Shares held by Captive Users	5,38,94,339	14.68%	5,78,09,594	14.31%
Total Equity Shares at Company Level	36,71,27,650*	100.00%	40,41,40,146	100.00%

* Total number of equity shares at Company Level = $53894339 \times 100/14.68$

- 18.5 The Commission notes that the total number of equity shares issued to Captive Users works out to 5,38,94,339 as on 1 April, 2015 and 5,78,09,594 as on 31 March, 2016. Correspondingly, the total amount of the equity share capital works out to Rs. 53,89,43,390 and Rs. 57,80,95,940 (i.e. nominal amount of Rs. 10 per equity share) as on 1 April, 2015 and 31 March, 2016, respectively.
- 18.6 Table 6 above shows that, considering the Auditor's Certificates, the number of equity shares held by Captive Users of SWPGL at Sr. Nos. 1 to 12 was the same at the beginning and at the end of FY 2015-16 and it is presumed that it did not vary during the year. As regards Sr. Nos. 13 to 15, Spentex Industries Ltd. ('Spentex') (Sr. No. 13), which was a shareholder at the beginning of the year, exited thereafter and two new shareholders, viz. Hindustan Petroleum Corporation Ltd. (HPCL) (Sr. No. 14) and Lupin Ltd. ('Lupin') (Sr. No. 15) were added as shareholders holding Equity Shares with voting rights during the year. SWPGL has stated that changes in the equity shareholding were intimated to the Distribution Licensees as and when they occurred. However, the dates on which Spentex exited and the new shareholders were inducted have not been provided by SWPGL in these proceedings.
- 18.7 Further, from the information of the implemented schedule of the Captive Users (and Table 1 earlier in this Order) furnished by SWPGL, it is observed that only Spentex did not consume any power from the CGP Units during the year. Accordingly, in line with the approach of the Commission in its previous Orders in Case No. 101 of 2014 (for FY 2013-14) and Case No. 77 of 2015 (for FY 2014-15), the Commission has considered only those Users who actually consumed energy from the CGP Units 3 and 4 in FY 2015-16. Spentex consumed only 0.81% of the aggregate 14.68%



equity shareholding held by Captive Users. Hence, even if Spentex, having exited, is not considered, the aggregate equity shareholding of the Captive Users would be more than 13% at the overall Company level with four Generating Units. Moreover, with the addition of the new shareholders HPCL and Lupin, the aggregate equity holding of the Captive Users would be well above 13% at the overall Company level (i.e. more than 26% of the Captive Units 3 & 4).

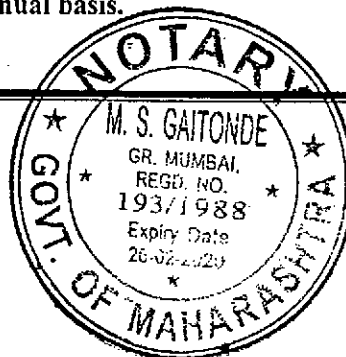
18.8 Therefore, based on the available information, the Commission concludes that the aggregate equity shareholding of the Captive Users meets the first requirement of Rule 3 of the Electricity Rules, 2005 inasmuch as they held more than 26% equity shareholding in the CGP Units 3 and 4 in FY 2015-16.

19. *ISSUE B - Whether the Captive Users of SWPL satisfied the following conditions in FY 2015-16:*

- *Consumption of not less than 51% of the aggregate electricity generated by the Units identified for captive use, on an annual basis; and*
- *If so, consumption in proportion to their shares in the ownership of the Plant, within a band of 10%.*

19.1 SWPGL has stated that the total generation from the identified CGP Units 3 and 4 was 1296.57 MUs, out of which the consumption by Captive Users was 1177.71 MUs, i.e. 90.83% of the total generation. Hence, it claims that the requirement of the Electricity Rules, 2005 that Captive Users consume at least 51% of the aggregate electricity generated by the CGP Units was satisfied in FY 2015-16. The details are given in Table 1 and para 3.7 of this Order.

19.2 The total generation (1296.57 MUs) or Gross Generation considered by SWPGL in Table 1 is actually the Net Generation from the CGP Units after deducting the Auxiliary Consumption (1453.77 MUs). This is also evident from Annexure C of the Petition and Annexures B1 and B2 of SWPGL's submission dated 22 July, 2017. Thus, SWPGL has applied the proportionality test considering the Net Generation instead of Gross Generation. It also appears that SWPL has considered the captive consumption measured at G-T interface instead of such consumption grossed up with Auxiliary Consumption. As in its earlier Orders for FY 2012-13, FY 2013-14 and FY 2014-15, the Commission has applied the proportionality test considering the Gross Generation at the Generation Terminal of Units 3 and 4 compared with the captive consumption as submitted by SWPGL grossed up with average Auxiliary Consumption on an annual basis.



19.3 Upon examination of the data in Table 1 submitted by SWPGL, the Commission observes that the figures shown under the heading "Gross Generation (considered after considering impact of delay in granting Open Access)" relate in fact to Net Generation. Therefore, the Commission has recalculated the Gross Generation figures for all consumers, including Cosmo Films Ltd. ("Cosmo"), HPCL and Lupin. The Gross Generation figures in respect of these three consumers are less than for the others because, in their case, the OA started at different times during the year. The corrected figures are shown in Table 11 subsequently in this Order. From the information provided by SWPGL in Annexure 1 to its letter dated 23 June, 2016 addressed to the CE (Commercial), MSEDCL,

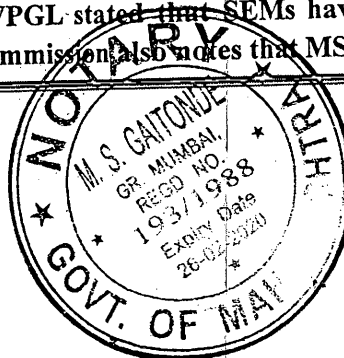
- OA for both connections of Cosmo started on 2 May, 2015.
- OA for Lupin started on 11 August, 2015.
- OA for HPCL started on 6 December, 2015.

19.4 The Respondent Distribution Licensees have contended that SWPGL supplied power from the IPP Units (1 and 2) to the Captive Consumers during the outage of the CGP Units (3 and 4) in contravention of the OA conditions. TPC-D and MSEDCL have referred to the MSLDC website data to show that SWPGL has, on as many as 25 occasions, supplied power to its Captive Users from its IPP Units 1 and 2, mainly during the outage or tripping of either or both the CGP Units 3 and 4. The Licensees also contend that SWPGL has wrongly considered the entire supply of power to the Captive Users, irrespective of whether it was from the identified CGP Units or the non-CGP Units), for establishing its compliance with the proportionality rule. That cannot be permitted in terms of the CGP criteria under the Electricity Rules, 2005, and is also in contravention of the DOA Regulations.

19.5 The Licensees have also contended that SWPGL has not furnished the Unit-wise metered generation data certified by MSLDC showing the entire generation on a 15 minute time block basis separately for the CGP and IPP Units, and the other details required.

19.6 At the hearing held on 29 June, 2017, SWPGL acknowledged that it had supplied power from its IPP Units 1 and 2 to its Captive Users during outages of the CGP Units 3 and 4 but that, to that extent, no captive status is claimed and CSS and other applicable charges would be paid for such supply through OA. However, SWPGL has not stated how many units were supplied by its IPP Units to Captive Users during such outages of CGP Units and no supporting data has been provided.

19.7 To a query of the Commission, SWPGL stated that SEMs have been installed at each of its Generating Units. The Commission also notes that MSLDC has ABT data



for meters installed on the 220 kV Warora I and II Lines, but not at the Generator Transformer of each Unit. Hence, the Commission asked SWPGL to provide Unit-wise ABT generation data to MSLDC and the Distribution Licensees for FY 2015-16 along with the other data sought. TPC-D also referred to SWPGL's affidavit in Case No. 62 of 2017 in which it had stated that it did not have details of the Net Generation from each of its 4 Units since it had not downloaded and maintained a record of the Unit-wise generation for more than 3 years from May, 2014 to July, 2017. Thus, till April, 2014, the Unit-wise generation data was being downloaded and taken by MSLDC for each of the Generating Units. This practice was, however, discontinued from June, 2014. The Commission cannot understand why the established and proper practice of taking the monthly metered data of every Unit was stopped from June, 2014. No explanation has been given by SWPGL, MSLDC or the Distribution Licensees.

19.8 As the Commission has observed during these proceedings, SWPGL, MSLDC and the Distribution Licensees seem not to have been concerned in FY 2015-16 with the basic discipline to be followed for such transactions, which would also provide the details relevant for determining captive status, and the omissions in terms of the following:

- a) Absence of 15 minute time block recording through SEMs at each Generating Unit;
- b) Data collection only in respect of the two 220 kV outgoing Transmission Lines inspite of there being four independent Generating Units;
- c) Absence of regular downloading of meter readings and maintaining that record;
- d) Scheduling of partial OA consumers directly to MSLDC instead of through the Distribution Licensees; and
- e) Change of injection source without appropriate approvals.

In these circumstances, the Commission has proceeded with the available data to assess the CGP status of SWPGL's Units 3 and 4 in FY 2015-16.

19.9 Pursuant to the directions given by the Commission on 29 June, 2017, SWPGL provided certain additional details, but not the certified Unit-wise generation data for FY 2015-16.

19.10 As regards the supply of power from the IPP Units 1 and 2 to Captive Users, the data submitted by TPC-D on 21 February, 2017 and by MSEDCL on 9 May, 2017, which is based on details available from MSLDC is summarised in Table 8 below:

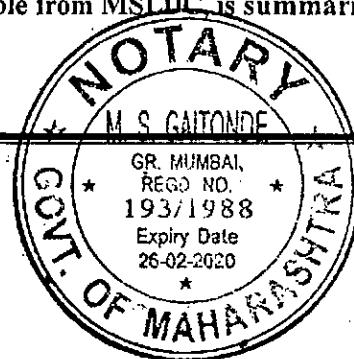


Table 8: Summary of month-wise power supplied from SWPGL IPP Units to Captive Users in FY 2015-16, as submitted by TPC-D and MSEDCL (in MUs)

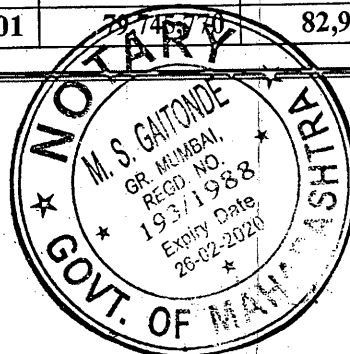
Instance of CGP Sale from IPP Units	Apr-15	May-15	Jul-15	Aug-15	Oct-15	Dec-15	Jan-16	Feb-16
1	0.00	0.20	1.09	0.48	0.00	0.18	1.25	0.00
2	2.53	0.64	0.54	1.82	0.18	0.89	1.23	1.39
3	2.64	0.60		0.89	0.80	0.93	1.25	1.63
4	2.64	0.00			0.96		1.49	1.28
5	2.61				0.90		1.42	1.04
6	2.53				0.77		0.51	0.73
7	2.49				0.83			0.00
8	2.38				0.73			1.62
9	1.15				0.60			1.55
10					0.90			1.45
11					1.05			1.43
12					0.99			1.42
13					0.00			
Total	18.97	1.44	1.63	3.19	8.71	2.00	7.15	13.54
Grand Total	56.63							

Thus, a total of 56.63 MUs was supplied from the IPP (non-CGP) Units 1 and 2 to Captive Users during FY 2015-16.

19.11 The Commission has also compared the Net Generation of the CGP Units with the actual consumption of the Captive Consumers as submitted by SWPGL to derive the excess consumption supplied from the IPP Units, as shown in the Table below:

Table 9: CGP Units – Net Generation and Captive Consumption Summary, as submitted SWPGL

Month	FY 2015-16 Net Generation (kWh)		Total Net Generation (kWh)	Captive Consumption (kWh)	Excess consumption (kWh)
	Unit 3	Unit 4			
Apr-15	60,041,283	16,705,232	76,746,516	76,843,840	97,324
May-15	63,948,625	70,920,136	134,868,761	91,013,395	-
Jun-15	40,235,159	72,915,509	113,150,668	79,668,224	-
Jul-15	44,709,169	35,036,601	79,745,770	82,914,583	3,168,813



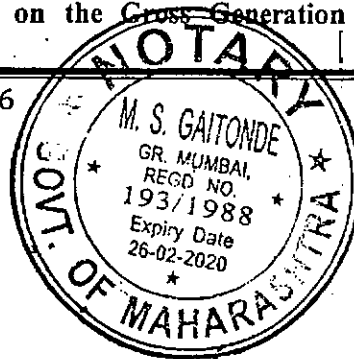
Month	FY 2015-16 Net Generation (kWh)		Total Net Generation (kWh)	Captive Consumption (kWh)	Excess consumption (kWh)
	Unit 3	Unit 4			
Aug-15	57,236,950	12,441,632	69,678,582	98,541,804	28,863,222
Sep-15	58,041,182	62,476,768	120,517,950	101,351,469	-
Oct-15	74,761,016	40,548,388	115,309,404	103,571,197	-
Nov-15	65,696,456	63,965,294	129,661,750	94,005,091	-
Dec-15	68,454,393	75,313,043	143,767,435	117,400,497	-
Jan-16	50,025,135	63,359,649	113,384,784	118,532,420	5,147,636
Feb-16	45,215,815	47,465,736	92,681,551	111,136,143	18,454,592
Mar-16	50,276,014	56,785,866	107,061,880	102,731,449	-
Total	678,641,197	617,933,854	1,296,575,051	1,177,710,112	55,731,587
Total (MUs)	678.64	617.93	1,296.58	1,177.71	55.73

19.12 Table 9 shows that, in April, July, August, January and February, the actual captive consumption, as submitted by SWPGL, was more than the total Net Generation from the CGP Units 3 and 4 in those months, amounting to 55.73 MUs over FY 2015-16. Hence, it can be inferred that this excess consumption was supplied to the Captive Users from the IPP Units 1 and 2, and cannot qualify as their captive consumption.

19.13 The quantum of supply to Captive Users from the IPP Units shown in Table 8 is based on data from the MSLDC website, while the quantum shown in Table 9 is based on metering data provided by SWPGL. The Commission has considered the figure of 56.63 MUs shown in Table 8, which is marginally higher than that derived from SWPGL's data. The Commission, therefore, disallows this quantum of 56.63 MUs from the total sales to Captive Users of 1177.71 MUs in FY 2015-16. In the absence of consumer-wise allocation, that quantum has been allocated across the Captive Consumers in proportion to their respective consumption during the year.

19.14 Moreover, consequently, since the injection of 56.63 MUs from the IPP Units 1 and 2 is unscheduled and cannot be accounted for as CGP power, the power drawn by the Captive Consumers to that extent is deemed to have been drawn from the respective Distribution Licensees. Hence, the Distribution Licensees shall treat this unscheduled power in accordance with the applicable provisions of the EA, 2003 and the relevant Rules and Regulations.

19.15 As discussed earlier, the Commission has assessed compliance with the proportionality rule based on the Gross Generation and captive consumption

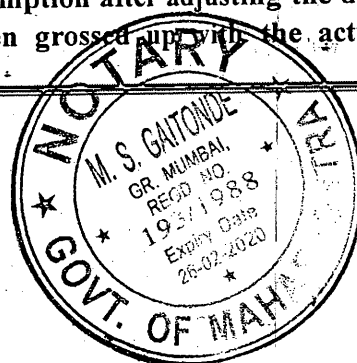


(grossed up with Auxiliary Consumption), instead of the Net Generation and captive consumption at G < T interface considered by SWPGL. Accordingly, the disallowed units (56.63 MUs) are adjusted from the actual captive consumption as shown in Table 10 below.

Table 10: Adjustment of disallowed consumption against actual consumption

Sr. No	Shareholder	No. of Equity Shares of Rs. 10/- each		% of Consumption for pro-rata MUs	Actual Consumption (MU)	Pro-rata deduction of 56.63 MU from Actual Consumption	Actual Consumption after adjustment of disallowed consumption (MU)
		As per share certificate as on 31.03.2016	% of shares in Ownership				
		a	b	c	d	e = d × c	f = d - e
1	Viraj Profiles Ltd.	2,32,98,938	5.77%	40.32%	346.28	22.83	323.45
2	Bebitz Flanges Works Private Ltd.	2,65,346	0.07%	0.49%	9.6	0.28	9.32
3	Mahindra & Mahindra Ltd.	19,45,867	0.48%	3.35%	90.36	1.90	88.46
4	Mahindra Vehicle Manufacturers Ltd.	12,38,279	0.31%	2.17%	43.68	1.23	42.45
5	Mahindra CIE Automotive Ltd. (Formerly Mahindra Forgings Ltd.)	8,84,485	0.22%	1.54%	23.35	0.87	22.48
6	Mahindra Hinoday Industries Ltd.	17,68,970	0.44%	3.07%	45.56	1.74	43.82
7	Mahindra Sanyo Special Steels Ltd.	61,91,395	1.53%	10.69%	98.85	6.05	92.80
8	RL Steels & Energy Ltd.	26,53,455	0.66%	4.61%	50.9	2.61	48.29
9	India Steel Works Ltd.	10,61,382	0.26%	1.82%	32.3	1.03	31.27
10	Sona Alloys Private Ltd.	14,15,176	0.35%	2.45%	30.44	1.39	29.05
11	Cosmo Films Ltd	22,99,661	0.57%	3.98%	82.35	2.26	80.09
12	Mahalaxmi TMT Private Ltd.	78,87,669	1.95%	13.63%	200.69	7.72	192.97
13	Hindustan Petroleum Corporation Ltd.	38,91,734	0.96%	6.71%	58.26	3.80	54.46
14	Lupin Ltd.	30,07,237	0.74%	5.17%	65.08	2.93	62.15
	Total	5,78,09,594	14.31%	100.00%	1177.7	56.63	1,121.07

19.16 The consumer-wise actual consumption after adjusting the disallowed consumption computed in Table 10 has been grossed up with the actual average Auxiliary



Consumption (in %) for FY 2015-16 for the CGP Units 3 and 4, excluding Cosmo, HPCL and Lupin. In respect of these 3 consumers, the actual average Auxiliary Consumption (in %) in the period during which they consumed power has been considered. Accordingly, the gross actual consumption is 1,256.97 MUs, which is considered for determination of compliance with the proportionality rule as shown in Table 11 below:

(Table is on Next Page.....)

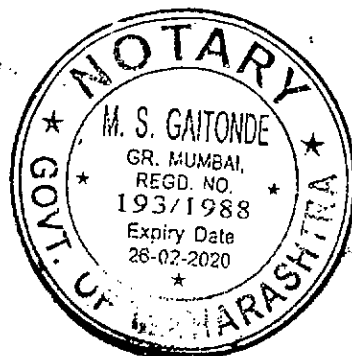
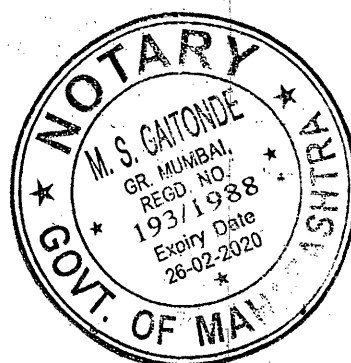


TABLE 11: Computation of Captive Status of SWPGL Units 3 and 4

Sr. No.	Shareholder	No. of Equity Shares of Rs. 10/- each		% of consumption for pro rata MUs	Gross Generation considered for 51% Calculation in MUs	Permissible Range for shareholding pattern for 51% consumption criterion			Adjusted Actual Consumption MU	Whether actual adjusted consumption (d) is equal to or greater than lowest permissible range (b) e=d or >b
		As per share certificates as on 31.03.2016	% of shares in Ownership			with 0% variation	variation of -10%	variation of +10%		
						MU	MU	MU		
						a	b	c		
1	Viraj Profiles Ltd.	2,32,98,938	5.77%	40.32%	741.40	298.94	269.05	328.84	362.65	YES
2	Bebitz Flanges Works Private Ltd.	2,65,346	0.07%	0.49%	741.40	3.63	3.26	3.99	10.45	YES
3	Mahindra & Mahindra Ltd.	19,45,867	0.48%	3.35%	741.40	24.87	22.38	27.36	99.18	YES
4	Mahindra Vehicle Manufacturers Ltd.	12,38,279	0.31%	2.17%	741.40	16.06	14.45	17.67	47.60	YES
5	Mahindra CIE Automotive Ltd. (Formerly Mahindra Forgings Ltd.)	8,84,485	0.22%	1.54%	741.40	11.40	10.26	12.54	25.20	YES
6	Mahindra Hinoday Industries Ltd.	17,68,970	0.44%	3.07%	741.40	22.80	20.52	25.08	49.13	YES
7	Mahindra Sanyo Special Steels Ltd.	61,91,395	1.53%	10.69%	741.40	79.27	71.34	87.20	104.04	YES
8	RL Steels & Energy Ltd.	26,53,455	0.66%	4.61%	741.40	34.19	30.78	37.61	54.14	YES
9	India Steel Works Ltd.	10,61,382	0.26%	1.82%	741.40	13.47	12.12	14.82	35.06	YES
10	Sona Alloys Private Ltd.	14,15,176	0.35%	2.45%	741.40	18.13	16.32	19.95	32.58	YES
11	Cosmo Films Ltd.	22,99,661	0.57%	3.98%	695.28	27.69	24.93	30.46	89.83	YES
12	Mahalaxmi TMT Private Ltd.	78,87,669	1.95%	13.63%	741.40	101.03	90.93	111.13	216.36	YES
13	Hindustan Petroleum Corporation Ltd.	38,91,734	0.96%	6.71%	248.23	16.65	14.99	18.32	61.03	YES
14	Lupin Ltd.	30,07,237	0.74%	5.17%	500.18	25.87	23.28	28.45	69.71	YES
Total		5,78,09,594	14.31%	100%		694.00	624.60	763.40	1,256.97	YES



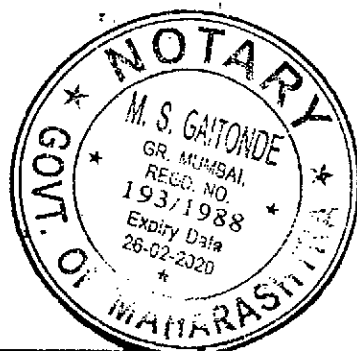
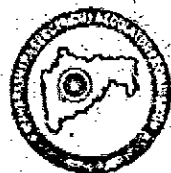
- 19.17 Thus, as shown in Table 11 above, SWPGL's Units 3 and 4 satisfy the CGP criterion of at least 51% consumption (in proportion to the shareholding of Captive Consumers, within $\pm 10\%$), in accordance with the 2nd proviso to Rule 3(1)(a)(ii) of the Electricity Rules, 2005.
- 20. The Commission concludes, therefore, that SWPGL qualifies as a Group CGP in FY 2015-16 in respect of its Units 3 and 4 and that, accordingly, its Captive Users are entitled to the consequential dispensations, including exemption from payment of CSS.
- 21. Considering the glaring deficiencies and omissions in the data and analysis provided in this and other such Cases by all concerned and the need to streamline the process for determination of captive status, the Commission has had to set out guidelines for the purpose in its recent Order dated 17 January, 2018 in Case No. 23 of 2017. The Commission also notes that, till this Petition was filed, the Distribution Licensees had not duly initiated verification of SWPL's CGP status after the close of FY 2015-16, as they were expected to do in the ordinary course.

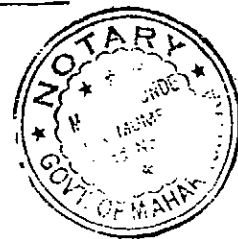
The Petition of M/s. Sai Wardha Power Generation Ltd. in Case No. 159 of 2016 stands disposed of accordingly.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azceez M. Khan)
Member

Ashwani
(Ashwani Kumar Sinha)
Secretary





**Maharashtra Electricity Regulatory Commission
(Conduct of Business) Regulations, 2004**

ELECTRICITY ACT, 2003

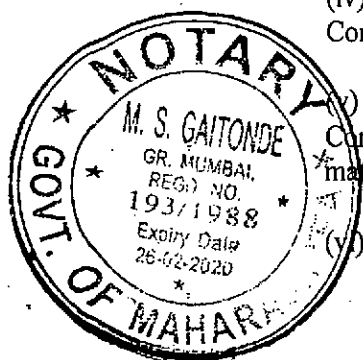
No MERC/Legal/111/2004/1084 In exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act No.36 of 2003) and all powers enabling it in that behalf, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations. Save as otherwise provided in these Regulations, these Regulations supersede the "Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 1999" and the "Maharashtra Electricity Regulatory Commission (State Advisory Committee) Regulations, 2000".

Short Title, Object, Commencement and Extent:

1. (a) These regulations may be called the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.
- (b) The object of these Regulations is to establish procedures for conduct of business of the Commission.
- (c) These Regulations shall come into force on the date of their notification in the Official Gazette.
- (d) These Regulations shall apply in relation to all matters falling within the jurisdiction of the Commission.

Definitions

2. (a) In these Regulations, unless the context otherwise requires:-
 - (i) "Act" means the Electricity Act, 2003 (36 of 2003) as amended from time to time;
 - (ii) "Adjudication" means the process of arriving at decisions on Petitions submitted to the Commission;
 - (iii) "Chairperson" means the Chairperson of the Commission;
 - (iv) "Commission" means the Maharashtra Electricity Regulatory Commission;
 - (v) "Consultant" includes any person not in the employment of the Commission who may be appointed as such to assist the Commission on any matter required to be dealt with by the Commission under the Act;
 - (vi) "Member" means a member of the Commission;



(f) The Commission may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.

83. If the report or information obtained in accordance with Regulation 82 above or any part thereof is proposed to be relied upon by the Commission for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

Confidentiality:

84. (a) The Commission shall appraise and determine whether any document or evidence provided to it by any party and claimed by that party to be of a confidential nature merits being withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.

(b) If the Commission is of the view that the claim for confidentiality is justified the Commission may direct that the same be not provided to such parties as the Commission may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.

(c) Notwithstanding the above, it shall be open to the Commission to take into consideration the contents of the documents found to be confidential in arriving at its decision.

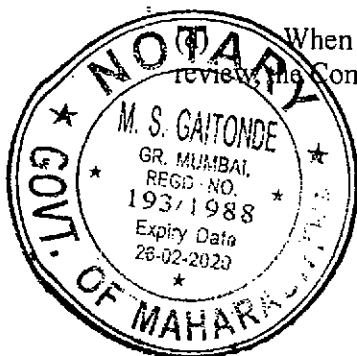
Review of decisions, directions, and orders:

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

(b) An application for such review shall be filed in the same manner as a Petition under these Regulations.

(c) The Commission, shall for the purposes of any proceedings for review of its decisions, directions and orders be vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

When it appears to the Commission that there is no sufficient ground for review, the Commission shall reject such review application.



(e) When the Commission is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the decision or order, the review of which is applied for.

Continuance of Proceedings after death, etc:

86. (a) Where in a proceeding, any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a company under liquidation / winding up, the proceeding shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be:

(b) The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest on the record of the case.

(c) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within ninety (90) days from the event requiring the successors-in-interest to be brought on record. The Commission may condone the delay, if any, for sufficient reasons.

Proceedings to be open to public:

87. The proceedings before the Commission shall be open to the public.

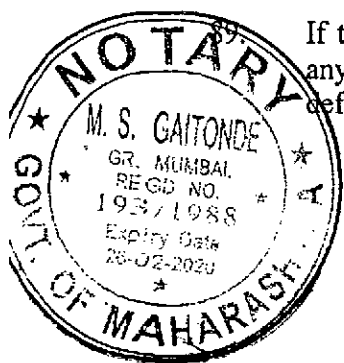
Provided that admission to the place of hearing shall be subject to availability of sitting accommodation.

Provided further that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order that the proceedings of any particular case shall not be open to the public or any particular person or group of persons.

88. (a) In accordance with Section 228 of the Indian Penal Code, 1860, who ever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.1,000/-, or with both.

(b) In accordance with Section 345 of the Code of Criminal Procedure, 1973, where any one intentionally offers insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may, at any time before the raising of the bench on the same day take cognisance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding Rs.200/- and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine is sooner paid.

If the Commission, in any case as referred to it, considers that a person accused of any of the offences referred to these Regulations, should be imprisoned on account of default of payment of fine, it may forward the case to a Magistrate having



रजिस्ट्री सं. डीएल-33004/2003

REGISTERED NO. DL-33004/2003



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II - खण्ड 1
PART II - Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 391 / नई दिल्ली, सोमवार, जून 2, 2003 / ज्यैष्ठ 12, 1925
No. 391 NEW DELHI, MONDAY, JUNE 2, 2003 / JYAISTHA 12, 1925

इस भाग में मिल पृष्ठ संख्या दो जाते हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd June, 2003/Jyaisitha 12, 1925(Saka)

The following Act of Parliament received the assent of the President on the 26th May, 2003, and is hereby published for general information:—

THE ELECTRICITY ACT, 2003

[No. 36 of 2003]

[26th May, 2003]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

THE ELECTRICITY ACT, 2003

[No. 36 OF 2003]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal



employees of
Appropriate
Commission.

such powers and perform such duties as may be specified.

5 of 1908

(2) The Appropriate Commission may, with the approval of the Appropriate Government, specify the numbers, nature and categories of other officers and employees.

(3) The salaries and allowances payable to, and other term and conditions of service of, the Secretary, officers and other employees shall be such as may be specified with the approval of the Appropriate Government.

(4) The Appropriate Commission may appoint consultants required to assist that Commission in the discharge of its functions on the terms and conditions as may be specified.

Proceedings of
Appropriate
Commission.

92. (1) The Appropriate Commission shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

(2) The Chairperson, or if he is unable to attend a meeting of the Appropriate Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Appropriate Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) Save as otherwise provided in sub-section (3), every Member shall have one vote.

(5) All orders and decisions of the Appropriate Commission shall be authenticated by its Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

Vacancies, etc.,
not to invalidate
proceedings.

93. No act or proceedings of the Appropriate Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Appropriate Commission.

Powers of
Appropriate
Commission.

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

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

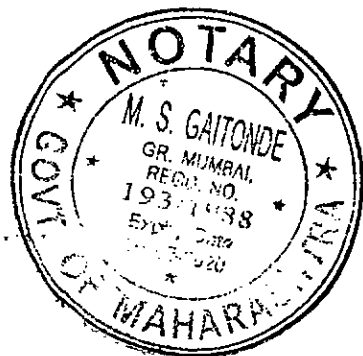
(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;



(g) any other matter which may be prescribed.

(2) The Appropriate Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3) The Appropriate Commission may authorise any person, as it deems fit, to represent the interest of the consumers in the proceedings before it.

Proceedings before Commission.

45 of 1860. 2 of 1974.

Powers of entry and seizure.

2 of 1974

95. All proceedings before the Appropriate Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Appropriate Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

96. The Appropriate Commission or any officer, not below the rank of a Gazetted Officer specially authorised in this behalf by the Commission, may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, insofar as it may be applicable.

Delegation.

97. The Appropriate Commission may, by general or special order in writing, delegate to any Member, Secretary officer of the Appropriate Commission or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers to adjudicate disputes under Section 79 and Section 86 and the powers to make regulations under section 178 or section 181) as it may deem necessary.

Grants, Fund, Accounts, Audit and Report

Grants and loans by Central Government

98. The Central Government may, after due appropriation made by Parliament in this behalf, make to the Central Commission grants and loans of such sums of money as that Government may consider necessary.

Establishment of Fund by Central Government

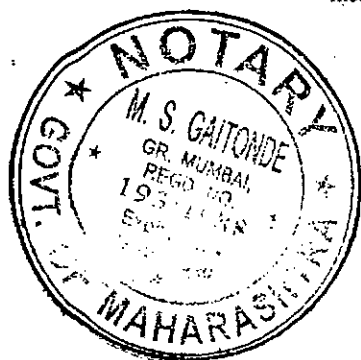
99. (1) There shall be constituted a Fund to be called the Central Electricity Regulatory Commission Fund and there shall be credited thereto-

- (a) any grants and loans made to the Central Commission by the Central Government under section 98;
- (b) all fees received by the Central Commission under this Act;
- (c) all sums received by the Central Commission from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting -

- (a) the salary, allowances and other remuneration of Chairperson, Members, Secretary, officers and other employees of the Central Commission;
- (b) the expenses of the Central Commission in discharge of its function under section 79;
- (c) the expenses on objects and for purposes authorised by this Act.

(3) The Central Government may, in consultation with the Comptroller and Auditor-General of India, prescribe the manner of applying the Fund for meeting the expenses specified in clause (b) or clause (c) of sub-section (2).



Annexure 4



**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY
COMMISSION, MUMBAI**

CASE NO. 159 OF 2016

IN THE MATTER OF:

Sai Wardha Power Generation Limited

.....Petitioner

VERSUS

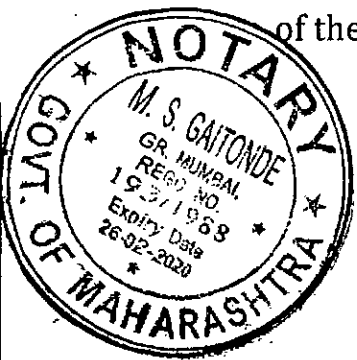
Maharashtra State Electricity Distribution Co Ltd & Ors

...Respondents

AFFIDAVIT ON BEHALF OF THE PETITIONER

I, Kailas Bansi Nikalje, son of Shri Bansi V. Nikalje, aged about 36 years, resident of Swapnapurti CHS, 28/A/202, Kukreja Compound, Near Nagababa Nagar, Vasinaka, Chembur, Mumbai 400074, do hereby solemnly affirm and state as under:

1. I say that I am the authorised representative in the Petitioner Company and am conversant with the facts of the present case and am competent to swear to the present affidavit.
2. I say that I am filing the present affidavit pursuant to the directions given by the Hon'ble Commission in regard to the unit wise metering of electricity and the data thereof.
3. I say that as confirmed in the proceedings dated 11/07/2017 in Case No. 62 of 2017, unit wise ABT meters were already installed for each of the generating units of the Petitioner's generating station.



LPS

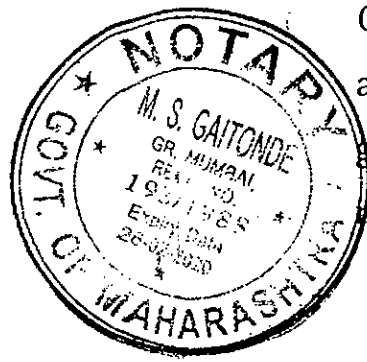
4. I say that the issue of supply to the captive users from the other units being Unit No. 1 and 2 during the outages (forced and planned outages) of Units No. 3 and 4 arose in the year 2013-14 also. The details of the outages of Unit No. 3 and 4 and the units injected from other units were filed by the Petitioner. Based on the details filed, the Hon'ble Commission in the order dated 20/08/2014 for the year 2013-14, pro-rated the supply from the Units No. 1 and 2 to the captive consumers.

5. The ABT meters installed at the generating units have the capability to store historical data for 35 days. Therefore, as at present, the data for the last 35 days would be stored in the ABT meters installed for the generating units of the Petitioner.

6. I say that the day wise generation of electricity unit wise is available with the Petitioner, which is being submitted herewith. Pursuant to the directions of the Hon'ble Commission, the Petitioner is filing herewith the following:

a) Summary of Daily Implemented Schedule for the financial year 2015-16 is attached hereto and marked as **Annexure A-1**. The full slot wise Implemented Schedule details for the financial year 2015-16 copied into a Compact Disc (CD) and appended as **Annexure A-2**.

b) Unit wise Gross & Net generation vis-à-vis Consumption from CPP & IPP Units, unit wise Generation on daily basis is attached as **Annexure B-1**, Month wise summary of IPP & CPP units net generation vis-à-vis Consumption is also attached hereto and marked as **Annexure B-2**.



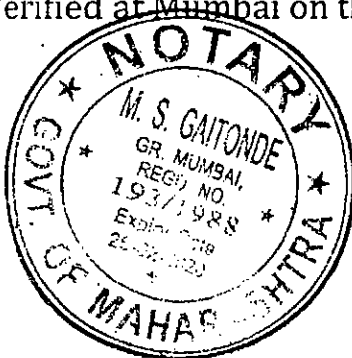
- c) The number of revisions to schedules on Daily basis for financial year 2015-16 is attached hereto and marked as **Annexure C-1**. The full revisions wise / slot wise, details for the financial year 2015-16 are copied into a Compact Disc (CD) and marked as **Annexure C-2**.
- d) Outage details for IPP & CPP Units as certified by SLDC for the financial year 2015-16 are attached hereto and marked as **Annexure D**.
- e) The slot wise, Net Generation (MRI Data) v/s Consumption details are copied into a Compact Disc (CD) and marked as **Annexure E-1**, The Month wise summary for the financial year 2015-16 are attached hereto and marked as **Annexure E-2**.
- f) The SLDC certified Line 1 & Line 2 data are attached hereto and marked as **Annexure F-1** & Unit wise Gross and Net Generation details are attached hereto and marked as **Annexure F-2**.

DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify the contents of the above affidavit to be based on the records of the Petitioner maintained in its ordinary course and believed by me to be true, no part of it is false and nothing material has been concealed therefrom.

Verified at Mumbai on this 24th day of July 2017.



DEPONENT

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SAL WARDHA POWER GENERATION LIMITED									
Date	Unit I	Unit II	Unit III	Unit IV	Unit III & IV	Total	NET GENERATION		MWh Data
							Unit I & II	Unit III & IV	
7/10/2015	0	0	0	3,145,000	3,145,000	3,145,000	4,800,720	0	4,800,720
7/11/2015	1,225,000	0	0	728,000	728,000	1,953,000	2,662,398	95,625	44,654
7/12/2015	1,116,000	0	0	1,679,000	1,679,000	2,795,000	1,906,588	20,000	9,017
7/13/2015	1,000,000	0	0	2,989,000	2,989,000	3,989,000	2,539,545	24,000	28,455
7/14/2015	2,233,000	0	0	2,287,000	2,287,000	4,520,000	3,292,926	37,000	42,464
7/15/2015	2,300,000	0	0	2,315,000	2,315,000	4,615,000	3,329,326	101,125	54,404
7/16/2015	2,277,000	0	0	2,281,000	2,281,000	4,558,000	3,380,165	121,625	54,404
7/17/2015	2,228,000	0	0	2,228,000	2,228,000	4,456,000	3,240,924	121,625	54,404
7/18/2015	0	0	0	2,966,000	2,966,000	2,966,000	2,507,924	69,500	54,404
7/19/2015	0	0	0	2,850,000	2,850,000	2,850,000	2,483,800	24,000	28,455
7/20/2015	0	0	0	2,919,000	2,919,000	2,919,000	2,439,965	107,375	53,514
7/21/2015	0	0	0	2,675,000	2,675,000	2,675,000	2,214,381	95,000	43,154
7/22/2015	0	0	0	2,784,000	2,784,000	2,784,000	2,366,844	86,500	42,654
7/23/2015	0	0	0	2,769,000	2,769,000	2,769,000	2,390,346	96,500	43,154
7/24/2015	0	0	0	2,752,000	2,752,000	2,752,000	2,315,321	95,625	43,154
7/25/2015	0	0	0	2,702,000	2,702,000	2,702,000	2,332,621	86,000	42,654
7/26/2015	0	0	0	2,706,000	2,706,000	2,706,000	2,355,509	32,125	29,506
7/27/2015	0	0	0	2,260,000	2,260,000	2,260,000	2,508,094	41,000	53,514
7/28/2015	0	0	0	2,608,000	2,608,000	2,608,000	2,256,990	110,875	54,404
7/29/2015	1,936,000	0	0	2,229,000	2,229,000	4,164,000	3,311,963	121,625	54,404
7/30/2015	2,182,000	0	0	2,188,000	2,188,000	4,370,000	3,407,340	121,625	54,404
7/31/2015	922,000	0	0	2,495,000	2,495,000	3,417,000	2,578,522	85,500	54,404
Total	16,514,000	0	0	50,401,000	39,621,000	90,022,000	83,049,730	2,706,375	1,426,613

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SAL WARDHA POWER GENERATION LIMITED									
Date	Unit I	Unit II	Unit III	Unit IV	Unit III & IV	Total	NET GENERATION		MWh Data
							Unit I & II	Unit III & IV	
8/1/2015	2,176,000	0	0	1,982,000	1,982,000	4,158,000	3,647,100	1,892,482	3,016,303
8/2/2015	2,705,000	0	0	2,705,000	2,705,000	5,410,000	4,746,698	2,338,890	1,770,494
8/3/2015	2,330,000	0	0	1,708,000	1,708,000	4,038,000	2,031,720	1,490,080	3,157,651
8/4/2015	2,132,000	0	0	2,235,000	2,235,000	4,367,000	3,837,300	1,991,143	3,252,181
8/5/2015	2,123,000	0	0	2,279,000	2,279,000	4,402,000	3,844,880	1,849,803	3,344,312
8/6/2015	2,098,000	0	0	2,098,000	2,098,000	4,196,000	3,852,860	1,853,643	3,335,141
8/7/2015	2,065,000	0	0	2,065,000	2,065,000	4,130,000	3,802,080	1,829,212	3,172,228
8/8/2015	1,843,000	0	0	1,976,000	1,976,000	3,821,000	3,509,450	1,717,246	3,097,220
8/9/2015	0	0	0	2,644,000	2,644,000	2,644,000	2,313,280	2,272,510	2,162,086
8/10/2015	0	0	0	2,577,000	2,577,000	2,577,000	2,227,510	0	2,177,646
8/11/2015	0	0	0	2,598,000	2,598,000	2,598,000	2,229,250	2,177,646	2,177,646
8/12/2015	999,000	0	0	2,555,000	2,555,000	3,554,000	3,092,810	869,363	2,223,447
8/13/2015	2,089,000	0	0	2,078,000	2,078,000	4,166,000	3,813,150	1,834,538	3,610,961
8/14/2015	2,078,000	0	0	2,218,000	2,218,000	4,296,000	3,761,490	1,809,684	3,569,100
8/15/2015	1,872,000	0	0	2,099,000	2,099,000	3,981,000	3,370,370	1,621,513	3,247,924
8/16/2015	1,988,000	0	0	1,950,000	1,950,000	3,938,000	3,406,270	1,638,785	3,072,962
8/17/2015	2,098,000	0	0	2,178,000	2,178,000	4,276,000	3,747,280	1,767,485	3,526,946
8/18/2015	2,164,000	0	0	2,164,000	2,164,000	4,330,000	3,885,620	1,802,833	3,642,927
8/19/2015	2,061,000	0	0	2,265,000	2,265,000	4,326,000	3,805,730	1,830,968	3,615,408
8/20/2015	2,139,000	0	0	2,139,000	2,139,000	4,278,000	3,981,210	1,867,282	3,615,408
8/21/2015	2,108,000	0	0	2,108,000	2,108,000	4,180,000	3,874,310	1,912,073	3,589,788
8/22/2015	2,158,000	0	0	2,340,000	2,340,000	4,498,000	3,962,770	1,906,521	3,788,920
8/23/2015	1,967,000	0	0	2,111,000	2,111,000	4,078,000	3,579,510	1,722,132	3,785,244
8/24/2015	2,131,000	0	0	2,261,000	2,261,000	4,392,000	3,824,990	1,840,029	3,657,881
8/25/2015	1,659,000	0	0	1,659,000	1,659,000	3,318,000	3,394,950	1,440,929	3,615,611
8/26/2015	0	0	0	2,099,000	2,099,000	2,099,000	3,894,950	1,440,929	3,615,611
8/27/2015	0	0	0	2,051,000	2,051,000	2,051,000	3,815,010	0	3,615,611
8/28/2015	0	0	0	2,112,000	2,112,000	2,112,000	3,815,010	0	3,615,611
8/29/2015	0	0	0	2,237,000	2,237,000	2,237,000	3,828,840	0	3,615,611
8/30/2015	0	0	0	1,942,000	1,942,000	1,942,000	3,730,320	0	3,615,611
8/31/2015	0	0	0	2,021,000	2,021,000	2,021,000	3,433,440	0	3,135,370
Total	44,963,000	0	0	64,578,000	14,655,000	79,233,000	3,660,280	0	3,370,931

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GENERATION

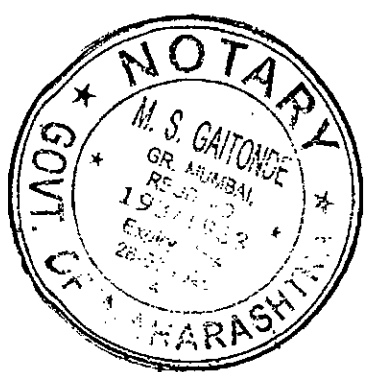
NET GENERATION

CONSUMPTION

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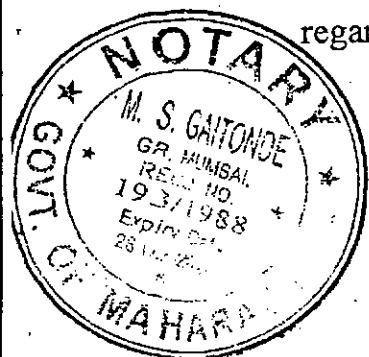
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3/26/2016	0	0	0	2,130,000	2,143,000	4,273,000	4,273,000	3,756,670	0	3,756,670	3,079,299	620,825	27,144	3,727,268	29,352	0	29,352	
3/27/2016	0	0	0	2,091,000	2,119,000	4,210,000	4,210,000	3,712,490	0	3,712,490	3,071,039	595,200	27,144	3,693,383	19,107	0	19,107	
3/28/2016	0	0	0	2,136,000	2,207,000	4,343,000	4,343,000	3,823,500	0	3,823,500	3,110,962	621,325	44,850	3,777,137	46,363	0	46,363	
3/29/2016	0	0	0	2,345,000	2,391,000	4,736,000	4,736,000	4,206,880	0	4,206,880	3,523,580	620,825	44,850	4,189,254	17,626	0	17,626	
3/30/2016	0	0	0	2,530,000	2,500,000	5,030,000	5,030,000	4,489,650	0	4,489,650	3,810,711	620,825	44,850	4,476,386	13,264	0	13,264	
3/31/2016	0	0	0	2,255,000	2,238,000	4,493,000	4,493,000	3,981,220	0	3,981,220	3,294,845	620,825	42,550	3,958,386	23,000	0	23,000	
Total	0	0	0	56,707,000	64,180,000	120,887,000	120,887,000	107,061,880	0	107,061,880	86,653,290	18,703,575	1,266,383	106,623,248	438,632	0	438,632	
Grand Total	276,037,000	125,878,000	401,915,000	760,105,000	693,622,000	1,453,727,000	1,453,727,000	1,451,146,360	354,571,309	1,296,575,051	1,125,648,540	94,393,425	16,459,143	1,236,501,109	412,855,688	1,789,594	58,284,358	60,073,942



Comments On Annexure B-1, as Submitted by M/s SWPGL

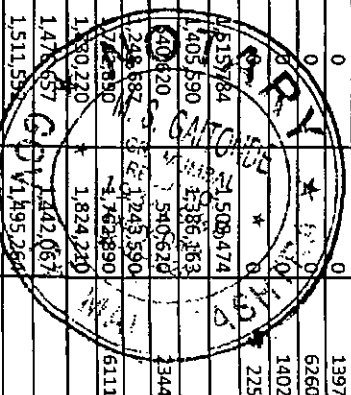
1. M/s SWPGL on 24.07.2017, has submitted day-wise and Unit-wise generation data for FY 2015-16. (Annexure B-1) annexed hereto as Annexure 4.
2. The Column M of Annexure B-1 provides the sum of Net generation from Unit III & IV (CPP Units) for each day.
3. The Column R of Annexure B-1 provides the total CPP consumption for each day.
4. If we arithmetically subtract the total CPP consumption for each day (i.e. Column R) from Net CPP Generation (i.e. column M) for entire year, then, it is observed that there is CPP generation shortfall of 119.79 MU's Vis a Vis CPP consumption (as shown in column S of Annexure No. 5 attached herewith).
5. Hence in total 119.79 MU's were adjusted against CPP consumption which were actually not generated from Unit III and IV.
6. Further, these 119.79 MU's can be bifurcated as generation from Unit I and II (i.e. IPP Units of M/s. SWPGL) and from grid (which are settled under FBSM).
7. Bifurcation of these 119.7 MU's reveals that; 118.52 Units are supplied from IPP Generation Units to CPP consumers and 1.27 MU's are drawn from which are settled under FBSM.
8. The above data as provided by M/s SWPGL matches with SLDC data with regard to FBSM settlement of 1.27 MU's.



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SAL WARDHA POWER GENERATION LIMITED

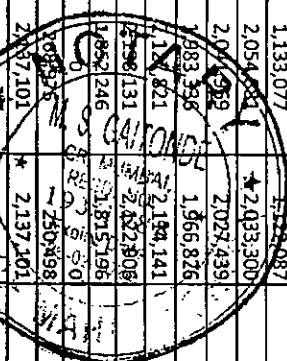
Date	NET GENERATION			CONSUMPTION					MSEDC's ANALYSIS			
	MRI Data	Unit I & II	Unit III & IV	CPP-MSEDC Consumers	CPP-TATA Consumers	CPP-R Intra Consumers	CPP - Total	Diff	IPP	Units left from Unit I & II after IPP Consumption	Units adj from Unit 1 and 2	Units adj from FBSM
4/7/2015	2,661,620	0	2,661,620	2,563,998	101,750	0	2,665,748	-4,128	0	0	0	4,128
4/8/2015	2,699,070	0	2,699,070	2,525,826	117,625	60,799	2,704,250	-5,180	0	0	0	5,180
4/11/2015	2,512,080	174,198	2,337,882	2,320,804	117,625	57,072	2,495,501	-157,620	0	174,198	157,620	0
4/12/2015	2,482,630	2,580,930	0	2,473,877	57,500	0	2,531,377	-2,531,377	0	2,482,650	2,482,650	48,727
4/13/2015	2,580,930	2,580,930	0	2,485,247	89,625	53,628	2,602,500	-2,602,500	0	2,580,930	2,580,930	21,570
4/14/2015	2,619,040	2,619,040	0	2,480,853	101,750	57,397	2,640,000	-2,640,000	0	2,619,040	2,619,040	20,960
4/15/2015	2,616,290	2,616,290	0	2,450,163	101,750	57,831	2,609,744	-2,609,744	0	2,616,290	2,609,744	0
4/16/2015	2,532,710	2,532,710	0	2,366,669	101,750	57,831	2,526,250	-2,526,250	0	2,532,710	2,526,250	0
4/17/2015	2,488,530	2,488,530	0	2,312,818	117,625	57,941	2,488,383	-2,488,383	0	2,488,530	2,488,383	0
4/18/2015	2,369,640	2,369,640	0	2,222,125	117,625	40,000	2,379,750	-2,379,750	0	2,369,640	2,369,640	101,100
4/19/2015	2,614,480	1,361,718	1,252,762	2,514,550	57,500	25,500	2,597,550	-1,344,788	0	1,361,718	1,344,788	44,050
4/20/2015	5,166,950	2,691,139	2,475,811	2,470,741	100,625	57,384	2,628,750	-1,52,939	2,582,250	108,889	108,889	7457
6/11/2015	2,730,340	0	2,730,340	2,561,768	121,625	54,404	2,737,797	-7,457	0	0	0	7,457
6/18/2015	2,722,780	0	2,722,780	2,559,018	121,625	54,404	2,735,047	-12,267	0	0	0	12,267
6/20/2015	2,494,390	0	2,494,390	2,325,233	121,625	54,404	2,501,263	-6,873	0	0	0	6,873
6/21/2015	2,392,450	0	2,392,450	2,319,581	53,250	27,869	2,400,700	-8,250	0	0	0	8,250
6/22/2015	2,543,410	0	2,543,410	2,456,584	108,125	53,614	2,618,323	-74,913	0	0	0	74,913
6/23/2015	2,671,190	0	2,671,190	2,513,745	121,625	54,404	2,689,774	-18,584	0	0	0	18,584
6/24/2015	2,645,260	0	2,645,260	2,495,202	121,625	54,404	2,671,232	-25,972	0	0	0	25,972
6/26/2015	2,708,150	0	2,708,150	2,580,221	121,625	54,404	2,756,250	-48,100	0	0	0	48,100
6/27/2015	2,735,110	0	2,735,110	2,607,220	121,625	54,404	2,783,249	-48,139	0	0	0	48,139
6/29/2015	2,641,430	0	2,641,430	2,520,579	105,875	53,614	2,680,668	-38,638	0	0	0	38,638
7/11/2015	1,679,650	1,053,544	626,106	1,906,588	20,000	9,017	1,935,605	-1,309,499	0	1,053,544	1,053,544	2,5555
7/12/2015	2,420,980	966,660	1,454,320	1,539,545	24,000	28,455	2,592,000	-1,137,680	0	966,660	966,660	17,1020
7/13/2015	2,732,300	88,453	2,643,847	2,629,753	37,000	42,464	2,709,217	-65,370	0	88,453	65,370	0
7/14/2015	3,980,990	1,888,465	2,092,525	3,293,426	101,125	54,404	3,448,955	-1,356,430	496,755	1,391,711	1,356,430	0
7/15/2015	4,052,790	1,922,520	2,130,260	3,307,448	121,625	54,404	3,483,477	-1,353,217	542,250	1,380,270	1,353,217	0
7/16/2015	4,101,030	1,945,409	2,155,621	3,380,165	121,625	54,404	3,556,194	-1,400,573	535,999	1,409,410	1,400,573	0
7/17/2015	4,135,070	1,961,556	2,173,514	3,240,924	121,625	54,404	3,416,953	-1,243,439	718,002	1,243,554	1,243,439	0
7/18/2015	2,622,470	0	2,622,470	2,507,943	69,500	54,404	2,631,848	-9,378	0	0	0	9,378
7/19/2015	2,535,720	0	2,535,720	2,483,300	24,000	28,455	2,535,755	-35	0	0	0	35
7/22/2015	2,482,020	0	2,482,020	2,366,844	86,500	42,654	2,495,998	-13,978	0	0	0	13,978
7/23/2015	2,457,400	0	2,457,400	2,390,346	86,500	43,154	2,520,000	-62,600	0	0	0	62,600
7/24/2015	2,439,880	0	2,439,880	2,315,121	95,625	43,154	2,453,900	-14,020	0	0	0	14,020
7/25/2015	2,463,960	0	2,463,960	2,337,561	86,000	42,654	2,466,215	-2,255	0	0	0	2,255
7/29/2015	3,623,310	1,718,792	1,904,518	3,231,963	121,625	54,404	3,407,992	-1,503,474	203,008	1,517,844	1,503,474	0
7/30/2015	3,807,340	1,806,091	2,001,249	3,211,383	121,625	54,404	3,387,412	-1,386,163	400,501	1,405,690	1,386,163	0
7/31/2015	2,950,480	796,120	2,154,360	2,578,522	85,500	54,404	2,718,426	-564,066	255,500	1,408,200	1,408,200	0
8/1/2015	3,647,180	1,754,688	1,892,492	3,016,303	65,375	54,404	3,136,082	-1,243,590	506,001	1,243,590	1,243,590	0
8/2/2015	2,338,890	2,338,890	0	1,770,484	24,000	29,506	1,824,000	-1,824,000	576,000	1,248,900	1,248,900	0
8/3/2015	3,522,800	2,032,720	1,490,080	3,157,651	103,125	53,514	3,314,290	-1,824,210	202,500	1,511,590	1,511,590	0
8/4/2015	3,837,300	1,846,157	1,991,143	3,257,181	121,625	54,404	3,433,210	-1,442,067	369,500	1,476,570	1,442,067	0
8/5/2015	3,844,880	1,849,803	1,995,077	3,314,312	121,625	54,404	3,490,341	-1,495,264	338,251	1,511,590	1,511,590	0
8/6/2015	3,852,800	1,853,643	1,999,217	3,335,141	121,625	54,404	3,548,257	-1,511,953	312,000	1,541,643	1,511,953	0
8/7/2015	3,802,080	1,829,212	1,972,868	3,172,228	121,625	54,404	3,341,371	-1,375,389	428,250	1,400,962	1,375,389	0
8/8/2015	3,309,450	1,592,204	1,717,246	3,091,220	121,625	54,404	3,267,240	-1,476,000	0	1,592,204	1,592,204	0



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SAI WARDHA POWER GENERATION LIMITED

Date	NET GENERATION				CONSUMPTION				MSEDC's ANALYSIS				
	MRI Data	Unit I & II	Unit III & IV	CPP-MSEDC Consumers	CPP-TATA Consumers	CPP-R Infra Consumers	CPP - Total	Diff	IPP	Units Left from Unit I & II after IPP Consumption	Units adj from Unit 1 and 2	Units adj from FSM	
8/10/2015	2,272,510	0	2,272,510	2,162,086	76,250	41,664	2,280,000	-7,490	0	0	869,363	861,903	7490
8/12/2015	3,092,810	869,363	2,223,447	2,970,695	72,000	42,654	3,085,349	-861,903	0	0	869,363	861,903	
8/13/2015	3,813,150	1,834,538	1,978,612	3,610,961	121,625	54,404	3,766,990	-1,808,378	0	0	1,834,538	1,808,378	
8/14/2015	3,761,490	1,809,684	1,951,806	3,563,100	121,625	54,404	3,739,129	-1,787,323	0	0	1,809,684	1,787,323	
8/15/2015	3,370,370	1,621,513	1,748,857	2,876,511	35,500	27,869	2,939,879	-1,191,022	0	0	1,621,513	1,591,022	
8/16/2015	3,406,270	1,638,785	1,767,485	3,072,962	24,000	28,531	3,125,493	-1,358,007	0	0	1,466,922	1,358,007	
8/17/2015	3,747,200	1,802,833	1,944,417	3,526,946	102,375	53,514	3,682,835	-1,738,418	0	43,018	1,759,815	1,738,418	
8/18/2015	3,835,620	1,845,348	1,990,272	3,642,057	121,625	54,404	3,818,087	-1,827,815	0	0	1,845,348	1,827,815	
8/19/2015	3,805,730	1,830,968	1,974,762	3,615,408	121,625	54,404	3,791,437	-1,816,675	0	0	1,830,968	1,816,675	
8/20/2015	3,881,210	1,857,282	2,013,928	3,689,788	121,625	54,404	3,865,817	-1,851,889	0	0	1,857,282	1,851,889	
8/21/2015	3,974,310	1,912,073	2,062,237	3,788,920	121,625	54,404	3,964,949	-1,902,713	0	0	1,912,073	1,902,713	
8/22/2015	3,962,770	1,906,521	2,056,249	3,765,244	121,625	54,379	3,941,248	-1,884,999	0	0	1,906,521	1,884,999	
8/23/2015	3,579,510	1,722,132	1,857,378	3,496,831	32,125	29,506	3,558,462	-1,701,084	0	0	1,722,132	1,701,084	
8/24/2015	3,824,590	1,840,929	1,984,548	3,657,861	102,375	53,514	3,813,750	-1,829,202	0	0	1,840,929	1,829,202	
8/25/2015	3,894,590	1,440,929	2,453,661	3,684,466	121,625	54,404	3,860,496	-1,406,834	0	0	1,440,929	1,406,834	
10/10/2015	4,099,500	1,593,175	2,506,325	2,725,993	121,625	52,631	2,900,249	-399,924	1,200,000	393,175	393,175	1,406,834	749
10/11/2015	4,281,280	1,977,408	2,303,872	3,016,734	32,125	27,144	3,076,003	-772,131	1,200,000	777,408	772,131	1,406,834	
10/12/2015	4,848,260	2,316,460	2,531,800	3,549,100	102,375	52,369	3,703,844	-1,172,043	1,200,000	1,116,460	1,116,460	1,406,834	5584
10/13/2015	5,047,440	2,411,626	2,635,814	3,685,631	121,625	52,369	3,859,625	-1,223,811	1,200,000	1,211,626	1,211,626	1,406,834	12185
10/14/2015	5,009,310	2,393,408	2,615,902	3,629,148	121,625	52,369	3,803,142	-1,187,240	1,200,000	1,193,408	1,187,240	1,406,834	
10/15/2015	4,866,700	2,325,270	2,541,430	3,498,020	121,625	52,369	3,672,014	-1,130,584	1,200,000	1,125,270	1,125,270	1,406,834	5314
10/16/2015	4,930,250	2,355,634	2,574,616	3,551,569	121,625	52,369	3,725,563	-1,150,946	1,200,000	1,155,634	1,150,946	1,406,834	
10/17/2015	4,831,100	2,308,265	2,522,845	3,453,115	121,625	52,369	3,627,109	-1,104,264	1,200,000	1,108,265	1,104,264	1,406,834	
10/18/2015	4,704,700	2,247,868	2,456,832	3,441,981	32,125	27,144	3,501,250	-1,044,418	1,200,000	1,047,868	1,044,418	1,406,834	
10/19/2015	5,025,050	2,400,928	2,624,122	3,667,995	102,375	52,369	3,822,739	-1,198,617	1,200,000	1,200,928	1,198,617	1,406,834	
10/20/2015	5,132,270	2,452,157	2,680,113	3,776,257	121,625	52,369	3,950,250	-1,270,138	1,200,000	1,252,157	1,252,157	1,406,834	17980
10/21/2015	5,092,760	2,433,280	2,659,480	3,732,634	105,750	52,369	3,890,753	-1,231,272	1,200,000	1,233,280	1,231,272	1,406,834	
10/22/2015	4,102,720	1,960,247	2,142,473	2,832,356	31,500	27,144	2,891,000	-748,526	1,200,000	760,247	748,526	1,406,834	
10/23/2015	4,698,240	1,571,961	3,126,279	3,331,504	99,625	52,369	3,483,498	-357,219	1,200,000	371,961	357,219	1,406,834	
12/29/2015	4,994,060	1,947,577	3,046,483	3,128,343	620,825	46,333	3,795,500	-749,017	1,200,000	747,577	747,577	1,406,834	1440
12/30/2015	5,005,370	2,318,201	2,687,169	3,124,848	620,825	46,333	3,792,005	-1,104,836	1,200,000	1,118,201	1,104,836	1,406,834	
12/31/2015	5,037,490	2,333,077	2,704,413	3,159,343	620,825	46,333	3,826,500	-1,122,087	1,200,000	1,133,077	1,122,087	1,406,834	
1/1/2016	4,169,480	2,054,881	2,114,599	3,480,742	620,825	46,333	4,147,899	-2,033,300	0	2,054,881	2,033,300	1,406,834	
1/2/2016	4,143,280	2,041,969	2,101,311	3,461,593	620,825	46,333	4,128,750	-2,027,439	0	2,041,969	2,027,439	1,406,834	
1/3/2016	4,024,310	1,983,336	2,040,974	3,449,331	531,335	27,144	4,007,800	-1,966,836	0	1,983,336	1,966,836	1,406,834	
1/4/2016	4,317,480	2,127,821	2,189,659	3,655,893	601,575	46,333	4,303,800	-2,114,141	0	2,127,821	2,114,141	1,406,834	
1/5/2016	4,338,400	2,138,131	2,200,269	3,656,018	620,825	46,333	4,333,175	-2,122,906	0	2,138,131	2,122,906	1,406,834	
1/6/2016	3,758,320	1,852,246	1,906,074	3,054,113	620,825	46,333	3,721,270	-1,815,196	0	1,852,246	1,815,196	1,406,834	
2/2/2016	3,618,220	0	3,618,220	2,962,862	620,825	44,575	3,627,019	-8,799	0	0	0	0	8799
2/10/2016	4,173,960	268,975	3,904,985	3,490,083	620,825	44,575	4,155,483	-250,498	0	0	0	0	
2/11/2016	4,339,720	2,137,101	2,202,619	3,674,393	620,825	44,575	4,339,793	-2,137,174	0	2,137,101	2,137,101	1,406,834	73
2/12/2016	4,129,700	2,033,676	2,096,024	3,454,571	620,825	44,575	4,119,971	-2,023,947	0	2,033,676	2,023,947	1,406,834	
2/13/2016	4,177,080	2,057,008	2,120,072	3,509,342	620,825	40,075	4,170,242	-2,050,170	0	2,057,008	2,050,170	1,406,834	
2/14/2016	3,952,420	1,946,374	2,006,046	3,382,258	531,325	27,144	3,940,727	-1,934,682	0	1,946,374	1,934,682	1,406,834	
2/15/2016	3,845,620	1,893,781	1,951,839	2,973,092	601,575	44,575	3,619,242	-1,667,402	204,500	1,689,281	1,667,402	1,406,834	
2/16/2016	3,885,430	1,386,029	2,503,401	3,232,596	620,825	44,575	3,897,996	-1,394,565	0	1,386,029	1,386,029	1,406,834	8566



Date	NET GENERATION			CONSUMPTION					MSEDCL'S ANALYSIS			
	MRI Data	Unit I & II	Unit III & IV	CPP-MSEDCL Consumers	CPP-TATA Consumers	CPP-R Infra Consumers	CPP - Total	Diff	IPP	Units Left from Unit I & II after IPP Consumption	Units adj from Unit 1 and 2	Units adj from FBSSM
2/22/2016	2,567,000	0	2,567,000	2,115,765	427,975	31,532	2,575,271	-8,271	0	0	0	8271
2/23/2016	3,172,790	99,477	3,073,313	2,547,588	620,825	44,575	3,212,988	-139,674	0	99,477	99,477	40198
2/24/2016	4,509,880	2,220,896	2,288,984	3,858,288	620,825	44,575	4,523,687	-2,234,704	0	2,220,896	2,220,896	13807
2/25/2016	4,463,800	2,198,234	2,265,626	3,785,323	620,825	44,575	4,450,723	-2,185,096	0	2,198,234	2,185,096	
2/26/2016	4,363,410	2,148,767	2,214,643	3,684,880	620,825	44,575	4,350,280	-2,135,637	0	2,148,767	2,135,637	
2/27/2016	4,345,450	2,139,922	2,205,528	3,672,889	620,825	40,075	4,333,789	-2,128,261	0	2,139,922	2,128,261	
2/28/2016	4,333,440	2,134,008	2,199,432	3,759,625	531,325	27,144	4,318,094	-2,118,662	0	2,134,008	2,118,662	
2/29/2016	4,485,690	1,918,800	2,566,890	3,822,847	601,575	44,575	4,468,997	-1,902,107	0	1,918,800	1,902,107	
3/22/2016	2,688,830	0	2,688,830	2,058,325	620,825	44,850	2,724,000	-35,170		0	0	35170
Grand Total	1,651,146,360	354,571,309	1,296,575,051	1,125,648,540	94,393,425	16,459,143	1,236,501,109	-119,789,989	412,855,668	-58,284,358	118,516,647	1,273,342

Units from IPP and FBSSM
Units from IPP

119.79 MUS
118.52 MUS

