

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
Tel. 022 22163964/65/69  
Email: [mercindia@merc.gov.in](mailto:mercindia@merc.gov.in)  
Website: [www.merc.gov.in](http://www.merc.gov.in)**

**Date: 28 July 2023**

**CORAM: Sanjay Kumar, Chairperson  
Anand M. Limaye, Member  
Surendra J. Biyani, Member**

**Case No. 161 of 2022**

**Case of Maharashtra State Electricity Distribution Co. Ltd. seeking Review of the Commission's Order dated 7 December 2021 in Case No. 103 of 2021 (seeking grant of power factor incentive on open access consumption for the period March 2013 to September 2016 to SMW Ispat)**

Maharashtra State Electricity Distribution Co. Ltd (MSEDCL) ...**Petitioner**

SMW Ispat Private Ltd. (Formerly known as Mahalaxmi TMT Pvt. Ltd.) (SMW Ispat) ...**Respondent**

**Appearance:**

For the Petitioner : Shri. Ravi Prakash (Adv.)

For the Respondent : Shri. Amitesh Giroti (Adv.)

**Daily Order**

1. Advocate for the Petitioner (i.e. MSEDCL) stated that the Commission vide Common daily Order dated 29 July 2022 in Case No. 31, 37 and 38 of 2022, on the similar issue of Applicability of Power Factor (PF) Incentive on Open Access (OA) based on Hon'ble Appellate Tribunal for Electricity (APTEL) Judgment, has adjourned the matter as the Hon'ble Supreme Court vide its Judgment dated 25 July, 2022 in Civil Appeal No. 6291 of 2021 (MSEDCL v/s Jindal Poly Films Ltd.) has granted the stay to the Hon'ble APTEL's Order in Appeal No. 70 of 2019 dated 12 August 2021.
2. Advocate for the MSEDCL further stated that present matter regarding the review of the Order in Case No. 103 of 2021 (applicability of PF Incentive on Open Access consumption) and the matter in Civil Appeal No. 6291 of 2021 are similar. Hence, on the similar lines,

they requested for adjournment of the present Case till the Hon'ble Supreme Court disposes off the matter or stay is vacated in Civil Appeal No. 6291 of 2021.

3. Advocate for the Respondent stated that they have filed their replies in the matter.
4. The Commission accepted the request of the Petitioner and adjourned the Case till decision of the Hon'ble Supreme Court in the Civil Appeal No. 6291 of 2021.

**Next date of hearing will be communicated by the Secretariat of the Commission after the decision of the Hon'ble Supreme Court in the Civil Appeal No. 6291 of 2021.**

**Sd/-  
(Surendra J. Biyani)  
Member**

**Sd/-  
(Anand M. Limaye)  
Member**

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