Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 59 of 2012, Case No. 85 of 2012, Case No. 86 of 2012, Case No. 103 of 2012, Case No. 108 of 2012, Miscellaneous Application No. 1 and 4 of 2012 in Case No 8 of 2012, Interim Application in Case No. 18 of 2012,

Dated: October 1, 2012

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

In the matter of:

Case No. 59 of 2012

Maharashtra State Electricity Distribution Company Limited ……..Petitioner

V/s

1. Indian Wind Power Association – Maharashtra State Council
2. Tata Motors Limited
3. Enercon India Limited
4. Ushdev International and Others
5. Maharashtra Energy Development Agency

…….Respondents

Case No. 85 of 2012

Bajaj Auto Ltd. …..Petitioner
Century Enka Limited …..Intervenor
V/s

1. Maharashtra State Electricity Distribution Company Limited
2. Maharashtra Energy Development Agency

…….Respondents

Case No. 86 of 2012

Bajaj Finserv Ltd. ……..Petitioner
V/s

1. Maharashtra State Electricity Distribution Company Limited
2. Maharashtra Energy Development Agency

…….Respondents

Case No. 103 of 2012

Arvind Cotsyn (India) Ltd. ……..Petitioner
V/s

1. Maharashtra State Electricity Distribution Company Limited
2. Maharashtra Energy Development Agency

Case No. 108 of 2012

Serum Institute of India Ltd. ……..Petitioner

V/s

Maharashtra State Electricity Distribution Company Limited ……Respondent

Miscellaneous Application No. 1 & 4 of 2012 in Case No 8 of 2012

Indian Wind Power Association – Maharashtra State Council ……..Petitioner

V/s

1. Maharashtra State Electricity Distribution Company Limited
2. Maharashtra Energy Development Agency

……Respondents

Interim Application in Case No 18 of 2012

Tata Motors Limited …….. Petitioner

V/s

1. Maharashtra State Electricity Distribution Company Limited
2. Maharashtra Energy Development Agency

….. Respondents

Counsel/ Representative for the Petitioner (s): Ms. Deepa Chavan, Advocate.
(In Case No. 59 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Respondent (s): Ms. Dipali Sheth & Ms. Dhwani Mehta,
(In Case No. 59 of 2012) Advocates(for IWPA & Tata Motors Ltd.),
Ms. Swapna Seshadri, Advocate (for Tata Motors and Enercon)

Counsel/ Representative for the Petitioner (s): Ms. Dipali Sheth & Ms. Dhwani Mehta, Advocates,
(In Miscellaneous Application No. 1 & 4 of 2012)

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.
(In Miscellaneous Application No. 1&4 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Petitioner (s): Mr. S.P. Shinde , Mr. D.B. Roonghta
(In Case No.85 of 2012) (Century Enka Ltd, Intervener)

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.
(In Case No.85 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Petitioner (s): Mr. S.P. Shinde
(In Case No.86 of 2012)

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.
(In Case No.86 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Petitioner (s): Ms. Dipali Sheth & Ms. Dhwani Mehta
(In Case No.108 of 2012) Advocates

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.
(In Case No.108 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Petitioner (s): Shri. S.C. Karandikar, Advocate
(In Case No.103 of 2012)

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.

(In Case No.103 of 2012) Mr. Kiran Gandhi, Advocate

Counsel/ Representative for the Petitioner (s)
(Interim Application in Case No 18 of 2012) **:** Ms. Dipali Sheth & Ms. Dhwani Mehta,
Ms. Swapna Seshadri, Advocates

Counsel/ Representative for the Respondent (s): Ms. Deepa Chavan, Advocate.
(Interim Application in Case No 18 of 2012) Mr. Kiran Gandhi, Advocate

Daily Order

The common contentions advanced on behalf of the wind developer Petitioners is that the Respondent, MSEDCL has issued a Circular/Internal instructions dated September 13,2012 to its Superintending Engineers of all O&M circles of MSEDCL for implementation of reduction in Contract Demand; guidelines no. 19224 dated July 7, 2012 and Corrigendum no. 20255 dated July 16,2012, which are contrary to the Order issued by this Commission on April 27, 2012 in Case no. 8 of 2012, Case no. 18 of 2012, Case no. 20 of 2012 & Case no. 33 of 2012. Accordingly, the wind developer Petitioners allege that Respondent, MSEDCL is contravening this Commission's Order dated April 27, 2012.

Heard the Advocates / representatives of the Petitioners and the Advocates of the Respondent MSEDCL in all the matters. On instructions of MSEDCL, Smt. Deepa Chavan, Advocate stated that Circular/Internal instructions dated September 13,2012 issued to Superintending Engineers of all O&M circles of MSEDCL for implementation of reduction in Contract Demand, is kept in abeyance. On this, Ms. Swapna Seshadri, Advocate, stated that even guidelines no. 19224 dated July 7, 2012 and Corrigendum no. 20255 dated July 16,2012 stipulates reduction in Contract Demand, and hence the same also needs to be kept in abeyance.

In view of the aforesaid statement made by Smt. Deepa Chavan, Advocate for keeping Circular/Internal instructions dated September 13,2012 in abeyance interests of justice will be served by the Commission reiterating the Order of this Commission dated April 27, 2012 in Case no. 8 of 2012, Case no. 18 of 2012, Case no. 20 of 2012 & Case no. 33 of 2012 and to direct that the same shall continue to be applicable and shall be in force till the final disposal of this batch of matters. As such all consequential action which came out of reduction in contract demand, must be undone.

Furthermore, the Petitioners in all the cases are directed to complete service, if not already done, and serve the copies of their respective petitions on all the parties including MEDA in Case No. 59 of 2012, Case No. 85 of 2012, Case No. 86 of 2012, Case No. 103 of 2012, Miscellaneous Application No. 1 and 4 of 2012 in Case No 8 of 2012, Interim Application in Case No. 18 of 2012 and Intervention Application in Case No 85 of 2012.

Post the matter for further hearing on Wednesday, 17 October, 2012 at 12:30 hrs. The Petitioners are directed to complete the pleadings well before the date of hearing.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman