

The Brihan Mumbai Electric Supply & Transport Undertaking

(OF THE BRIHAN MUMBAI MAHANAGARPALIKA)

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TELEGRAM : BEST, MUMBAI-400 001

BEST BHAVAN,
BEST MARG,
POST BOX NO. 122,
MUMBAI - 400 001

ADDRESS ALL COMMUNICATION BY TITLE
NOT BY NAME

OUR REF : CER/ 144 /2015

DATE : 23 OCT 2015

To,
The Secretary,
Maharashtra Electricity Regulatory Commission,
13th Floor, World Trade Centre,
Cuffe Parade, Colaba
Mumbai – 400 005

Sub.: Petition of Tata Power Company for submission of Revised Network Rollout Plan in compliance to the direction of the Hon'ble Commission in Case No. 90 of 2014 and the direction of the Hon'ble ATE in Appeal Nos. 246 and 229 of 2012
(Case No. 182 of 2014)

Ref.: Daily Order dated 22.09.2015

Sir,

In the matter referred above, please find enclosed herewith BEST's Additional Submissions on the Petition filed by TPC in Case No. 182 of 2014, for Hon'ble Commission's kind consideration.

Thanking you,

Encl.: As above

Yours faithfully,


(R. D. Patsute)
Chief Engineer
Regulatory

"BEST Travel Service India"

**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,
MUMBAI**

CASE NO. : 182 OF 2014

IN THE MATTER OF:

Petition for submission of Revised Network Rollout Plan in compliance to the direction of the Hon'ble Commission in Case No. 90 of 2014 and the direction of the Hon'ble ATE in Appeal Nos. 229 and 246 of 2012.

AND IN THE MATTER OF:

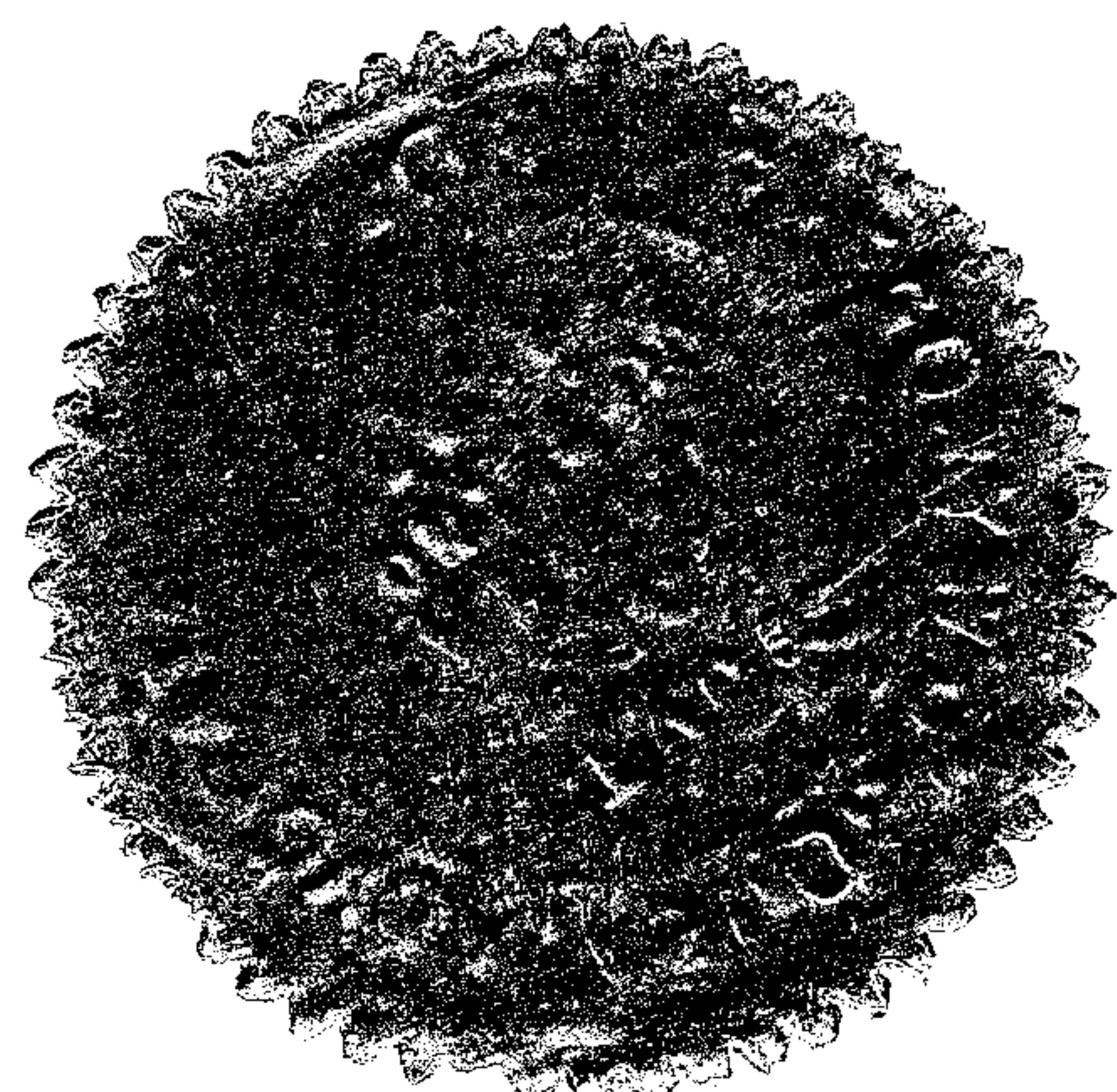
Tata Power Company Limited,
Bombay House, 24, Homi Mody Street,
Mumbai – 400 001

--- Petitioner

AFFIDAVIT VERIFYING THE ADDITIONAL SUBMISSIONS ON BEHALF OF BEST

I, Rajendra Dadaram Patsute, son of Dadaram Patsute, aged 48 years, having my office at BEST Bhavan, BEST Marg, Colaba, Mumbai – 400 001 do solemnly affirm and state as follows:

1. I am Chief Engineer (Regulatory) of the Brihanmumbai Electric Supply and Transport Undertaking of Municipal Corporation of Greater Mumbai (i.e. BEST). I am duly authorized and competent to make this Affidavit.



2. The statements made in the additional Submissions, are based on information and / or record maintained by BEST in its usual course of business, which I believe to be true.

3. I say that there are proceedings pending before (i) Hon'ble APTEL under the Appeal No. 243 of 2014, and (ii) Hon'ble Supreme Court of India under the Civil Appeal No. 4074 of 2015 and the Civil Appeal (Diary) No. 11771 of 2015, wherein inter alia TPC and BEST are parties and wherein issues arising and / or relief sought are relevant to the issues arising in the present matter pending before the Hon'ble Commission.

Solemnly affirmed at Mumbai on this 23 OCT 2015 day of _____, 2015 that the contents of this affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified before me



Place: Mumbai

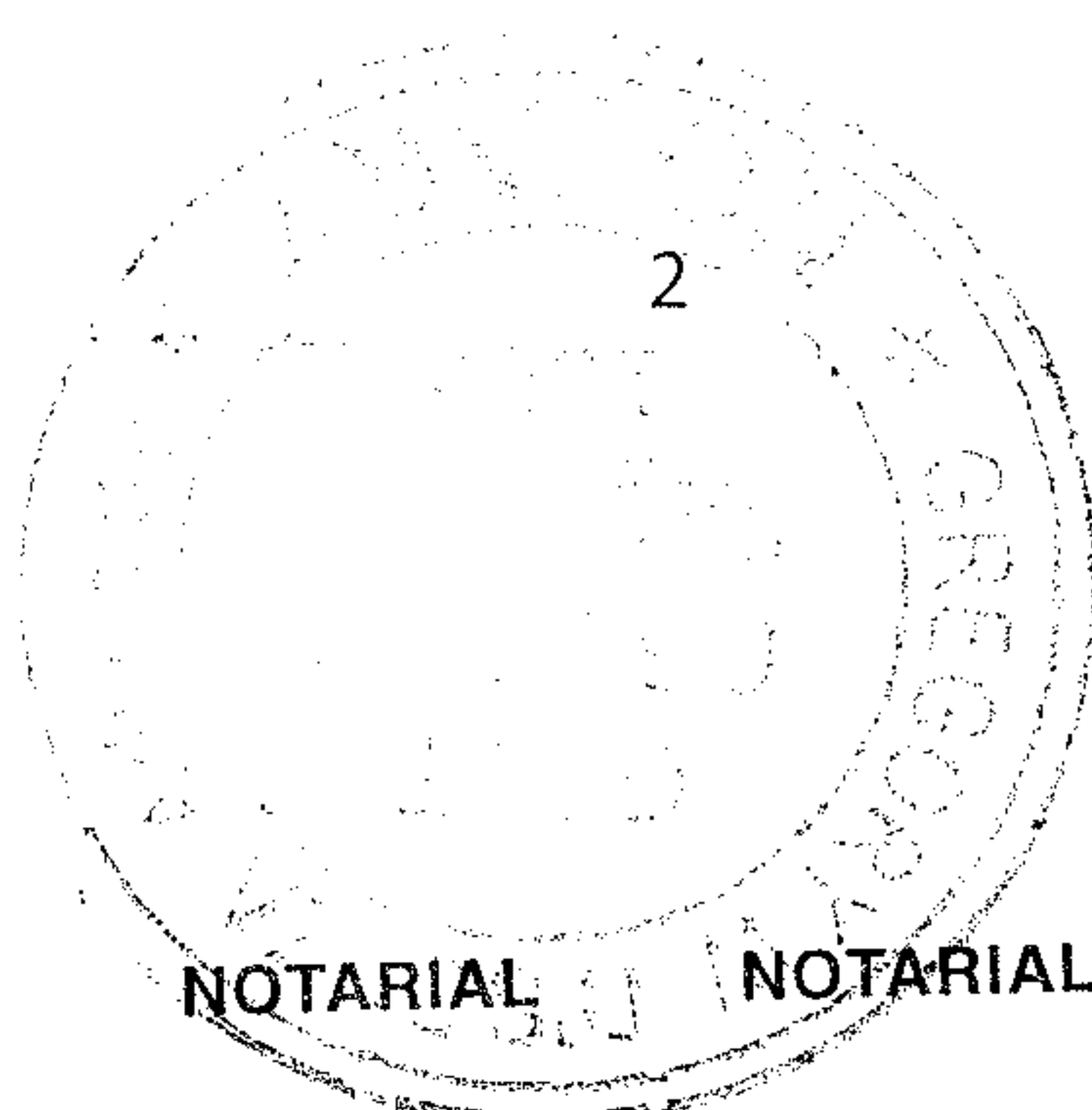
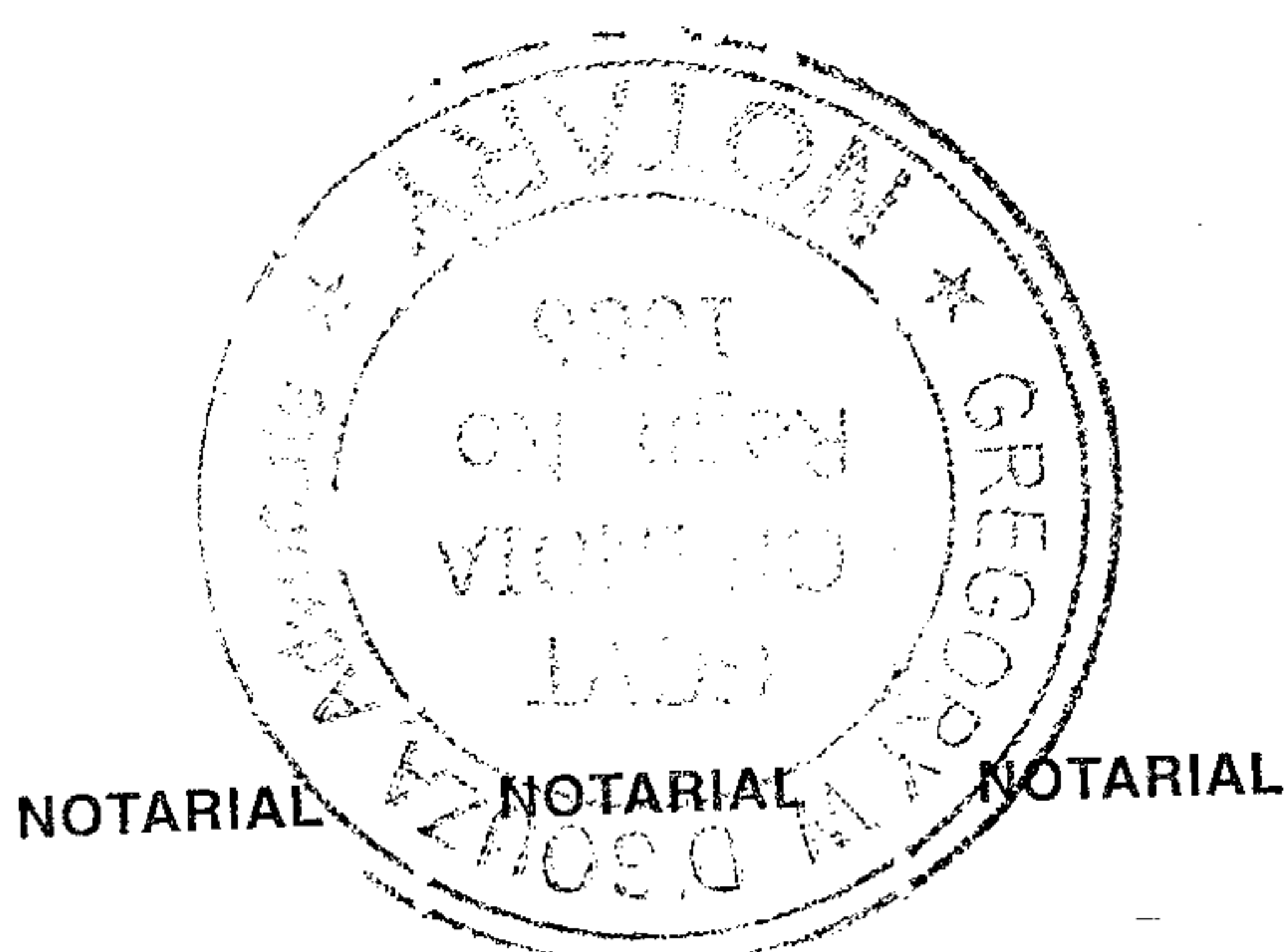
Date: 23 OCT 2015

23 OCT 2015

BEFORE ME

GREGORY W. D'SOUSA
ADVOCATE & NOTARY
Kelpak Estate, Flat No. 8-11,
Shop No. 46, Aclap Hill
MUMBAI-400 037

Deponent



**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,
MUMBAI**

CASE NO. : 182 OF 2014

IN THE MATTER OF:

Petition for submission of Revised Network Rollout Plan in compliance to the direction of the Hon'ble Commission in Case No. 90 of 2014 and the direction of the Hon'ble ATE in Appeal Nos. 229 and 246 of 2012.

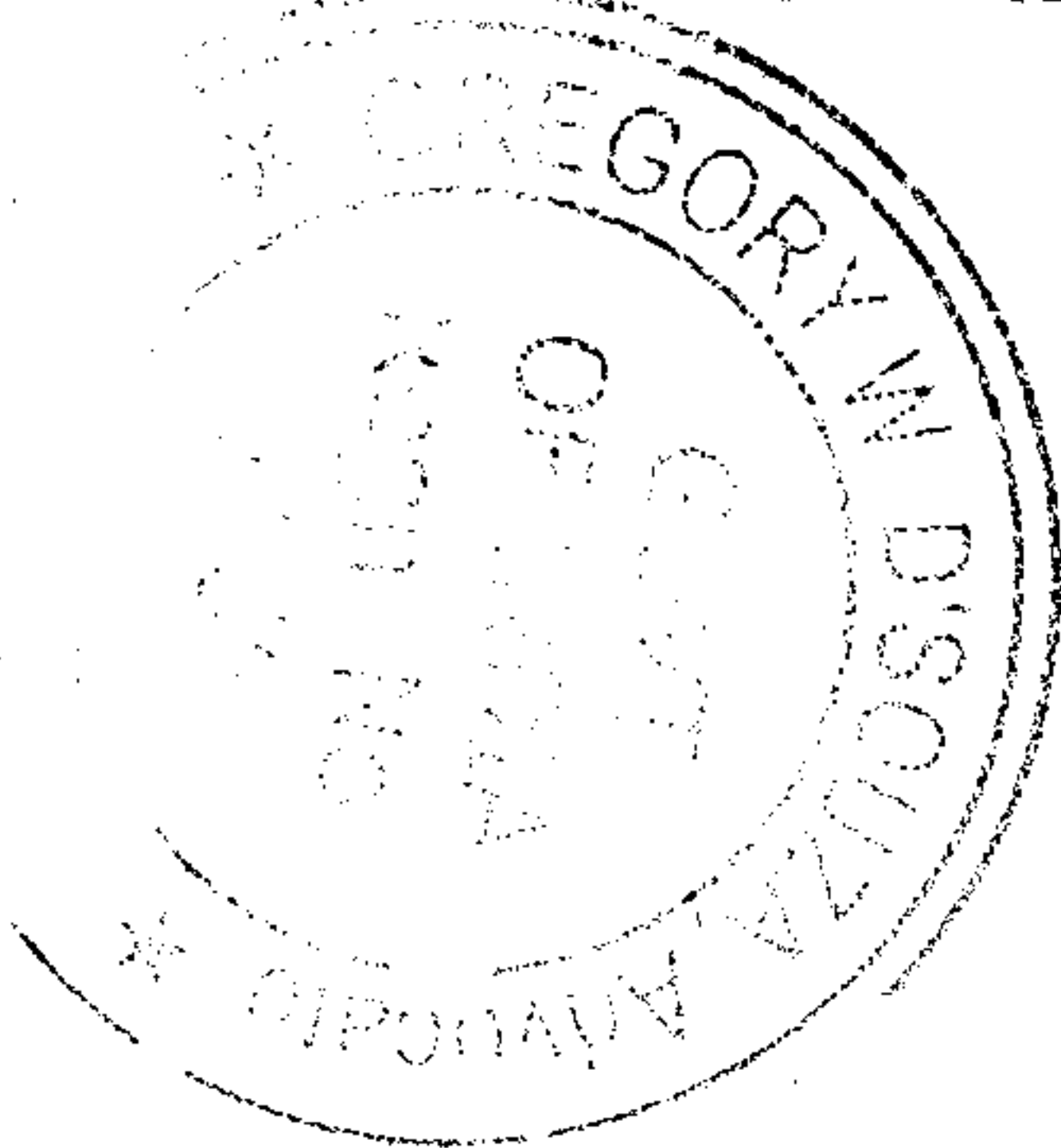
AND IN THE MATTER OF:

Tata Power Company Limited,
Bombay House, 24, Homi Mody Street,
Mumbai-400001

----- Petitioner

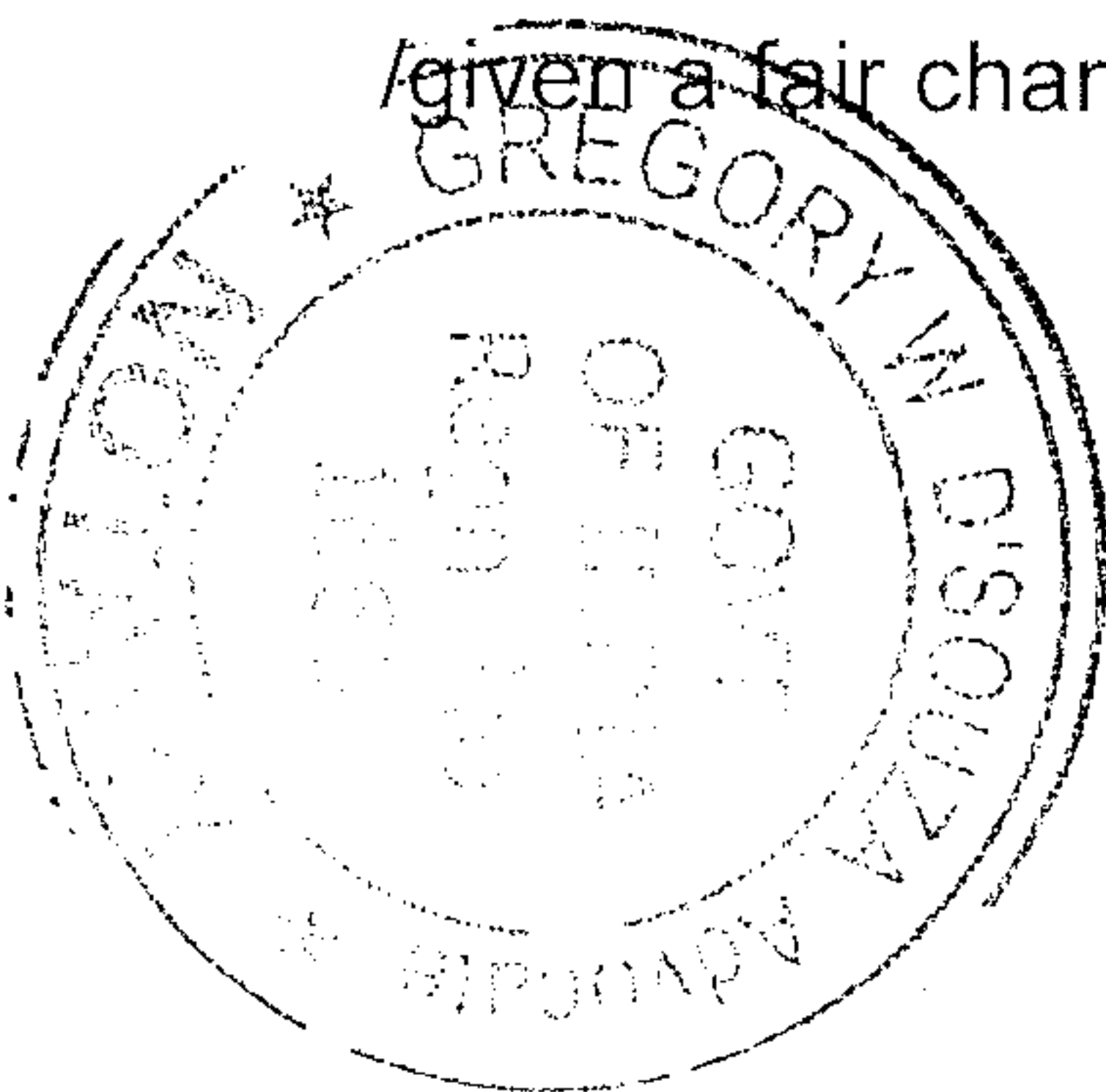
ADDITIONAL SUBMISSIONS ON BEHALF OF BEST

1. The Respondent BEST Undertaking submits that, pursuant to the order passed by the Hon'ble Commission on 22.09.2015, the Respondent, BEST Undertaking is filing this short submission for the limited purpose on proposal of the TPC for sharing of Network of BEST Undertaking.
2. BEST submits that in the matter pertaining to distribution license granted to TPC, BEST has filed certain appeals in the Appellate Tribunal and the Supreme Court as referred to in its earlier submissions in the present matter. Appeal No. 243 of




2014 against MERC Order dtd. 14.8.2014 in Case No. 37 of 2014 pertaining to Expression of Interest issued by the MERC for grant of distribution license in Mumbai city and its suburb following which distribution license was issued to TPC is pending before the Hon'ble Appellate Tribunal and is likely to be further heard on 20.11.2015. Other cases, as filed vide Civil Appeal No. 4074 of 2015 and the Civil Appeal (Diary) No. 11771 of 2015 against the APTEL Judgment dated 25.11.2014 in Appeal No. 216 of 2014 and APTEL Order dtd. 12.3.2015 in Review Petition No. 5 of 2015 in Appeal No. 216 of 2014, in the matter pertaining to grant of distribution licence to TPC by the Commission under Case No. 90 of 2014, are also pending before Hon'ble Supreme Court.

3. BEST Undertaking submits, that pursuant to the exemption granted under Section 42(3) of the Electricity Act 2003 and relying upon the stand taken by the BEST Undertaking in all above pending litigations, submission in respect of the proposal of sharing Network of BEST Undertaking by the TPC, may adversely affects the stand taken in aforesaid litigation which may either contradict or cause damage to the litigation pending before Hon'ble Supreme Court and APTEL. It is therefore BEST Undertaking submits that the decision on proposal for sharing Network of BEST is premature at this juncture. After the said cases are decided, TPC may be asked to submit its revised network rollout plan under a separate petition for the area served by BEST and at that time BEST may be allowed given a fair chance to submit its say in the matter.



4. The Respondent, BEST Undertaking further submits that it is pertinent to note that the BEST Undertaking is a statutory Undertaking of the Municipal Corporation of Greater Mumbai and as such is governed by the Mumbai Municipal Corporation Act, 1888. Any permissions of usage of BEST's distribution network to TPC shall be strictly in accordance with the provisions of the said Act wherein due procedure of approvals has to be followed before BEST's network can be allowed to be used for distribution of power by TPC.
5. The Respondent, BEST Undertaking further submits that delay in filing present submission may kindly be condoned in the interest of justice.


(R. D. Patsute)
Chief Engineer (Regulatory)
For Brihanmumbai Electric Supply
& Transport Undertaking

Place: Mumbai

Date: 23 Oct, 2015

