

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

Dated: 15 November 2022

**CORAM: Sanjay Kumar, Chairperson
I. M. Bohari, Member
Mukesh Khullar, Member**

Case No. 158 of 2022

Case of Maharashtra State Electricity Distribution Co. Ltd. under Section 94 of the MERC (Conduct of Business) Regulations, 2004 and Section(s) 9 read with 10 of the Electricity Act, 2003 seeking a review of certain arrangements and/or permissions given by the Petitioner to the Respondents under the impression that such entities are Captive Generating Plants

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Dairy No. 247 of 2022

Application of Captive Power Producers Association seeking Impleadment as a party/Respondent

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Dairy Nos. 242, 256, 262 of 2022 and Interlocutory Application Nos. 25-29, 31, 34 & 40 of 2022

Applications of Respondents for striking off their names from the list of Respondents

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Dairy Nos. 266&267 of 2022

Applications filed by CIPLA Ltd. and Orient Cement Ltd. challenging Maintainability of the Petition

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

: **Petitioner**

V/s

Pudumjee Paper Products Limited (PPPL) & Others

**: Respondents
(List of the Respondents enclosed)**

Appearance:

For MSEDCL

: Mr. G. Saikumar (Adv.)

For M/s Captive Power Producers Association

: Ms. Deepa Chawan (Adv.)

For Pudumjee Paper Products Ltd,

M/s Minda Industries Ltd,

M/s Exide Industries Ltd.,

M/s Jahangir Hospital,

Fleur Hotels Ltd,

TDK India Pvt. L

: Mr. Anand Ganesan (Adv.)

For M/s Cipla Ltd.,

M/s JSW Steel Ltd., &

Orient Cement Limited

: Mr. Sanjay Sen (Adv.)

For M/s Warana Sah. Dudh Utpadak Sangh Ltd.,

Shri Tatyasaheb Kore Warana SSk Ltd.,

The Associated Cement Companies Ltd,

S. R. Thorat Milk Products Pvt. Ltd.

: Ms. Deepa Chawan (Adv.)

For Ghatge Patil Industries Ltd,

M/s Mahindra CIE Automotive Ltd.,

M/s Tata Motors Ltd,

Hindustan Petroleum Corporation Ltd,

Liberty Oil Mills,

Sahyadri Hospitals Pvt. Ltd.,

Sahyardri Industries Ltd.

: Ms. Dipali Sheth (Adv.)

For M/s Apollo Hospitals Enterprise Ltd.,

Awade Industries Pvt. Ltd.,

Mahabal Metals Private Ltd.,

Jupiter Life Line Hospitals Ltd.,

Saroj Castings Pvt. Ltd.,

Serum Institute of India Pvt. Ltd.,

M/s CEAT Ltd.,

M/s Chalet Hotels Ltd.

: Mr. Sakya Chaudhari/ Mr. Avijeet Lala (Adv.)

For M/s Kalyani Technoforge Ltd,

Kalyani Transmission Technologies Pvt. Ltd.

: Mr. Sameer Kale (Adv.)

For Minex Metallurgical Co. Ltd.,

Hotel Amarjeet Pvt Ltd

: Mr. R. B. Goenka (Rep.)

For M/s Bharat Forge Ltd

: Mr. Dinesh Pednekar

For M/s SKF India Limited

: Mr. Aditya K Singh

For Tata Steel Ltd.

: Mr. Sanjay Nagpal

For M/s Maharashtra Seamless Ltd

: Mr. Ashish Singh (Adv.)

For M/s Vinati Organics Ltd

: Mr. N. K. Goyal

For M/s Sudarshan Chemical Ind Ltd,

Galaxy Surfactants Ltd,

Technova Imaging System Pvt. Ltd.

: Mr. T N Agrawal (Rep.)

For M/s Laxmi Organic Industries Ltd.

: Mr. Hemant Singh (Adv.)

For M/s Asian Colour Coated Ispat Ltd.,

Amba River Coke Ltd.,

Ultratech Cement Ltd.,

Raymond Ltd.,

STT Global Data Centres India Pvt. Ltd.

M/s JSW Steel Coated Products Ltd.

: Mr. Abhishek Munot (Adv.)

For JSW Cement Ltd.,

M/s Westerly Retail Pvt. Ltd.,

Hindustan Unilever Ltd.

: Mr. Vishrov Mukherjee (Adv.)

For M/s Tata Steel Ltd.

: Mr. Gyanendra Karan

For M/s Bhageria Industries Ltd.

: Mr. Vikas Kumar Ghuwalewala

For M/s Godrej Industries Ltd.

: Ms. Aakanksha Joshi

For Deepak Fertilizers & Pet. Cor. Ltd. & Smartchem Ltd. : Ms. Vaidehi Naik (Adv.)

For Wadhwa Group Holdings Pvt Ltd,

Hindustan Aeronautics Ltd

: Mr. R. C. Dodve

For Emerson Climate Technologies (I) P. Ltd.

: Mr. Deepak Kumar Thakur

For Uni Deritend Co. : Mr. Moinuddin Algaus Shaikh
For Hindustan Platinum Pvt. Ltd. : Mr. Vishal Hegde (Adv.)
For Adani Electricity Mumbai Limited – D (AEML_D) : Mr. Abaji Naralkar (Rep.)
For Tata Power Company Limited – D (TPC-D) : Mr. Prashant Kumar (Rep.)

Daily Order

1. Heard the Advocates / Representatives of the Petitioner, Respondents and Applicants.
2. Advocate of the Petitioner stated that some Respondents have filed Applications on Maintainability of the Petition, one application has been filed for impleadment and some Respondents have filed applications for striking off their names as Respondents. The Advocate of petitioner sought 6 weeks' time for filing a consolidated reply to all the submissions of the Respondents .
3. Mr. Sanjay Sen (Adv.), appearing for some Respondents stated that MSEDCL had filed an Appeal before the Hon'ble Appellate Tribunal for Electricity (APTEL) wherein the same issues were raised before the Hon'ble APTEL. The said Appeal was subsequently withdrawn by MSEDCL, and the present Petition has been filed before the Commission. He stated that MSEDCL has not made any disclosure in its Petition regarding the said Appeal that was filed before the Hon'ble APTEL. He stated that some parties have filed Writ Petition before the Hon'ble Bombay High Court against the present Petition wherein the Hon'ble Bombay High Court has dismissed the Writ Petition leaving all contentions open, including the question of jurisdiction.
4. Mr. Sakya Chaudhari (Adv.) appearing for some Respondents/ Applicants stated that the Petition was required to be first heard on Maintainability before deciding on the merits as the issues raised in the Petition are generic in nature. He further stated that the Commission should direct MSEDCL for striking off their names as such cases are not covered by the present Petition.
5. Mr. Avijeet Lala (Adv.), appearing for some Respondents, stated that the present Petition has been filed in the month of July 2022. He stated that the present Petition has cast uncertainty among the consumers and the captive generators due to which investments have been held up. He therefore, requested the Commission to issue time bound directions to decide the present Petition.
6. Mr. R. B. Goenka (Rep.) stated that time sought by MSEDCL for filing replies to Respondent submissions may not be granted. He stated that some Respondents do not have a

sale and purchase arrangement and such cases do not qualify under the first prayer of MSEDCL in its Petition.

7. On enquiry by the Commission, MSEDCL stated that it had no objection to the Impleadment Application filed by the Captive Power Producers Association.
8. The Commission has taken note of the submissions of Petitioner and Respondents and other Applicants. In the interest of justice, the Commission deems it fit to grant time sought by MSEDCL to file rejoinder to the Respondents submissions and other Miscellaneous Applications filed.
9. Having heard the Parties, the Commission directs as under:
 - i. Impleadment of Captive Power Producers Association is allowed as a Respondent to the case.
 - ii. MSEDCL shall update the Petition with all relevant information specific to every respondent and serve the same to all the Respondents and other Applicants in the matter.
 - iii. MSEDCL shall file its rejoinder to all the submissions of the Respondents including applications by some of the Respondents for striking off their names as Respondents within 6 weeks' time.
10. In the next Hearing, the Petition along with associated IAs shall be taken up for hearing on the following issues:
 - i. Maintainability of the Petition filed by MSEDCL; &
 - ii. Applications filed by the Respondents for striking off their names.

Next date of hearing will be communicated by the Secretariat of the Commission.

**Sd/
(Mukesh Khullar)
Member**

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

**Sd/-
(Sanjay Kumar)
Chairperson**

List of Respondents

Respondent No.	Name of Respondent
1	Pudumjee Paper Products Limited (PPPL)
2	M/s. Kirloskar Oil Engines Ltd.
3	Ghatage Patil Industries Ltd
4	M/s. Mayijra Steels Pvt. Ltd.
5	M/s. Super Craft Foundry
6	M/s. Awade Industries Pvt Ltd
7	M/s. Aqua Alloys Pvt. Ltd.
8	M/s. Warana Sah. Dudh Utpadak Sangh Ltd.
9	M/s. Managing Director, Shri Tatyasaheb Kore Warna Ssk Ltd
10	Menon and Menon Limited
11	M/s.Ghatge Patil Industries
12	M/s. Priyadarshani Polysacks Ltd.
13	M/s. Saroj Foundry Pvt. Ltd.
14	M/s. Caspro Metal Industries Pvt. Ltd.
15	M/s. Sonai Engineering Pvt. Ltd.
16	M/s. Shriram Foundry Private Limited
17	M/s. Priyadarshani Polysacks Limited
18	M/s. Mayura Steels P Ltd.
19	M/s. Saroj Castings Pvt Ltd
20	Sakal Media Private Limited
21	M/s. Mahindra CIE Atomotive Ltd.
22	M/s. Endurance Technologies Pvt. Ltd
23	M/s. Patodia Forging & Gears Ltd.
24	M/s. Minda Industries Ltd
25	Mahindra and Mahindra Limited
26	M/s. Endurance Technologies Ltd.
27	Minda Industries Ltd
28	Advik Hi-Tech Pvt. Ltd.
29	M/s. Mahindra CIE Automotive Ltd
30	M/s. Finolex Industries Ltd.
31	M/s. Lumax Industries Ltd
32	M/s Kalyani Technoforge Limited
33	Kalyani Techno Forge Limited
34	Maharashtra Cement Plant A Unit of Shree Cement Lt
35	M/s Cipla Ltd.
36	M/s. Alkyl Amines Chemicals Limited
37	M/s. Cipla Limited
38	M/s. Clean Science & Technology P. Ltd.
39	M/s. Parakh Agro Industries Ltd

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Respondent No.	Name of Respondent
40	M/s. Pravin Masalevale
41	M/s. Cipla Ltd.
42	Clean Science and Technology Pvt. Ltd
43	M/s. I.T.C. Ltd.
44	M/s. Bekaert Industries Private Ltd
45	M/s. Britannia Industries Ltd.
46	M/s. I.T.C. Limited
47	M/s. Z F Steering Gear (India) Ltd
48	M/s. Bharat Forge Ltd
49	Kalyani Transmission Technologies Pvt. Ltd.
50	M/s. Kalyani Technoforge Ltd.
51	Sahyadri Hospitals Private Limited
52	M\s. Persistent System Ltd.
53	M\s ICC Reality India Pvt Ltd.
54	Jupiter Life Line Hospitalls
55	M/s SKF India Limited
56	M/s. Mahindra CIE Automotive Ltd
57	M/s Tata Motors Ltd
58	M/s Sahyadri Industries Ltd.
59	M/s Jayashree Polymar Pvt Ltd
60	M\s Persistent System Ltd.
61	M/s Exide Industries L.T.D.
62	Sahyadri Hospitals Private Limited
63	M/s Siporex India Pvt Ltd
64	M/s Jahangir Hospital
65	Serum Institute of India Pvt Ltd
66	Sahyadri Hospitals Private Limited
67	STT Global Data Centers India Private Limited
68	M/s Bharat Forge Ltd
69	M/s Kalyani Technoforge Limited
70	Belaire Hotels Pvt,Ltd
71	Fleur Hotels Pvt Ltd
72	M/s Mahabal Metals Pvt. Ltd.
73	M/s Jsons Foundry Pvt Ltd
74	M/s Western Precicast Pvt. Ltd.
75	J'sons Foundry Unit 2
76	M/s B. G. Chitle
77	M/s Kirloskar Brothers Ltd
78	M/s Kasturi Foundry Pvt. Ltd.

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Respondent No.	Name of Respondent
79	M/s Ashta Liners Pvt Ltd
80	M/s Hindustan Petroleum Corp Ltd
81	Tata Steel Ltd
82	M/s Cipla Limited
83	M/s Cipla Ltd
84	M/s Uttam Galva Steel Ltd
85	M/S Roha Dyechem Pvt Ltd
86	M/s Rathi Dve Chem Pvt Ltd
87	M/s Vidhi Specialty Food Ingredients Ltd.
88	M/s Maharashtra Seamless Ltd
89	Maharashtra Seamless Ltd.
90	M/s IPCA Laboratories Ltd
91	M/s Shree Hari Chemicals Export Ltd
92	M/s Pidilite Industries Limited.
93	M/s Vinati Organics Ltd
94	M/s Sudarshan Chemical Ind Ltd
95	Aqua Pharma Chemicals Pvt. Ltd
96	M/s. Laxmi Organic Industries Ltd. (Unit II)
97	M/s. Asian Colour Coated Ispat Ltd.
98	JSW Cement Limited
99	M/s JSW Steel Ltd
100	Amba River Coke Ltd
101	M/s Sudarshan Chemical Industries Ltd
102	M/s. Sudarshan Chemical Ind Ltd
103	M/s Kirloskar Ferrous Industries Ltd
104	Balaji Amines Ltd (Three Star Hotel)
105	M/s Betul Oil Limited
106	M/s Ultratech Cement Ltd.(Hotagi Cement Works)
107	M/S Kothari Agritech Pvt. Ltd. (Unit 1)
108	M/s The Associated Cement Companies Ltd
109	Raymond Limited
110	M/s Jupiter Lifeline Hospitals Limited
111	M/s Chalet Hotels Ltd,
112	M/s. Remi Edelstahl Tubulars Ltd
113	M/s Tata Steel Limited
114	M/s Bhageria Insustries Ltd.
115	M/s Neon Laboratories Ltd
116	M/s ACG Associated Capsules Pvt. Ltd.
117	M/s Jsw Steel Coated Products Ltd.

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Respondent No.	Name of Respondent
118	Blue Jet Health Care Pvt Ltd
119	M/s. Godrej Industries Ltd
120	M/s Jsw Steel Coated Products Ltd
121	M/s. Praxair India Pvt. Ltd.
122	M/s Gadre Marine Exports Pvt. Ltd.
123	M/s Ultratech Cement Limited Unit: Narmada Cement
124	M/s Kansai Nerolac Paints Ltd.
125	Shree Pushkar Chemicals and Fertilisers Ltd
126	M/s Vinati Organics Ltd
127	Mazda Colours Ltd
128	Chirag Ice Factory Pvt Ltd
129	Hindustan Platinum Pvt. Ltd.
130	State Bank of India
131	Hindustan Petroleum Corporation Ltd
132	Apollo Hospitals Enterprise Limited
133	M/s Westerly Retail Private Limited
134	Hindalco Industries Ltd
135	Deepak Fertilizers & Pet. Cor. Ltd & Smartchem Tech
136	Galaxy Surfactants Ltd
137	Technova Imaging System Pvt. Ltd.
138	Wadhwa Group Holdings Pvt Ltd
139	M/s Chalet Hotels
140	Deepak Fertilizers & Pet. Cor. Ltd & Smartchem Tech
141	Asahi India Glass Ltd.
142	Ambuja Cement
143	M/s United Breweries Ltd
144	Exide Industries Ltd. (Sf Dvn)
145	Minda Industries Limited
146	M/s Paras PVC Pipe & Fitting Pvt Ltd
147	M/s Gaurav Agro Pipes
148	M/s. Paras Miracle Poly Products Pvt Ltd
149	M/s S. R. Thorat Milk Products Pvt. Ltd.,
150	M/s Bothara Agro Equipments Pvt Ltd
151	Klassic Wheels Ltd
152	JM Industries
153	M/s. Exide Industries Ltd
154	M/s. Mutha Founders Pvt Ltd
155	Emerson Climate Technologies (India) Pvt Ltd.
156	M/s. Paranjape Auto Cast (P)

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Respondent No.	Name of Respondent
157	Emerson Climate Technologies (India) Pvt
158	Asian Paints Ltd.
159	M/s. Deesan Agro Tech Ltd.
160	M/s. Universal Starch Chem Allied Ltd.
161	M/s. Orient Cement Limited
162	M/s. Hitesh Plastics Pvt. Ltd.
163	M/s. Jain Irrigation System
164	M/s. Uni Deritend Co.
165	Ashoka Institute of Medical Science & Research
166	M/s. Mahindra and Mahindra Ltd PPS Dept.
167	M/s. CEAT Ltd.
168	M/s. General Manager Hindustan Aeronautics Ltd
169	M/s General Manager Hindustan Aironutics Ltd
170	M/s. Hindustan Unilever Ltd.
171	M/s. Ruchi Soya Industries
172	Hotel Mehfil Inn Pvt. Ltd. Amravati
173	M/s IPCA Laboratories Ltd.
174	Metal Man Auto Pvt.Ltd.
175	M/s. Varroc Engineering Ltd.
176	M/s. Varroc Engineering Ltd.
177	Sanjeev Auto Parts Manufacturers Private Limited
178	M/s. United Breweries Ltd.
179	Ultra Tech Cement Ltd (Unit Nagpur Cement Works)
180	M/s. Minex Metallurgical Co. Ltd.
181	Moil Limited Nagpur
182	M/s. JSW Steel Coated Products
183	Moil Limited
184	M/s. Balaji Amines Ltd
185	M/s Aurangabad Electricals Pvt. Ltd.
186	M/s. Hotel Amarjeet Pvt Ltd
187	M/s. Ruchi Soya Ind. Ltd.
188	Mahindra and Mahindra Limited Chakan
189	M/s. Liberty Oil Mills,
190	Hindustan Platinum Pvt. Ltd.
191	M/s TDK India Private Limited
192	M/s Premier Seals (India) Pvt Ltd.
193	Adani Electricity Mumbai Limited - (Distribution Business)
194	The Tata Power Company Limited (Tata Power-Distribution)