

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](mailto:mercindia@merc.gov.in)  
Website: [www.merc.gov.in](http://www.merc.gov.in)

**Case No. 107 of 2020**

**Case of Maharashtra State Electricity Distribution Company Limited for approval of tender document for power procurement from fossil fuel based captive co-generation plant.**

Maharashtra State Electricity Distribution Co. Ltd.	..... Petitioner
M/s Lloyds Metals and Energy Ltd.	..... Impleaded Respondent No. 1
Tata Power Company Ltd. Distribution	..... Impleaded Respondent No. 2
Adani Electricity Mumbai Ltd. Distribution	..... Impleaded Respondent No. 3
Brihanmumbai Electric Supply & Transport Undertaking	..... Impleaded Respondent No. 4

**Coram**  
**I.M. Bohari, Member**  
**Mukesh Khullar, Member**

**Appearance**

For the Petitioner	: Smt. Kavita Gharat (Rep.)
For the	
Respondent No. 1	: Sh. Abhishek Khare (Adv.)
Respondent No. 2	: Sh. Peyush Tandon (Rep.)
Respondent No. 3	: Sh. Abaji Naralkar (Rep.)
Respondent No. 4	: Sh. N.N. Chougule (Rep.)

**ORDER**

**Date: 28 September, 2020**

1. Maharashtra State Electricity Distribution Company Limited (**MSEDCL**) has filed the present Petition on 22 April 2020 under Regulation 92 & 94 of MERC (Conduct of Business) Regulations, 2004 in compliance with the Directives of the Commission vide Order dated 11

September 2019 passed in Case No. 145 of 2019, for approval of tender document for power procurement from fossil fuel based captive co-generation plant.

**2. MSEDCL's main prayers are as follows:**

- a) To accord approval to the draft tender documents for procurement of medium term power from Fossil Fuel based Embedded Captive Power Plant/ Fossil Fuel based Captive co-generation power plant.*
- b) To pass any other order/relief as the Hon'ble Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice;*

**3. MSEDCL in its Case has stated as follows:**

3.1. The Commission vide Order dated 16 January 2019 in Case No. 278 of 2018 in respect of Miscellaneous Application filed by M/s Lloyds Metals & Energy Ltd. (LMEL) in the matter of suggested promotional measures in its earlier Order Dated 2 May, 2018, directed as below:

- a. MSEDCL shall be the Nodal Agency to conduct Competitive Bidding exercise on behalf of all distribution licensees and shall approach the Commission for approval of Standard Bidding Document (SBD) within 6 months of this Order.
- b. The Ceiling Rate for Competitive Bidding shall be Rs. 3.50/unit.
- c. The power procured from Fossil Fuel based Co-generation projects shall not be deducted from the total consumption of the Obligated Entities for their assessment of RPO.

3.2. MSEDCL has filed Petition under Case No. 145 of 2019 seeking review of above Order of the Commission. Through the review Petition MSEDCL requested the Commission to relieve MSEDCL of the onus to conduct the competitive bidding process for procurement of power from Fossil Fuel based Co-generation projects. MSEDCL further requested that, MSEDCL should not be insisted to purchase the power from fossil fuel based cogeneration with ceiling Tariff of Rs. 3.50 per unit, since MSEDCL is already having surplus power.

3.3. The Commission vide its Order dated 11 September 2019 partly allowed the review and directed as below:

- a. MSEDCL may fix a ceiling rate at its own due diligence for procurement of power from fossil fuel based Captive Power Plants (CPP) on medium term basis through competitive bidding.
  - b. MSEDCL with the assistance from other DISCOMs should prepare the bidding documents and shall abet with the Commission's objective of promoting the Waste Heat Recovery projects based on fossil fuel-based Co-generation Plants.
- 3.4. In compliance with the Commission's Order, MSEDCL decided to constitute a drafting committee wherein other utilities were also included for finalization of tender documents.
- 3.5. MSEDCL vide letter dated 6 November 2019 had requested all utilities viz. Tata Power Company Limited (TPC-D) , Adani Electricity Mumbai Limited (AEML-D) & BEST Undertaking (BEST) to nominate one member from their Organization to form a Committee for finalization of the bidding documents. However, no response was received from these utilities.
- 3.6. Since, there is no Standard Bidding Guidelines/Documents (SBD) for procurement of power from Fossil Fuel based Cogeneration projects, MSEDCL has referred to the SBD issued by GOI on 16 January 2017 for purchase of medium term power from fossil fuel plants as a reference document. The draft tender document i.e Request for Qualification (RFQ), Request for Proposal (RFP) & Power Purchase Agreement (PPA) is prepared by MSEDCL for procurement of power from fossil fuel based CPP with relevant changes in the above SBD issued by GOI. The said draft documents are attached with this Petition for approval of the Commission.
4. **AEML - D in its submission dated 6 August 2020 has stated as under:**
  - 4.1. AEML-D agrees with the objective of the Commission to promote Waste Heat Recovery projects based on fossil fuel- based Co-generation Plants. However, the bid document has made all fossil Fuel based Embedded Captive Power Plant and/or Fossil Fuel based Captive co-generation power plant as eligible bidders to participate in the Competitive Bidding. Only Waste Heat Recovery projects based on fossil fuel-based Co-generation Plants should be eligible to participate in the bidding process in line with the direction of the Commission in Case No 145 of 2019 dated 11 September 2019.
  - 4.2. As there are countable number of plants of Waste Heat Recovery Projects based on fossil fuel based cogeneration, the idea of competitive bidding will not fetch competitive tariff. There is likelihood that the sellers may quote ceiling Tariff.
  - 4.3. The Commission vide its Order dated 11 September 2019 in Case No. 145 of 2019 has directed that the Distribution Licensees should fix ceiling tariff as per their own due diligence. Therefore, AEML-D submits that while deciding ceiling Tariff care must be

taken so as to ensure that consumers of Discoms are not burdened with any additional cost. Lowest Variable cost of fossil fuel generation in the state of Maharashtra shall be taken as ceiling Tariff.

- 4.4. In surplus situation, such tariff will help DISCOM to some extent to avoid loss on sale of surplus power in open market.
- 4.5. Waste heat recovery project are set up by Industry exclusively for improving energy efficiency of plant. Therefore, any revenue on account of sale of power will be an add on benefit for the industry.
- 4.6. AEML-D provided its comments on the Draft SBD of MSEDCL suggesting various changes/modifications.

**5. LMEL in its submission dated 10 August 2020 has stated as under:**

- 5.1. In the SBD, the words 'fossil fuel based embedded captive power plant' and 'fossil fuel based captive cogeneration' should be replaced by 'Waste Heat Recovery based cogeneration power'
  - 5.2. Commission should allow for the bidder to bid for 'Infirm Power' that is generated from Waste Heat Recovery based co-gen power plants.
  - 5.3. The 'Escalation Clause' must also be applicable to the power produced by Waste Heat Recovery based co-gen power plants. A fixed escalation rate should be provided over the base price and a normative escalation per annum for fuel should also be provided.
6. BEST in its submission dated 19 August 2020 has stated that it has no specific comments on the Draft Tender documents.

**7. TPC-D in its submission dated 28 August 2020 has stated as under:**

- 7.1. Present petition filed by MSEDCL seeks approval of the bid documents prepared for power procurement from all fossil fuel based embedded captive power plant and/or fossil fuel based captive co-generation power plants without being specific to the "waste heat recovery projects".
- 7.2. The Commission approves the power procurement plan for each state distribution utility as part of its tariff setting process based on the applicable MYT Regulations. The power procurement, envisaged through this bidding process should be in line with the long

term/medium term/short term power procurement plan and form the part of such power procurement plan approved by the Commission as part of MYT setting process to avoid any loss incurred by the state distribution utilities during the sale of surplus power in the open market.

- 7.3. Decision of ceiling tariff should be left with the state distribution utilities so that the consumers are not burdened with additional costs through this procurement
8. At the e-hearing through video conferencing held on 4 September 2020, the representative of the Petitioner and Respondents reiterated their submissions. The Commission noted that apart from BEST, the three respondents i.e. AEML-D, TPC-D and LMEL had raised certain objections on the SBD prepared by MSEDCL. Further, the Commission noted that since there is no specific SBD available, the Commission had directed the respondents to prepare Bidding Document and submit the same to the Commission and also serve a copy to other parties to enable them suggest changes/modifications in the Bidding Documents..
9. Accordingly, AEML-D, TPC-D and LMEL submitted their SBD with the required changes/modification on 11 September 2020, 10 September 2020 and 12 September 2020 respectively.

### **Commission's Analysis and Rulings**

10. LMEL had approached the Commission under Case No. 220 of 2014 suggesting certain promotional measures for Industrial Waste Heat Recovery Co-generation Power Plants. The Commission in its Order dated 2 May 2018 rejected the measures proposed by LMEL and suggested other alternative measures to promote such projects/technologies based on fossil fuel-based Co-generation. The relevant excerpts from the Order is as below:

*“20. At the hearing held on 3 November, 2015, the Commission had asked LMEL to come up with detailed proposals for promotion of such Co-generation based Projects after consultation with the other fossil fuel-based Co-generation Plant Developers, concerned industries, the Distribution Licensees and Consumer Representatives. LMEL has not done so. Apart from reiterating its specific suggestions regarding reduction in Wheeling Charges and CSS, LMEL has only added the option of purchase by Distribution Licensees at the APPC rate as suggested by Gopani. The framework and modalities for power procurement do not permit this without an obligation to purchase such power. As discussed earlier, that is not possible. However, it is still open to LMEL, other such Co-generators and their Associations to suggest other viable alternatives in consultation with others concerned which could be taken up by the Commission.”*

11. LEML, through its Miscellaneous Application in Case No. 220 of 2014 filed in Case No. 278 of 2018 approached the Commission suggesting alternative measures for promotion of Waste

Heat Recovery Co-generation Power Plants. Although, the Commission did not accede to the suggestions of LEML, in that proceeding, it took note of Tariff Policy 2016 notified on 28 January 2016 which stated that:

***“6.4 Renewable sources of energy generation including Co-generation from renewable energy sources:***

*(1) Pursuant to provisions of section 86(1)(e) of the Act, the Appropriate Commission shall fix a minimum percentage of the total consumption of electricity in the area of a distribution licensee for purchase of energy from renewable energy sources, taking into account availability of such resources and its impact on retail tariffs. Cost of purchase of renewable energy shall be taken into account while determining tariff by SERCs. Long term growth trajectory of Renewable Purchase Obligations (RPOs) will be prescribed by the Ministry of Power in consultation with MNRE.*

*Provided that cogeneration from sources other than renewable sources shall not be excluded from the applicability of RPOs.*

*(i) Within the percentage so made applicable, to start with, the SERCs shall also reserve a minimum percentage for purchase of solar energy from the date of notification of this policy which shall be such that it reaches 8% of total consumption of energy, excluding Hydro Power, by March 2022 or as notified by the Central Government from time to time.*

***(ii) Distribution Licensee(s) shall compulsorily procure 100% power produced from all the Waste-to-Energy plants in the State, in the ratio of their procurement of power from all sources including their own, at the tariff determined by the Appropriate Commission under Section 62 of the Act. (Emphasis Supplied)”***

Also, APTEL in its Order dated 2 December 2013 in Appeal No. 53 of 2012 suggested that the State Commission may promote the Fossil Fuel based Co-generation projects also. The relevant extract from the Order is reproduced below:

*“39. Upon conjoint reading of the provisions of the Electricity Act, the National Electricity Policy, Tariff Policy and the intent of the legislature while passing the Electricity Act as reflected in the Report of the Standing Committee on Energy presented to Lok Sabha on 19.12.2002, we have come to the conclusion that a distribution company cannot be fastened with the obligation to purchase a percentage of its consumption from fossil fuel based co-generation under Section 86(1)(e) of the Electricity Act, 2003. Such purchase obligation 86(1)(e) can be fastened only from electricity generated from renewable sources of energy. However, the State Commission can promote fossil fuel based co-generation by other measures such as facilitating sale of surplus electricity available at such co-generation plants in the interest of promoting energy efficiency and grid security, etc. (Emphasis Supplied)”*

Accordingly, the Commission in its Order dated 16 January 2019 has opined that fossil fuel based co-generation needs to be promoted without burdening the consumers with any additional energy cost. Accordingly, the Commission directed that all Distribution Licensees in the State need to procure such power in proportion to their Transmission Capacity Rights. Further, the Commission directed MSEDCL to prepare RfS and PPA document on behalf of all Distribution Licensees for procurement of such power through competitive bidding. The relevant part of the Order dated 16 January 2019 is reproduced below:

- “1 In compliance of the Order of APTEL in Appeal No. 53 of 2012, the Commission directs MSEDCL to prepare a single SBD to procure power from Fossil Fuel based Co-generation projects through Competitive Bidding Mechanism.*
  - 2 Relative share of procurement of such power would be apportioned among all the State Distribution Utilities in proportion of their transmission capacity rights. Based on such quantum, each distribution licensee would accord its consent on the required capacity based on its own due diligence.*
  - 3 MSEDCL shall be the Nodal Agency to conduct Competitive Bidding exercise on behalf of all distribution licensees and shall approach the Commission for approval of SBD within 6 months of this Order.*
  - 4 The Ceiling Rate for Competitive Bidding shall be INR 3.50/unit as analysed in methodology given in paragraphs 15.8.1, 15.8.2 and 15.8.3 above.*
  - 5 The power procured from Fossil Fuel based Co-generation projects shall not be deducted from the total consumption of the Obligated Entities for their assessment of RPO.*
  - 6 No concession is allowed on wheeling charges or any other Open Access Charges for procurement of power from Fossil Fuel based Co-generation projects.”*
12. Aggrieved by above directives, MSEDCL filed a review Petition under Case No. 145 of 2019 requesting the Commission to relieve MSEDCL from the onus of conducting the competitive bidding process and not to fix the ceiling rate as Rs. 3.50/unit as it was already having surplus power. The Commission, in its Order dated 11 September 2019, partly allowed the reliefs and directed as below:

- “2. Maharashtra State Electricity Distribution Co. Ltd. may fix a ceiling rate at its own due diligence for procurement of power from fossil fuel based CPP on medium term basis through competitive bidding.*
- 3. Maharashtra State Electricity Distribution Co. Ltd. with the assistance from other DISCOMs should prepare the bidding documents and shall abet the Commission’s*



*objective of promoting the Waste Heat Recovery projects based on fossil fuel-based Cogeneration Plants.”*

13. Accordingly, in compliance with the Commission Order, MSEDCL vide letter dated 6 November 2019 requested all utilities viz. TPC-D, AEML-D and BEST to nominate their representative on a Committee for finalization of the bidding documents. However, MSEDCL did not receive any response and hence it has finalized bid document on its own and filed present Petition seeking approval of these documents. Only after the notice to file the replies in the present matter was issued by the Secretariat of the Commission, the utilities have made their submission. The Commission expresses its displeasure about such conduct of AEML-D, TPC-D and BEST and advises them to refrain repeating such conduct.
14. The Commission notes that all parties have agreed with the intent of the Commission to promote energy generated from fossil fuel-based waste heat recovery plants. The Commission notes that although exact potential of Waste Heat Recovery plants is not available, it is expected to be around 200 MW which is much lower (around 1%) than total demand of State and hence would not affect power procurement cost of Distribution Licensees to a very large extent. The Commission also notes that some of the Waste Heat Recovery plants such as that of the Respondent in the present matter i.e. LMEL also sells its surplus Power to Open Access consumers, Distribution Licensee or Power Exchanges through Short Term Open Access. By providing opportunity to enter into medium term contract with Distribution Licensee, assured buyer would be available to such Waste Heat Recovery plants. Thus, the certainty of sales at least in Medium Term against the present Short Term arrangement could be beneficial to the generators in these category and the Distribution Licensee's possibly could get a better rate than they are required to procure the same quantum from the Short Term market or from their Long Term Contracts. Therefore, beside promoting co-generation, procurement of power from waste heat recovery plants will meet twin objective of providing certainty to generators about sale of surplus electricity and at the same time not impacting power procurement cost of Distribution Licensee. It also meets the objective of Tariff Policy, 2016 which mandates Distribution Licensees to procure 100% of power produce from waste to energy plants in the State.
15. With the above background, the Commission notes that AEML-D, TPC-D and LMEL have suggested certain modification in the SBD prepared by MSEDCL. BEST has submitted that it is aligned with the SBD prepared by MSEDCL. Based on the comments/suggestions submitted by the Respondents, the Commission frames following issues for its consideration:
  - A. Whether bid is open for all fossil fuel captive power plants or limited to waste heat recovery plants?
  - B. What shall be the Ceiling tariff for bidding process?
  - C. Whether such plant be subjected to scheduling?



D. Should the Distribution Licensees be mandated to procure this power?

The Commission has dealt with the above listed issues in the following paragraphs.

16. **Issue A: Whether bid is open for all fossil fuel captive power plants or limited to waste heat recovery plants?**

16.1. As highlighted in above para 12, the Commission in its Order dated 11 September 2019 in Case No. 145 of 2019 had directed MEDCL to prepare the SBD for Waste Heat Recovery projects based on the fossil fuel-based Cogeneration Plants, with the assistance of other DISCOMs of the State.

16.2. However, the SBD submitted by MSEDCL in the present Petition covers all fossil Fuel based Embedded Captive Power Plant and/or Fossil Fuel based Captive co-generation power plant. The respondents have objected to such inclusion and have suggested to limit the bidding process to Waste Heat Recovery projects based on the fossil fuel-based Cogeneration Plants.

16.3. As seen from Commission's earlier Order in this matter, and as stated in the Tariff Policy 2016, the intent is to promote waste to energy (waste heat recovery) plants. Accordingly, the Commission directs that SBD shall be limited to procurement of power from Waste Heat Recovery based fossil fuel Co-generation Plants. MSEDCL shall modify/change its SBD accordingly.

16.4. Further, the Commission clarifies that such bidding documents shall be restricted to procurement of energy from intra-state projects only.

17. **Issue B: What shall be the Ceiling tariff for bidding process?**

17.1. The Commission notes that in its earlier Order dated 11 September 2019 in Case No. 145 of 2019, it has ruled that the ceiling rate may be fixed by DISCOMs at their own due diligence.

17.2. MSEDCL, in the SBD submitted by it, did not propose any ceiling rate, however, it has clarified that the tariff will be a fixed Single Part Tariff for the duration of the contract. LMEL has opposed it and proposed to have tariff with price escalation rate over the base price and Normative Escalation per annum for fuel.

17.3. TPC-D has submitted that decision of ceiling tariff should be left with the DISCOMs. AEML-D has submitted that there are countable number of Waste Heat Recovery Projects

based on fossil fuel based cogeneration, care must be taken to decide on the ceiling tariff as there is likelihood that the sellers may quote Ceiling Tariff and burden the DISCOM with additional cost. AEML-D has further proposed that lowest Variable cost of fossil fuel generation in the State of Maharashtra shall be taken as Ceiling Tariff.

- 17.4. The Commission notes that if lowest variable cost of thermal station is accepted as ceiling tariff without considering the factors contributing to such lower cost such as location of plant from coal mine, quality of coal, efficiency and technology of thermal power plant etc., then the intent of promoting waste to energy (waste heat recovery) plants may not be fulfilled. At the same time, consumer should not be burdened with additional cost. Therefore, variable charge of a Generator placed at the higher position in Merit Order Stack and which gets dispatched on all days of FY 2019-20 excluding planned or forced outages and lockdown period could be considered as one of the reference for deciding the ceiling rate e.g. in Merit Order Stack the cheapest generator is placed at the bottom and the costliest generator at the top. Scheduling starts from cheapest generator and based on requirement, costly units get scheduled as per their position in Merit Order. There might be number of thermal generating Units located in Maharashtra which get scheduled throughout the year excluding planned and forced outages. Average variable cost of such thermal generating Units for FY 2019-20 should be computed based on variable cost reported in monthly Merit Order Stack. Highest annual average variable cost amongst these thermal generators which have been despatched throughout the year excluding planned and forced outages, shutdowns etc. can be used for deciding the ceiling rate for present bidding process.
- 17.5. The Commission does not agree with the suggestion to have tariff escalation or increase in fuel cost. The Commission notes that it has already adopted tariff for bagasse based co-generation plant which is single part tariff and fixed for tenure of the PPA. Same principle shall be adopted in the present matter as well.
- 17.6. The Commission also notes that in this petition the total available Waste Heat Generators capacity in the State has not been mentioned. Possibly the surplus capacity available (MW) of this category of generators may not be readily available with Distribution Licensee's and hence it is necessary for the Distribution Licensees to first find out the Waste Heat Recovery Generators capacity in the State that is available for surplus and available for sale. The Chief Engineer (Electrical) could be on source for this information. The limited capacity available in State under this category and possibility of plants quoting ceiling rate if bidding is carried out for 100% of available capacity needs to be factored in during deciding the bidding parameters. Hence, to have proper discovery of tariff through competitive bidding process, the Commission directs MSEDCL to first arrive at total eligible surplus available capacity in the State and then bid could be for only 70%-80% of such capacity so as to ensure competitive bids. This action is necessary

to meet the dual objective of promoting the waste to energy (Waste heat recovery) generators and at the same time ensuring the discovery of fair price. The Commission expects that the Distribution Licensees will fix the ceiling tariff in a manner that the dual objective of promotion of waste to energy generation happens without any additional financial burden on the consumers of Distribution Licensees.

**18. Issue C: Whether such plant be subjected to scheduling?**

18.1. SBD submitted by MSEDCL envisages the supply of power from such projects as per their Availability. AEML-D and TPC-D have contended that the supply of power shall necessarily be on the basis of Schedule and shall be subjected to the Scheduling & Dispatch Code, State Grid Code Regulations and the DSM Regulations. Further, procurement contract shall be on Schedule basis. LMEL has stated that bid for 'Infir Power' that is generated from Waste Heat Recovery based co-gen power plants shall be allowed.

18.2. In this regard, the Commission notes that during earlier proceedings, LMEL under Case No. 145 of 2019 has submitted that the power from its Waste Heat Recovery project is a firm power and is being scheduled on 15 minutes basis since 2010. The relevant excerpt from the Order dated 11 September 2019 under Case No. 145 of 2019 is reproduced below:

*“4.5. The power generated and sold by the LMEL is Firm power, not in-firm as alleged by MSEDCL. LMEL is scheduling power on 15 minutes basis since 2010.”*

18.3. The Commission notes that Waste Heat Recovery plants can easily plan for its generation as their production activities are pre-planned and hence generation from waste heat recovery plants can be easily predicted. Same can be seen from LMEL submissions reproduced above. Therefore, the Commission rules that procurement from Waste Heat Recovery plants shall be based on scheduled energy and such plants shall be subjected to applicable Regulations such as State Grid Code, Scheduling & Despatch Code, Deviation and Settlement Mechanism (DSM) etc. As any deviation in supply shall be settled as per DSM Regulations which needs to be borne by Generator, provisions relating to penalty/rates for under/over injection of energy mentioned in the SBD submitted by MSEDCL shall be deleted. Further the Commission notes that in a LMEL Respondent specific case the Commission in the Order dated 29 December, 2011 in case no 56 of 2011 had noted that an coal fired boiler of capacity of 7.5 MW is also installed to have consistent generation. Thus, the power generated from waste heat recovery based plant is a firm generating source for scheduling like any other conventional thermal generating plant. It is made abundantly clear that getting scheduled for despatch for any time block(s) is entirely at the risk and cost of such generating station. Besides, the grid security aspect

is also to be kept in mind as has also been noted by the APTEL in its order dated 2 December 2013 in the Appeal No. 53 of 2012. MSEDCL shall make such changes in its bid documents.

**19. Issue D: Should the Distribution Licensees be mandated to procure this power?**

19.1. The Commission in its several orders in the past have ruled that it cannot mandate distribution licensees to procure power from specific source or generator running on specific technology. However, said ruling was in the matter when requested power procurement would have increased power procurement cost of Distribution Licensee. In contrast to that situation in present case, the Commission has laid down safeguards such as ceiling rate, bidding for only 70-80% of capacity available etc. to ensure that such power procurement would have no adverse impact on power procurement cost. Also, as stated earlier in this Order, all Distribution Licensees have supported the Commission's effort to promote waste to energy technologies as mandated under the Tariff Policy, 2016 and consented for power procurement subjected to certain issues raised on SBD filed by MSEDCL. The Commission has addressed these issues in earlier part of this Order. Therefore, such power procurement needs to be seen as efforts of Distribution Licensees to comply with mandate of Tariff Policy, 2016 [compulsorily procure 100% power produced from all the Waste-to-Energy plants in the State], rather than treating it as a mandatory procurement directed by the Commission. Moreover, the ceiling rate needs to be decided by the Distribution Licensees and the same should not result in any additional burden on the consumers.

20. The Commission notes that there are various other smaller issues on which the AEML-D and TPC-D have provided their comments/suggestions. As these suggestions are just to correct typographical errors or suggest correct references etc., MSEDCL shall correct its SBD to that extent.

21. Accordingly, based on modified SBD prepared after incorporating changes suggested in above paragraphs, MSEDCL shall float bids for procurement of power from Waste to Energy (Waste Heat) based fossil fuel Co-generation Plants within 3 months from this Order. On successful completion of bidding process and discovery of lowest rate, MSEDCL shall file Petition for adoption of tariff.

22. Hence, the following Order.

**ORDER**

**1. Case No. 107 of 2020 is partly allowed.**

2. Maharashtra State Electricity Distribution Company Limited shall finalize the Standard Bidding Document for procurement of power from Waste to Energy (Waste Heat Recovery) based on the fossil fuel-based Cogeneration Plants as per the Commission's ruling provided in paras. 16, 17, 18 and 19 above.
3. Based on such modified Standard Bidding Document, Maharashtra State Electricity Distribution Company Limited shall float bids within 3 months from this Order.
4. On successful completion of bidding process and discovery of lowest rate, Maharashtra State Electricity Distribution Company Limited shall file Petition for adoption of tariff.
5. This power will be procured by the Distribution Licensees as per their respective Transmission Capacity Rights.

**Sd/-**  
**(Mukesh Khullar)**  
**Member**

**Sd/-**  
**(I.M. Bohari)**  
**Member**

