

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

Case No. 81 of 2010

In the matter of
Petition of Maharashtra Veej Grahak Sanghatna for initiating penal action against
MSEDCL's Officers for implementing excessive load shedding on single phase &
Separate Agricultural Pumps electricity users, by violating the MERC's load shedding
guidelines and Methodology

Shri V.P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Maharashtra Veej Grahak Sanghatana,
12/388, Mahatma Phule Road,
Ichalkaranji 416 115

..... Petitioner

Vs.

The Managing Director
Maharashtra State Electricity Distribution Co Ltd.
Prakashgad, Bandra (East)
Mumbai 400 051.

.... Respondent

ORDER

Date: 9th May 2011

Maharashtra Veej Grahak Sanghatna (MVGS) filed a Petition under affidavit before the Commission on 28th October, 2010, for initiating penal action against MSEDCL's Officers under Section 142, 146 & 149 of the Electricity Act 2003 (EA 2003) for violating the MERC's load shedding protocol and implementing excessive load shedding to Agricultural Pumps connected on Single Phasing & Separate Agricultural feeders ('Ag Load Management Feeders).

2. MVGS, in its Petition has prayed as follows:
 - i. Initiate Punitive and regressive action against the Officers of MSEDCL under Section 142, 146 & 149 of the EA 2003 for violating the Order of the Commission regarding guidelines and methodology of load shedding;
 - ii. Direct to supply electricity at least 10 hours to the farmers using Single Phasing & Separate Agricultural feeders for the Three Phase (Motive Power) as per the Orders of the Commission. Also issue directions regarding schedule of supply power to the Three Phase (Motive Power) users in case of deficit of power;
 - iii. Issue any other appropriate orders or directions for the benefit of the electricity users in Agricultural feeders.

3. MVGS in its Petition, submitted as follows:
 - i. The Commission vide Order dated 20th February 2007 in the matter of Case No. 78 of 2006, while determining Load Shedding protocol for demand supply gap of 5700 MW, stipulated that, 14 hours Load Shedding i.e. 10 hours 3 phase availability should be maintained for Akshay Prakash Yojana and Ag Feeder Separation schemes. Akshay Prakash Yojana is now replaced by Single Phasing Scheme. Therefore, Commission's Order dated 20th February 2007 is also applicable for Single Phasing Scheme.
 - ii. On 28th November 2008, the Commission issued the Order in the matter of Case No. 77 & 78 of 2008, stipulating Load Shedding Protocol for six different scenarios i.e. Scenario I to VI to be implemented in case of variation in demand supply gap from 2500 MW to 5600 MW. But in the said order, Load Shedding Protocol applicable for Single Phasing Scheme and Separated Ag Feeder Scheme was not stipulated.
 - iii. It is further submitted that, subsequent to the Order dated 20th February 2007, the Commission has not issued any Order regarding Load Shedding for Single Phasing and Ag feeder separation schemes. Therefore, Order dated 20th February 2007 should be followed for deciding applicability Load Shedding Protocol for Single Phasing and Separated Ag Feeder Scheme which stipulate 10 hours 3 phase availability.
 - iv. However, MSEDCL while implementing Load shedding time table from 3rd April 2009, started giving 3 phase availability of 8 hours to Ag Load

management schemes. On complaining regarding the same, the 3 phase availability of Ag load management schemes was increased to 10 hours. But, MSEDCL vide their recent Load Shedding Circular No. 32 dated 26th August, 2010, once again reduced the 3 phase availability of Ag load management schemes to 8 hours.

- v. It is submitted that, out of total 28 Lakh of Agricultural consumers in the state of Maharashtra, around 20 Lakh are connected to Ag Load Management Scheme feeders. All these Agricultural consumers are unable to water their crops due to reduction in power availability from 10 hours to 8 hours and due to which they are suffering from huge financial loss.
4. The Commission, vide Notice dated 19th November 2010, fixed a hearing in the matter on 8th December 2010 and directed the Petitioner to serve a copy of the Petition on the Respondent and Authorized Consumer Representatives.
 5. MSEDCL vide letter dated 4th December, 2010 submitted reply to the Petition wherein it is submitted as follows:
 - a. With effect from 21st November 2010, MSEDCL is implementing Load Shedding as per Scenario III of the Load Shedding Protocol approved by the Commission in Case No. 77 & 78 of 2010.
 - b. Three Phase availability to Lift Irrigation Schemes on Express feeder is 16.00 hours with one day staggering.
 - c. Three phase availability to Single Phasing scheme and separated Ag. feeder scheme is 8 hours per day.
 - d. In the matter of Case No 77 & 78 of 2008, vide its letter dated 10th October 2008, MSEDCL has submitted various options for planned load shedding for different level of shortfalls in which it was proposed maximum 3 phase availability of 8 hours to Ag Load management schemes.
 - e. MSEDCL has given minimum 8 hours of 3 phase supply availability to Ag Load Management schemes from 9th October 2008. Also in case of real time operation and during better system condition the load shedding to Ag Load Management schemes was withdrawn.

6. The hearing in the matter was held on 8th December 2010. Shri. Pratap Hogade, appeared on behalf of MVGS. Shri Satish Chavan, Superintending Engineer, Load Management appeared on behalf of MSEDCL. Shri. Pratap Hogade placed before the Commission all the contentions in the matter and reiterated the submissions as made in the Petition.

7. During the hearing, the Commission noted that, it is necessary to understand the relation between increase in availability to Ag Load Management schemes and its financial burden on MSEDCL. The Commission further opined that, the existing situation can be improved upon with consultative approach which may give solution to the various problems being faced by the Agriculture Consumers. Therefore, the Commission directed to constitute a working group consisting of two persons having knowledge of Agricultural Sector in Maharashtra, one person representing Industrial Sector, two senior level Officers of MSEDCL, one representative of Govt. of Maharashtra (Energy Department) and two Regulatory Experts from MERC. This working group was directed to study existing Load Shedding Protocol, financial implications on MSEDCL, for procuring additional power to reduce load shedding and submit its report within a month on probable solutions to the various problems faced by various categories of consumers of MSEDCL due to Load Shedding. After the receipt of recommendations of this working group, present matter would be proceeded further. With these directives, the Commission adjourned the hearing.

8. As directed by the Commission, MERC vide letter dated 29th December 2010 constituted a Working group which includes Shri. A. H. Kulkarni, Regulatory Expert, MERC as Convener, Shri. Pratap Hogade and Shri. Ashok Patil-Kinikar as representative of Agricultural Sector, Dr. Ashok Pendse as representative of Industrial Sector, Shri. Pramod More, Chief Engineer and Shri. S. V. Chavan, Superintending Engineer as representative of MSEDCL and one representative of GoM. This Working group conducted two meetings and finally came to the conclusion that, no consensus can be arrived through discussions and hence requested the Commission to issue appropriate Order in the matter. Thereafter, the Commission scheduled a hearing in the matter on 4th March 2011.

9. During the hearing held on 4th March, 2011, Shri Pratap Hogade, appeared on behalf of MVGS. Shri Dabhade, Director(Operation), Shri Bodle, Chief Engineer, Load Management and Shri Satish Chavan, Superintending Engineer, Load Management appeared on behalf of MSEDCL. Shri Ashok Patil, and Shri N.D. Patil appeared as the interveners in the matter.

10. During the hearing, Shri. A. H. Kulkarni, the convener of the Working Group briefed the Commission regarding the findings of the Working Group. The convener of the

Working Group mentioned that, after their second meeting, the Working Group came to the conclusion that, consensus in the matter could not be arrived at through discussions and hence the Group unanimously requested the Commission to decide the matter. He further clarified that, the consumer representatives wanted at least 10 hours of supply while MSEDCL was willing to provide daily 8 hours of supply to Agricultural Pumps on load management feeders.

11. After considering the fact that over all power availability of the State is much better than the last year, the Commission clarified that, it is a natural expectation that, care should be taken by MSEDCL to ensure that standing crops should not suffer for want of electricity, for watering the crops. The Commission further opined that, views of Government of Maharashtra are important in the present matter and accordingly directed the MERC, Secretary to implead Secretary (Energy), GoM in this matter to submit GoM's views in this matter. With these directives, the Commission adjourned the hearing to 10th March 2011.

12. Deputy Secretary, Energy Department, GoM vide letter dated 9th March 2011, requested for additional time for submission of written comments in the present matter.

13. During the hearing held on 10th March 2011, the Commission clarified that, following rulings of the Commission in its Order dated 3rd September 2010 in the matter of Case No. 12 & 48 of 2010 are equally applicable in the present matter:

“i. 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.”

14. Shri. Dabhade, Director, MSEDCL during the hearing submitted that, there are technical constraints in giving 10 hrs availability to Ag Load Management Schemes. He mentioned that, even though sufficient power is available, due to some Transmission / Distribution transformation bottlenecks at few places like Bableshwar, Dhule, Karad etc., it is not possible to provide the electricity to its consumers for more time. However, whenever technically possible, MSEDCL has withdrawn the load shedding of Ag Load Management schemes.

15. Shri. Hogade, Petitioner and Shri. N. D. Patil, Intervener submitted that, issue of technical constraints would be limited to specific areas, where ever there is no technical constraint in giving 10 hrs availability to Ag Load Management Schemes, the same should be given.

16. After hearing the parties, the Commission was of the view that, in case there are some technical constraints, then it will not be possible for MSEDCL to give 10 hrs power availability to Ag Load Management schemes. However, these technical constraints i.e. Transmission/Distribution system bottlenecks, may not be occurring in all parts of Maharashtra and therefore wherever possible and whenever grid supports, MSEDCL should ensure that Agricultural Production should not - suffer due to non-availability of electricity. Also, MSEDCL was directed to start working on removing of the system constraints. As the views of the GoM are important in the present matter, the Commission once again directed Energy Department, GoM to submit their written submission before next hearing in the matter. With these directives, the Commission adjourned the hearing to 30th March 2011.

17. During the hearing held on 30th March 2011, Shri. Zanzane, Section Officer, Energy Department, GoM informed that, as directed by the Commission, an affidavit to be submitted on behalf of GoM in the present matter is under preparation and therefore he requested to grant one week for submission of the same. The Commission granted the same and adjourned the hearing to 7th April 2011.

18. On 6th April 2011, GoM has submitted their submission in the present matter wherein GoM has stated (operating paras) as follows:

“1. The restriction of power supply to agricultural pumps is to be seen on broader perspective and it should not be restricted to load shedding from MSEDCL only. It required to be seen in totality i.e. Water resource management, present format of power supply to Agricultural consumer, load management of utilities etc.

2. In present format of power supply to agriculture, it is necessary to restrict the availability of power supply to agriculture pumps not only from the perspective of meeting the agriculture power supply demand of other consumers but most importantly to ensure the sustainable development and optimal use and management of the state water resources to provide the greatest economic and social benefits to the people of Maharashtra.

3. The Chief Minister Govt. of Maharashtra has convened meeting on dt. 28.03.2011 regarding availability of power supply to Agricultural pumps. In this matter the decision was taken as below:

The norms for power supply to Agricultural pumps shall remain 8 hrs per day only. Whenever there is surplus power in the System up to 10 hrs per day power supply shall be given at night starting from 23.00 hours and 8 hours per day power supply will be given during day time (excluding peak load

hours) rotationally. In case of critical System condition, the power supply to Agricultural Pumps shall be restricted to 8 hours per day only.”

19. MSEDCL has also submitted their written submissions in the present matter on 6th April 2011. In the said submission, MSEDCL has clarified that, vide its Circular No. 34 issued on 31st March 2011, with effect from 1st April 2011, MSEDCL has already started implementing the new norms of power supply for Agricultural pumps set by GoM

20. During the hearing held on 7th April 2011, representatives of GoM and MSEDCL reiterated their above said written submissions. Shri. Hogade, requested the Commission to direct MSEDCL to take immediate measures to overcome system constraints, which are restricting them to distribute available power to the consumers.

21. Having heard the parties and after considering all the documents available on record, the Commission is of the view as follows:

A. The Load Shedding Protocol vide Order dated 28th November 2008 in the matter of Case No. 77 & 78 of 2008 requires to be modified to address Load Shedding Protocol applicable for Single Phasing and Ag Feeder Separation scheme.

B. The GoM vide their submission dated 6th April 2011, endorsed the view that the issue of numbers of hours of power supply to Agricultural pumps connected on Single Phasing and Ag Feeder Separation schemes is not merely the issue of power availability to Agricultural pumps but it is also intimately connected with water resource conservation policy of State of Maharashtra. As above said policy decision was taken by the GoM in view of ensuring the sustainable development and optimal use and management of the State water resources to provide the greatest economic and social benefits to the people of Maharashtra, the Commission does not find any reasons for deviating from the same.

Accordingly, 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.

It needs to be noted here that, MSEDCL has already issued Circular No. 34 and started implementing above directives with effect from 1st April 2011.

C. In view of above, there is no need to initiate penal action against MSEDCL as there is no case of violation of the Order of the Commission regarding guidelines and methodology of load shedding to Agricultural Load Management schemes.

D. As far as issue of system constraints in distributing available power to the Consumers is concerned, the Commission hereby directs MSEDCL to identify and segregate these technical constraints in Transmission System and Distribution System. Transmission System constraints should be followed up with MSETCL / STU whereas for Distribution System Constraints, if required MSEDCL may come up with Capex proposal for approval of the Commission. In no case, such issue of technical constraints for evacuating available power can be allowed for longer duration. Removing of both Transmission and Distribution system constraints should receive high priority. The Commission also directs MSEDCL to give a detailed presentation within one month from date of this Order to the Petitioner and various Consumers Representatives on these system constraints and its plan to overcome these constraints.

With above observations and directives, the Case No. 81 of 2010 hereby stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman