

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Date: 10 January, 2023

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

Case No. 194 of 2022 and 195 of 2022

Case of M/s. Geetai Steels Private Limited under Section 142 and 146 of the EA 2003 seeking appropriate orders as regards laying of EHT Lines and necessary infrastructure for supply of power at EHV Levels and directions pertaining to the wheeling charges to be applicable to the Petitioner as recorded in the Clarificatory Order dated 30 April 2020 and Tariff Order dated 30 March 2020 in Case No. 322 of 2019. (Case No. 194 of 2022)

Case of M/s. Rathi Steel and Metal Private Limited (Formerly Rajuri Steel Pvt Ltd.) under Section 142 and 146 of the EA 2003 seeking appropriate orders as regards laying of EHT Lines and necessary infrastructure for supply of power at EHV Levels and directions pertaining to the wheeling charges to be applicable to the Petitioner as recorded in the Clarificatory Order dated 30 April 2020 and Tariff Order dated 30 March 2020 in Case No. 322 of 2019. (Case No. 195 of 2022)

M/s. Geetai Steels Private Limited.	: Petitioner 1
M/s. Rathi Steel And Metal Private Limited.	: Petitioner 2
1. Maharashtra State Electricity Transmission Co. Ltd.	: Respondent 1
2. Maharashtra State Electricity Distribution Co. Ltd.	: Respondent 2

Appearance

For the Petitioners:	Adv. Anil D'souza
For the Respondent 1:	Adv. Deepa Chawan
For the Respondent 2:	Adv. Ravi Prakash

Daily Order

1. Heard the Advocates of the Petitioners and Respondents on 10 January, 2023.

2. Advocate of the Petitioners stated that they have filed the Petition seeking direction:
 - 2.1. to MSETCL for compliance of the MERC Supply Code Regulations by laying the necessary infrastructure to supply the power to the Petitioners at EHV Levels / EHT Lines and
 - 2.2. to MSEDCL for levying the wheeling charges to the Petitioners as per the Clarificatory Order dated 30 April 2020 read with paragraph 2.4.10 of the Order dated 30 March 2020 in Case No 322 of 2019.
3. He further stated that the Petitioners are not getting relief of lower wheeling charges according to current dispensation laid by the said MYT Order and subsequent clarificatory Order. In reply, the Advocate of Respondent, MSEDCL accepted the submissions of the petitioners and stated that it cannot differentiate the Petitioners in present matters from the other similarly placed consumers for providing relief on wheeling charges. MSEDCL will abide by the Orders given by the Commission on this issue of wheeling charge.
4. The Commission directs MSEDCL to provide the necessary reliefs to the Petitioners according to the Commission's present dispensations in force with regards to levying wheeling charges. The same shall be complied with as per the Commissions Tariff order and the Clarificatory Order on wheeling charges. The same shall be done through credit adjustments from ensuing bills.
5. Regarding the prayer for direction to MSETCL for laying of EHV Network, the Advocate of MSETCL stated that
 - 5.1 It has recently filed the Petition before the Commission for clarification on laying transmission network by transmission licensee under Regulation 4.2 of MERC Supply Code Regulations, 2021 and the said Petition would have some bearing on the contentions raised by the Petitioners in the present Petitions and on the earlier dispensation given by the Commission.
 - 5.2 The Commission has already ruled vide Order dated 2 September, 2022 in Case Nos. 62, 63 and 64 of 2022 that the development of EHV infrastructure for providing connection to consumers is the responsibility of MSETCL. The said Order is challenged by the MSETCL before the APTEL.
 - 5.3 Hearing in the above matter was held on 2 December, 2022 before APTEL. MSETCL requested for adjournment on the ground that the same question which arises for consideration in their present appeal, is being agitated in WP No. 2707/2021 before Hon'ble High Court (TPC vs MERC challenging Supply Code Regulations), whose outcome is likely to be delivered. The APTEL accepted MSETCL's request and has listed the matter for further hearing on 24 January, 2023.

6. Though there is no directions on the order of the Commission given in Case Nos. 62, 63 and 64 the ongoing Proceedings before Hon'ble the High Court and the APTEL, may have impact on the final outcome of this petition esp with regards to the dispensation on the directions given to MSETCL. The Advocates for the Petitioners and the Respondents have also accepted that pending outcome of the petitions at APTEL and the Hon High Court, the dispensation given by the Commission in the Tariff Order and the Clarificatory Order can be given effect and the relief sought by MSETCL can be considered separately after the decision of the Hon APTEL and the Hon High Court. Accordingly, MSEDCL to take action as per para 4 above. With regards to the 2nd issue, the Commission rules that the matter pertaining to MSETCL be adjourned till the outcome in the matters pending before Hon'ble the High Court and the APTEL.

The next date of hearing will be communicated by the Secretariat of the Commission, subject to the outcome in the matters pending before Hon'ble the High Court and the APTEL.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson