

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in**

**Case No. 85 of 2010
Case No. 87 of 2010**

Dated: 24th February, 2012

**CORAM: **Shri V. P. Raja, Chairman
 Shri Vijay L. Sonavane, Member****

In the matter of:

Application for grant of Distribution Licence for MPECS Area of Supply – Case no 85 of 2010

Managing Director,

Maharashtra State Electricity Distribution Co. Ltd., (MSEDCL)

Prakashgad,

Bandra (East),

Mumbai 400 051. Applicant

Application for grant of Distribution Licence for MPECS Area of Supply – Case no 87 of 2010

Managing Director.

The Mula Pravara Electric Co-Operative Society Ltd., (MPECS)

Shrirampur,

Dist. Ahmednagar Applicant

Advocate/ Representative for MSEDCL:

Ms. Deepa Chawan (Advocate)

Shri. C.A. Gadre, Gen. Mgr (Comm) (Representative)

Advocate/ Representative for MPECS:

Shri. Shaunak J. Thacker (Advocate)

Shri. Bhavesh V. Panjuani (Advocate)

Daily Order

Heard the Advocates of the MSEDCL and the MPECS and the representative of the MSEDCL. None appeared for Industries Energy & Labour Dept., Government of Maharashtra and Co-Operation, Marketing & Textile Dept., Government of Maharashtra.

The Advocate appearing for MSEDCL submitted that MSEDCL had made a representation before Govt. of Maharashtra (GoM) for obtaining files related to the License earlier granted by the GoM to MPECS along with all amendments and associated documents. The Advocate submitted that the GoM has responded by its letter dated 23rd Feb, 2012 to MSEDCL by stating that they are in the process of locating the said files related to the License earlier granted by the GoM to MPECS. The Advocate of the MSEDCL submitted that they would be able to make further submissions on the issues framed by the Commission relating to MSEDCL, only after the receipt of the reply from the GoM.

The Advocate of the MPECS requested to take on record the following additional issues:

1. What provisions of law are applicable to MPECS for distribution of electricity in the license area in question? And whether MPECS satisfies these provisions?

The Advocate of the MSEDCL does not have any objection to the above issue being taken on record. The above issues are accepted to be taken as additional issue in this matter.

As regards the directions to MPECS to file application claiming the charges (with justification) for continuing the existing arrangement of supply of electricity by MSEDCL in the area of supply of MPECS, the Advocate appearing for MPECS submitted that they will be in position to file the same by next week.

Post the matter for a further hearing, on March 13, 2012, at 16:00 hrs. In the meanwhile, the following directions are to be complied with well before the next date of hearing

1. An Application is required to be filed by the Commission, before the APTEL, seeking substantial time for passing a final Order in this matter, as the issues are complex in nature. The office is directed to take immediate action in this regard;
2. This Commission notes that, as per the ATE Judgment, the Commission is required to rectify the procedural lapses in both the license applications of MPECS and MSEDCL, which are different. The office of this Commission is directed delink the following three cases, i.e. Case No. 85 of 2010, 87 of 2010 and the new Case to be filed by MPECS on the charges. However, the above three cases ought to be heard in parallel.
3. The MSEDCL is directed to file an affidavit in reply, as to whether the MSEDCL is going to publish a notice of its license application under Section 18(2) (a) of the EA, 2003.
4. MSEDCL is directed to file an affidavit, on the status report of the follow up action taken by it, so far, with the Government of Maharashtra for obtaining the files related to the License earlier granted by the GoM to MPECS, along with all amendments and associated documents. The MSEDCL is also directed to file the reply given by the Government of

Maharashtra. All the copies of such affidavit and the reply given by the GoM shall be served on the MPECS.

5. The MPECS and MSEDCL are once again directed to comply with the directions issued during the hearing held on 31st Jan., 2012 to file its response on affidavit, on all the issues framed by the Commission during the said hearing, including the additional issue raised by the MPECS today. The same shall be filed before the next date of hearing, with a copy served on each other.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman