

BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai - 400005
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NOTICE

In

Case No. 93 of 2020/ Re-opened Case.

In the matter of:

Ghatge Patil Industries Limited **Petitioner(s)**
V/s.
Maharashtra State Electricity Distribution Company Limited **Respondent(s)**
(MSEDCL)

Subject: - Petition of Ghatge Patil Industries Limited seeking waiver of fixed demand charges, reduction of Contract Demand and relaxation under MERC (Distribution Open Access) Regulations, 2016 on the banking issue due to Force Majeure situation prevailing in Maharashtra State due to COVID-19 outbreak and lockdown situation.

1. The Hon'ble Appellate Tribunal for Electricity (APTEL) has passed Judgment dated 22 October, 2024 in Appeal No. 148 of 2020 and remitted the matter to the Commission for passing afresh Order. The excerpts of the Hon'ble Appellate Tribunal for Electricity (APTEL) Judgment are as follows: -

“16. In view of the above noted peculiar and unacceptable approach adopted by the Commission in arriving at decision in the instant case, we are unable to sustain the impugned order. The same is absolutely erroneous and is hereby set aside. Accordingly, the appeal stand allowed.

17. The case is remanded back to the Commission with direction to hear the parties again and pass a fresh order within two months from the date of this Judgment.”

2. I am directed to communicate that e-Hearing in this matter is scheduled on, **Tuesday, 3rd December, 2024 at 10.30 AM.** Kindly refer the Practice Directions dated 14 November, 2022 available on MERC website (www.merc.gov.in) for the Operational Procedure and Protocol to be followed for e-Hearing before the Commission.

3. I am directed to communicate that the Petitioner(s) / Applicant(s) have filed their Petition / Application along with an affidavit on 'Petition E-filing Portal' of the Commission in **soft original copy** (Word and PDF) and the same are accessible to the Respondent(s) and it deemed to be served to the Respondent(s). The Petitioner shall ensure that it has mapped Respondent(s) / concerned Parties correctly while filing the Petition.

4. The Respondent(s) is/are directed to submit their say/Reply with documents if any, along with an affidavit in **soft original copy** (Word and PDF) on the above-mentioned Petition / Application immediately on 'Petition E-filing Portal' of the Commission, and the same are accessible to the Petitioner(s) / Applicant(s) and once uploaded it shall deemed to be served to the Respondent(s) / concerned Parties.

5. In furtherance the Petitioner(s) / Respondent(s) / Applicant(s) or concerned Parties shall file their Application(s) / Submission on 'Petition E-filing Portal' of the Commission in **soft original copy** (Word and PDF) with an affidavit and the same are accessible to the Respondent(s) / concerned Parties and it deemed to be served to the Respondent(s) and *vice versa* applicable to the Petitioner(s) /Applicant(s).
6. Parties while filing Petition / Reply / Rejoinder / Application / or any other Submission through 'Petition E-filing Portal' are required to upload the scanned copy of the entire **original documents** including Annexures along with duly signed Affidavit as per Forms specified in the Regulations. Every page shall be consecutively numbered. No hard copy is required to be filed.
7. I am directed to communicate that the date for e-Hearing in this matter will be conveyed separately by a notice. Kindly refer the Practice Directions dated 14th November, 2022 available on MERC website for the Operational Procedure and Protocol to be followed for E-filing and e-Hearing before the Commission.
8. All communication related to e-Hearing shall be made on 'ehearing@merc.gov.in' mentioning MERC Case number.
9. Petitioner(s) and Respondent(s) shall communicate the name(s), email ID(s), and contact number(s), of their Representative(s) (maximum 3 persons) who will be attending e-Hearing, well in advance at least two days before the e-Hearing. MERC – IT Team will communicate the credentials for login into e-Hearing Application and will also provide assistance for using this Application.
10. In case of technical constraint of Video-Conferencing platform, credential for login will be given to one or two persons only. All others can attend the e-Hearing through live streaming link provided on website of the Commission.
11. Documents to be referred during the e-Hearing shall be uploaded on 'Petition E-filing Portal' only, at least two days before the scheduled e-Hearing for reference of the Commission and all concerned parties. During the e-Hearing, parties shall refer these uploaded documents only.
12. NOTICE is hereby given to you to attend e-Hearing through video conferencing through an authorized functionary or duly authorized advocate before this Commission on said date and time.
13. TAKE FURTHER NOTICE that if you fail to appear on the said date and time, the matter will be heard in your absence on the said date or any subsequent date to which the matter may be posted, as directed by the Commission, without any further notice. Failure of the Parties to appear before the Commission on the date of e-Hearing, the Parties shall be a sole responsible for its cause and consequences.
14. Issued in Mumbai under my hand and as directed by the Commission on **Wednesday, the 13 day of November, 2024.**

Note:- This Case has been filed prior to implementation of petition 'Petition E-filing Portal' since the parties are required to submit their submissions on 'ehearing@merc.gov.in' E-mail ID i.e. as the petition could not be mapped on 'Petition E-filing Portal'.

Sd/-
(R. S. Sonawane)
Joint Director (Legal)

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Petitioner

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Respondent