

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

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NOTIFICATION (DRAFT)

No.–[-----]

In exercise of powers conferred under section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Maharashtra Electricity Regulatory Commission hereby makes the following regulations, to amend the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011, namely:

1. Short title and commencement: (1) These regulations may be called the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) (First Amendment) Regulations, 2011.

(2) These regulations shall come into force with effect from the date of their publication in the Official Gazette.

2. Amendment to Regulation 4.1:

In the Regulation 4.1 of the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011, (hereinafter referred to as the “MYT Regulations, 2011”) after the proviso, the following proviso shall be added; namely:-

“Provided further that in case the determination of ARR and/or tariff of a Generating Company or Transmission Licensee or Distribution Licensee or category of Transmission Licensee or Distribution Licensee is exempted for a particular period from the Multi-Year Tariff framework under the above proviso, then in all such cases, the following conditions shall apply:

a) Business Plan shall be required to be submitted under the Multi-Year Tariff framework specified in these Regulations;

b) Annual Petitions for approval of ARR and tariff shall be filed during the period of exemption, in accordance with the MERC (Terms and Conditions of Tariff) Regulations, 2005.”

3. Amendment to Regulation 64.1.1:

In the Regulation 64.1.1 of the MYT Regulations, 2011, after the proviso, the following proviso shall be added, namely :-

“Provided further that in case the determination of ARR of a Transmission Licensee is exempted for a particular period from the Multi-Year Tariff framework under the first proviso to Regulation 4.1 of these Regulations, then for the period of such exemption, the above proviso shall not be applicable”.

4. Amendment to Regulation 64.2.1:

In the Regulation 64.2.1 of the MYT Regulations, 2011, after the third proviso the following proviso shall be added, namely:-

“Provided further that in case the determination of ARR of a Transmission Licensee is exempted for a particular period from the Multi-Year Tariff framework under the first proviso to Regulation 4.1 of these Regulations, then for the period of such exemption, the Base Transmission Capacity Rights for all long term Transmission System Users shall be determined based on average monthly CPD and NCPD of the long term TSUs prevalent during the 12 months prior to the period of such exemption.”

5. Amendment to Regulation 64.3.1:

(i) In the Regulation 64.3.1 of the MYT Regulations, 2011, in the second proviso the words “or due to addition of new Transmission Licensees to the system” shall be deleted and, shall be deemed to have been deleted with effect from April 1, 2011 .

(ii) In the Regulation 64.3.1 of the MYT Regulations, 2011, after the above amended second proviso, the following proviso shall be added, namely:-

"Provided further that in case new Transmission Licensees are added to the intra-State transmission network during the Control Period, then the Base Transmission Capacity Rights and Base Transmission Tariff as referred under Regulations 64.2 and 64.3 shall be determined for each year of the Control Period".

6. Addition of Regulation 102:-

In the MYT Regulations, 2011, after Regulation 101, the following Regulation shall be added, namely:-

“102. Transitory provisions:

Notwithstanding anything to the contrary contained in these regulations –

(a) the tariff order issued by the Commission for the year ending on the 31st March, 2011 shall continue to operate;

and

(b) the Business Plan, and Petition for calculation of Aggregate Revenue Requirement and expected revenue from tariff and charges for determination of tariff in all cases covered under these Regulations from April 1, 2011 and onwards up to FY 2015-16 i.e., till March 31, 2016, shall continue to be filed and dealt with under the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011.

Provided that in case an order of exemption has been issued under Regulation 4.1 then the concerned Generating Company or Transmission Licensee or Distribution Licensee shall file Annual Petitions for approval of ARR and tariff during the period of exemption, in accordance with the MERC (Terms and Conditions of Tariff) Regulations, 2005.

Provided also that where there is no order of exemption under Regulation 4.1 for a Generating Company or Transmission Licensee or Distribution Licensee and if the Commission is satisfied that there is a difficulty in giving effect to the determination of tariff with effect from April 1, 2011 under these Regulations and in the event the tariff is required to be determined from April 1, 2012 or any further period under these Regulations, the repealed regulations in respect of the said tariff determination shall continue to be in-force, and the provisions of these regulations shall not apply to the determination of tariff for the period till April 1, 2012 or such further period.”

Sd/-

Mumbai
August 11, 2011

(K. N. Khawarey)
Secretary, MERC

Note: The Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011 were notified in the Gazette on February 4, 2011