

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

Case No. 34 of 2015

**In the matter of
Extension of applicability of Generic Tariff Order for Renewable Energy technologies
in Case No. 100 of 2014 along with related terms and conditions**

CORAM

**Smt. Chandra Iyengar, Chairperson
Shri. Azeez M. Khan, Member
Shri. Deepak Lad, Member**

DRAFT ORDER (SUO-MOTO)

Dated: 11 March, 2015

In exercise of the powers vested under Section 61 read with Section 181 of the Electricity Act, 2003 ("EA 2003"), the Maharashtra Electricity Regulatory Commission ("MERC" or "the Commission") has notified the MERC (Terms and Conditions for determination of RE Tariff) Regulations, 2010 ("MERC (RE Tariff) Regulations, 2010") on 7 June, 2010.

The MERC (RE Tariff) Regulations, 2010 provide for Terms and Conditions and the procedure for determination of generic tariff on *suo-moto* basis in respect of the following Renewable Energy (RE) generating stations:

- (a) Wind Power Projects;
- (b) Small Hydro Projects, Mini and Micro Hydro Projects;
- (c) Biomass Power Projects;
- (d) Qualifying and Non-Qualifying Non-fossil fuel-based co-generation Plants;
- (e) Solar Photo Voltaic (PV) Projects,
- (f) Solar Rooftop PV and other small Solar Power Projects.

2. As per the provisions of the MERC (RE Tariff) Regulations, 2010, the Commission determines the Generic Tariff on *suo-moto* basis for the RE technologies at the beginning of each financial year for which norms have been specified in the said Regulations.

3. Accordingly, the Commission has issued the *suo-moto* Order on 7 July, 2014 in Case No. 100 of 2014 for ‘Determination of Generic Tariff for RE technologies for the fifth year of the Control Period, i.e., FY 2014-15, which is applicable for RE Projects to be commissioned during 1 April, 2014 to 31 March, 2015. The relevant paragraph of the Order in Case No. 100 of 2014 is reproduced as below:

“2.9 APPLICABILITY OF TARIFF ORDER

This Tariff Order shall be applicable for New RE Projects to be commissioned during FY 2014-15 (i.e. from 1 April, 2014 to 31 March, 2015).”

4. Regulation 5 of the MERC (RE Tariff) Regulations, 2010 stipulates the control period of Regulations which is reproduced as below:

“ 5. Control Period or Review Period

5.1 The Control Period or Review Period under these Regulations shall be of five (5) financial years. First year of the Control Period shall commence from the date of notification of these Regulations and shall cover upto the end of financial year 2014-15.

Provided further that the tariff determined as per these Regulations for the RE projects commissioned during the Control Period, shall continue to be applicable for the RE projects for the entire duration of the Tariff Period as specified in Regulation 6 below;

Provided also that the revision in Regulations for next Control Period shall be notified separately and in case Regulations for the next Control Period are not notified until commencement of next Control Period, the tariff norms as per these Regulations shall continue to remain applicable until notification of the revised Regulations subject to adjustments as per revised Regulations.”

5. Since the control period of the MERC (RE Tariff) Regulations,2010 is upto the end of financial year 2014-15, i.e., upto 31 March, 2015, the Commission has initiated the process

for comprehensive review of said Regulations for the next control period. The revised Regulations shall be notified upon due regulatory process which may require some time.

6. In light of the above, the Commission is of the view that it will be appropriate to extend the applicability of existing Generic Tariff Order dated 7 July, 2014, for RE technologies in Case No. 100 of 2014, along with related terms and conditions, till 31 July, 2015.

7. In due discharge of the mandate under MERC (RE Tariff) Regulations, 2010 and provision under Regulation 92 of the MERC (Conduct of Business) Regulations, 2004, which deals with the inherent powers of the Commission to make such orders as may be necessary for meeting ends of justice, the Commission, through this Order proposes to extend the applicability of existing Generic Tariff Order dated 7 July, 2014 for RE technologies in Case No. 100 of 2014 till 31 July, 2015.

Sd/-
(Deepak Lad)
Member

Sd/-
(A.M. Khan)
Member

Sd/-
(Chandra Iyengar)
Chairperson