

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400 005
Tel. No. 022 22163964/65/69 – Fax 022 22163976
E-mail mercindia@mercindia.com
Website: www.mercindia.com

Case No. 144 of 2011

In the matter of
Petition filed by the Organizer of the ‘Vidut Dar vad Virodhi Sangharsh Samiti’
regarding farmers’ difficulties arising due to MSEDCL’s Load Shedding Scheme
Shri V.P. Raja, Chairman
Shri. Vijay L. Sonavane, Member

Present during the hearings:

For the Petitioner : Dr. Anil Bonde, MLA

For the Respondents: Shri. S.S. Dhande, C.E. Commercial
Shri. A.N. Sonavane, S.E, MSEDCL

ORDER

Dated: July 5, 2012

The Petitioner, Organizer of the ‘Vidut Dar vad Virodhi Sangharsh Samiti’ situated at Amravati has submitted a Petition under affidavit on 11 October, 2011 stating *inter alia* that the farmers who belong to Western Vidarbha, especially from Amravati district are suffering from agricultural problems due to the excessive Load-Shedding program conducted by the Respondent, Maharashtra State Distribution Company Ltd., (MSEDCL).

2. The prayers of the Petitioner are as under:

- 1) “महावितरणच्या भारनियमाच्या कार्यक्रमांमुळे शेतकरी सिंचन करू शकत नाही. त्यामुळे आदरणीय आयोगाच्या महावितरणला भारनियमनाचे टाईम टेबल पुन्हा तयार करण्यास सांगून पश्चिम विदर्भातील (अमरावती विभाग) शेतकऱ्यांना दिवसा ८ तास विज मिळेल असा कार्यक्रम करावा आणि असे आदेश महावितरण कंपनीला आपण द्यावेत.

“ 1) To issue the direction to the Respondent, MSEDCL for prepare the new time table of Load-shedding and direct to arrange the program for 8 hours electricity to the farmers within the territorial jurisdiction of vidarbha (Amravati Zone).

- 2) शेतात पिक उभे असतांना महावितरण कंपनी शेतकऱ्यांची विज कापत आहे.पिक काढे पर्यंत विज कापण्यात येवू नये असे आदेश महावितरण कंपनीला देण्यात यावे.

2) To issue the direction the MSEDCL for stay on load-shedding till the complete crops period.

- 3) कृषी संजीवणी योजनेला मुदत वाढ देवून ती ३१ मे पर्यंत वाढविण्यात यावी.

3) To issue directions for extension to time period of Krishi Sanjivani Policy till 31st March.

- ४) डिपी वरील थकबाकीदार शेतकऱ्यांपैकी एक दोघ जरी थकबाकीदार राहिले तरी डिपी सुरू करण्यात येत नाही.आमची मागणी आहे की ज्या शेतकऱ्यांनी थकबाकी भरली आहे त्या शेतकऱ्यांचा विज पुरवठा सुरू करण्यात यावा. थकबाकीसाठी सामुहीक जबाबदारी न ठरवता व्यक्तीशः विज ग्राहकाला जबाबदार ठरवावे.”

4) To issue the directions to start the DP. Direct in regards to non consideration of individual responsibility in the matter of pending electricity bill with avoiding the common responsibility in it.”

3. The Petitioner in its Petition submitted as under:

- (a) MSEDCL is responsible for the damage of all standing crops in the agricultural land due to non-availability of power within the territorial jurisdiction of Amravati Zone.
- (b) The Respondent, MSEDCL has failed to provide sufficient electricity to the agriculture sector, which includes standing crops such as Cotton and Oranges.

- (c) MSEDCL has imposed excessive Load-Shedding within the suicidal area of Amravati Zone, Western Vidarbha.
- (d) The Petitioner also contended that he had invited the attention of the Commission during the public hearing held on 7 October, 2011 at Amravati on the issue of excessive load-shedding and its impact on the standing crops within jurisdiction of Amravati area.
4. MSEDCL has submitted a copy of its revised load shedding Circular No. 35 on 7 October 2011 to the Commission.
5. MSEDCL submitted its reply to the present petition on 13 October 2011 stating that-
- (a) Daily 8 hours three phase power supply is given to the agricultural consumers in Maharashtra.
- (b) In case the power availability is good, 10 hours three phase power supply in night hours to 50% agricultural consumers and 8 hours three phase power supply in day time to remaining 50% agricultural consumers is given on rotational basis.
- (c) At present, the availability of power supply is reduced due to heavy rainfall in Orissa affecting coal supply from Mahanadi coal mines and Telagana Andolan in Andhra Pradesh affecting coal supply from Singareni coal mines. Simultaneously, the demand of power supply has increased due to October heat.
- (d) MSEDCL informed that it will not be appropriate to give extension for Krushi Sanjivani Policy of the State Government.
6. The Commission vide its Notice dated 11 October 2011 scheduled a hearing in the matter on 14 October 2011 at 11.00 hrs, in the presence of authorised Consumer Representatives.
7. The hearing in the matter was held on 14th October, 2011. Dr. Anil Bonde, MLA appeared for the Petitioner, Shri. S.S. Dhande, C.E. Commercial and Shri. A.N. Sonavane, S.E appeared for MSEDCL. Shri. M. M. Muthal. Dy. C.E. MSPGCL, Shri. Dr. Shashikant Patil, Desk Officer, Energy Department, Government of Maharashtra; Shri. Ashok Pendse, TBIA, Authorised Consumer Representative and Shri. Pratap Hogade, on behalf of VIA, Authorised Consumer Representative were present.

8. During the hearing, Dr. Anil Bonde made oral submissions regarding difficulties faced by farmers due to load shedding and impact of load shedding on standing crops. Shri. Pratap Hogade also made oral submissions regarding difficulties faced by farmers due to load shedding.

9. The Commission clarified that the Commission in its earlier Order dated September 9, 2010 in Case No. 12 & 48 of 2009 has already ruled that standing crops should not be affected due to non-availability of power.

10. Further, the Commission observed that GoM's affidavit dated 6th April 2011 in Case No. 81 of 2010 stipulates minimum 8 hours per day power supply to Agricultural Pumps, which need to be complied with.

11. The Commission directed as under:

- (a) Government of Maharashtra to be impleaded as a party in the matter
- (b) Government of Maharashtra to prepare a plan of action for providing power supply in the State including the contingency plan for next four months i.e., till February 2012.
- (c) MSEDCL to submit additional affidavit regarding operational constraints, if any in implementation of single phasing scheme.
- (d) MSPGCL to submit the plan of action including all necessary arrangements to increase power generation.

12. The Vidarbha Industries Association (VIA) submitted its brief written note of the oral submissions before the Commission on 14 October 2011 stating that the Commission has approved and ordered for minimum 10 hours supply to Agriculture (AG) Load Management (LM) Schemes in Case No. 78 of 2006 dated 20 February 2007. Government of Maharashtra (GoM) has submitted its submissions on 6 April 2011 on affidavit in Case No. 81 of 2010 before the Commission, the relevant portion of which is extracted as under-

“The norms for power supply to Agricultural pumps shall remain 8 hours per day only. Whenever there is surplus power in the System, power supply up to 10 hours per day shall be given at night starting from 23.00 hours and 8 hours per day power supply shall be given during day time (excluding peak load hours) on rotational basis. In case of critical System condition, the power supply to Agricultural Pumps shall be restricted to 8 hours per day only.”

13. VIA submitted that on the basis of the policy decision of the GoM, the Commission has Ordered the same norms on 9 May 2011 in Case No. 81 of 2010, and the reasons for less

supply given by MSEDCL in its reply carries no meaning and cannot be made applicable to AG-LM Schemes because it was clearly stated by GoM and by the Commission that “ *In case of critical system conditions, the power supply to Agricultural Pumps shall be restricted to 8 hours per day only*”.

14. Further, VIA submitted that MSEDCL’s contention regarding disconnection of Agricultural Pumps for non-payment is totally wrong. The disconnections are being made without any notice, violating the clear provisions of Section 56 of Electricity Act, 2003 (EA 2003). The disconnections are being made DTC wise-Feeder wise, which is injustice on the paying agricultural consumers. The GoM has declared the Krishi Sanjivani Yojana up to December 2011 where no disconnections of Ag pump sets will be made by MSEDCL. However, disconnections are being made violating the directions of the GoM.

Further, the Ag consumers in Amravati region are not getting power supply in day time due to the failure of single phasing Transformers in the region. Therefore, VIA requested the Commission to issue appropriate directions to MSEDCL and to take a view that the standing crops should not be made to suffer due to lack of power supply. With regard to the night power supply, VIA referred to the provisions of Competition Act 2002- Chapter 4- “(2) *There shall be an abuse of dominant position 4[under sub-section (1), if an enterprise or a group].—*

(a) *directly or indirectly, imposes unfair or discriminatory—*

(i) *condition in purchase or sale of goods or service;*

4 *Subs. by Competition (Amendment) Act, 2007 for “under sub-section (1), if an enterprise” ”*

15. The Commission vide Notice dated 20 October 2011 scheduled a hearing in the matter on 9 November 2011 at 12.30 hrs. in the presence of authorised Consumer Representatives.

16. MSPGCL vide letter dated 4 November 2011 submitted that availability of MSPGCL TPSs (excluding hydro generation) from November 2011 to February 2012 is worked out considering following assumptions/risks.

- (a) One unit of 210 MW will be under planned outage
- (b) 4% forced outages for thermal units
- (c) 90% load-ability considering the required coal quantity quality with proper mix of imported, washed and raw coal, subject to materialization.
- (d) Deferment of overhauls of Chandrapur Unit-1 & 5, Parli-3 and Bhusawal-3 as a contingency measures.

(e) As coal stock is critical at Parli, Paras & K'Kheda TPS, the generation will be as per realization of coal rakes.

As such, the availability (MW) of MAHAGENCO Thermal Power Stations will be as under on best effort basis, subject to the above assumptions.

	November' 11*	December' 11	January'12	February'12
Thermal (MW)	5000	5200	5200	5200
Gas (MW)	600	600	600	600
Total (MW)	5600	5800	5800	5800

- 9th November onwards

Following measures are being taken by MAHAGENCO to increase generation.

- (a) Staff is deputed at colliery (loading) end for supervision on joint sampling and analysis of coal.
- (b) Consultancy has been given to NTPC for O&M management support for performance improvement of TPS & fuel related issues.

17. MSEDCL vide letter dated 9 November 2011 submitted that the Commission has directed MSEDCL to submit operational constraints, if any, in implementation of Single Phasing Scheme.

18. Presently three phase availability of 8 hrs. is given to AG LM Schemes, Single phasing and AG Feeder separation Schemes with one day staggering. For 50% of AG LM scheme load, the availability is given at day time and for remaining 50% of AG LM Scheme load the availability is given at night time, in rotational manner.

19. Normally, the three phase availability of 8 hrs. is given to AG LM Schemes. Sometimes due to unavoidable reasons such as break down of lines and equipments, Transformer failure, forced outages, and distress load shedding in critical system conditions, the availability is reduced.

20. Two hours of availability is given on staggering day to AG LM Schemes. Efforts are being made to increase the availability of power and to withdraw the staggering day to AG LM Scheme accordingly. The failed Transformers are replaced in routine manner, as early as possible.

21. The instructions are given to the field officers:
- (a) To ensure 3 phase availability of 8 hrs to AG LM Scheme feeders daily except on staggering day
 - (b) Distress load shedding should not be implemented on AG LM Scheme feeders.
22. MSEDCL has submitted availability of supply of AG LM scheme feeders in Amravati Circle, for the period of September 15, 2011 to October 15, 2011. It has been observed that almost 8 hrs. of three phase availability is given to AG LM Scheme feeders in Amravati circle and the availability is given in periodic rotation day and night.
23. MSEDCL submitted that it is taking all out effort to overcome any operational constraints in implementation of the AG LM and ensure 8 hrs. daily availability.
24. During the hearing on 9 November 2011, Dr. Anil Bonde, MLA, Petitioner, Shri. S.S. Jadhav MSPGCL, Shri. A.N. Sonavane, S.E, MSEDCL as Respondents and Shri Pratap Hogade, on behalf of VIA, Authorised Consumer Representative were present.
25. The Petitioner invited the attention of the Commission that the Respondent, MSEDCL has not covered the details of operational constraints in the report submitted by them. Further he invited the attention on the issue of replacement of failed transformer within 24 hours norms and avoiding unnecessary disconnections.
26. The Commission observed that the Government of Maharashtra has to constitute the Committee in all the districts of Maharashtra State as prescribed under Section 166 (5) of Electricity Act, 2003 for the purpose mentioned therein, especially “(c) to promote energy efficiency and its conservation”
27. The Commission expressed its displeasure as no representative from GoM attended the hearing in spite of directions issued in the previous hearings held on 14th October, 2011.
28. During the hearing on 9th November 2011, the Commission directed as under:
- (a) The GoM to prepare a Plan of action for providing power supply in the State including the contingency plan for the next four months i.e. till February 2012.
 - (b) MSPGCL to submit the month wise total average generation data for last 5 years on affidavit.

29. The Commission vide its Notice dated 9 November 2011 scheduled a hearing in the matter on 24 November 2011 at 16.00 hrs. in the presence of authorised Consumer Representatives.

30. MSPGCL vide letter dated 22 November 2011 submitted that the net generation of MSPGCL for FY 2007-08 was 47622.80 MU, for 2008-09 was 46093 MU, for FY 2009-10 was 46496.55 MU, for FY 2010-11 was 41892.58 MU and for the seven months of FY 2011-12 is 24024.11 MU.

31. During the hearing on 24 November 2011, Dr. Anil Bonde, MLA, Shri. S.S. Dhande, MSEDCL, Shri. G.M. Pachare MSPGCL, Shri. Dr. Shashikant Patil, D.O. Energy Department of GoM were present.

32. During the hearing, the Commission directed the Respondent No.1, MSEDCL to conduct a meeting with the officials of the GoM, to interpret the correct meaning of the statement made in the affidavit dated 06th April, 2011, in Case No. 81 of 2010, particularly to the issue of load shedding, by rotational method, during day time, and submit the report of the outcome of the said meeting, to the Commission.

33. Further, vide its letter dated January 19, 2012 MSEDCL informed the Commission that as per the directions of the Commission a meeting was convened by Dy. Secretary (Energy) on January 13, 2012 at Mantralaya, Mumbai and following clarifications were made:-

The Clarification provided by GoM is as under:

“The norms of power supply to the Agricultural consumers will remain 8 hrs. per day only.

Clarification:-

The Load of the Demand side Management Feeders, Ag. Sep. feeders and Single Phasing Scheme Feeders in a division is divided into two parts (Part I, Part II) of 50% load each.

When one part (Part I) gets availability of supply of 8hrs. at day time then at the same day other part (Part II) will get 8 hrs. availability at night time.

The availability of supply to each part (Part I & Part II) will be rotated as per local convenience i.e. after 3 days or after week etc. After rotation part II will get availability or supply of 8 hrs. at day time whereas part I will get availability

of power supply of 8 hrs. at night time and accordingly the cycle will be continued.

When the surplus power is available in the power system, 10 hrs. supply will be given at night time instead of 8 hrs. in the above manner.”

34. The Commission vide its Notice dated 17 April 2012 scheduled a hearing in the matter on 17 May 2012 at 15.00 hrs. in the presence of authorised Consumer Representatives.

35. During the hearing, Shri. R.G. Sonawane, S.E. (Load Management) appeared on behalf of MSEDCL.

36. Shri. Sonawane submitted that the GoM has clarified the norms of power to the Agricultural consumers. The Commission directed MSEDCL to submit their say with reference to GoM Clarification

37. MSEDCL vide letter dated 28 May 2012 submitted that the GoM's clarification was informed to the petitioner.

It was informed that a meeting was held on dated 28 March, 2011 under the Chairmanship of Chief Minister, Government of Maharashtra for supply of electricity to the Agricultural Pumps in the State. During the meeting, Dy. Chief Minister, Principal Secretary (Energy), Officers of Maharashtra Electricity Regulatory Commission, MSEDCL and Consumer Representatives were present.

After the discussions, GoM had given the following Orders;

1. Agricultural consumer's shall be given 8 hours, 3 phase supply.
2. Whenever electricity available is in excess, then it should be provided to the Agricultural consumers for 10 hours at night period and 8 hours three phase during day time.

In line with this, the Government of Maharashtra has informed the Commission and accordingly, the Commission has issued the Order in Case No. 81 of 2011 dated 9 May 2011 for availability of electricity to Agricultural sector.

38. Having heard both the Petitioner and the Respondent and after considering the materials placed on record, the Commission rules as under:

39. The Government of Maharashtra has clarified vide letter dated 19 January 2012 regarding the interpretation of the GoM affidavit dated 6 April , 2011 in Case No. 81 of 2010. In the said letter, it has been clarified as under:

“The norms of power supply to the Agricultural consumers will remain 8 hrs. per day only.

Clarification:-

The Load of the Demand side Management Feeders, Ag. Sep. feeders and Single Phasing Scheme Feeders in a division is divided into two parts (Part I, Part II) of 50% load each.

When one part (Part I) gets availability of supply of 8hrs. at day time then at the same day other part (Part II) will get 8 hrs. availability at night time.

The availability of supply to each part (Part I & Part II) will be rotated as per local convenience i.e. after 3 days or after week etc. After rotation part II will get availability or supply of 8 hrs. at day time whereas part I will get availability of power supply of 8 hrs. at night time and accordingly the cycle will be continued.

When the surplus power is available in the power system, 10 hrs. supply will be given at night time instead of 8 hrs. in the above manner.”

40. In view of above, the Commission directs MSEDCL to strictly follow the norms of three phase supply to Agricultural consumers as per the Clarification provided by GoM. The Commission also directs MSEDCL to comply with the directions of the Commission as contained in its earlier Order dated September 9, 2010 in Case No. 12 & 48 of 2009 which is reproduced as under:

*“The Commission **appreciates the sentiment that standing crops should not be affected due to non-availability of power.** Agricultural being a productive sector and also being an important factor of the rural economy, non-availability of power should not be one of the reasons for lower agricultural production.” (Emphasis added)*

41. Further, the continuity of Krushi Sanjivani Yogana is a policy decision of the GoM and extension of the same is not in the purview of the Commission.

With above observations and directives, the Case No. 144 of 2011 hereby stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman