

**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@merc.gov.in  
Website: www.mercindia.org.in / www. merc.gov.in**

**Case No. 40 of 2015**

**Dated: 30 July, 2015**

**CORAM: Smt. Chandra Iyengar, Chairperson  
Shri Azeez M. Khan, Member  
Shri. Deepak Lad, Member**

**In the matter of  
Petition of The Tata Power Company Limited for approval of protocol to enable  
consumer to select to any Electricity Distribution network in Mumbai as per ATE  
Judgment dated 28 November, 2014.**

The Tata Power Company Ltd.(TPC).....Petitioner

V/s.

Reliance Infrastructure Ltd. (RInfra)  
BEST undertaking

.....Respondent No.1  
... Respondent No. 2

Representative for Petitioner:

Shri. Amit Kapoor (Adv.)  
Shri. Ashok Sethi (Rep.)  
Shri.Bhaskar Sarkar (Rep.)

Representative for Respondent No. 1:

Shri. J.J. Bhat (Adv.)

Representative for Respondent No. 2:

Shri. Harindar Toor (Adv.)

Consumer Representative:

Shri. Ashok Pendse, TBIA

**Daily Order**

Heard the representative of the Petitioner, Respondents and Authorized Consumer Representative.

TPC and RInfra have elaborated on the directives provided in the ATE Judgment dated 28 November, 2014 issued in Appeal Nos. 229 of 2012 and 246 of 2014. Both the parties have agreed to discuss amongst themselves and minimize the differences of opinion on interpretation and implementation of ATE judgment. They have further consented for sharing

of the information available in public domain with each other and all parties in the present matter.

The Commission is of the view that facilitating the Consumers' option of selecting the supplier of their choice would be the underlying objective of the protocol. In reply to the Commission's query, TPC and RInfra have mentioned that existing protocol approved by the Commission in Case No. 50 of 2009 is being implemented. The Commission clarified that till such time, as the present Petition is disposed of, existing protocol shall be followed by the Distribution Licensees.

The Commission observed that the draft protocol proposed by TPC is cursory and inadequate. The Commission suggested that existing protocol may be treated as base and modified to comply with the principles prescribed by the ATE and previous Orders of this Commission. The parties are at liberty to come out with additional suggestions/ modifications which will ease the process of availing the choice of supply by the consumers. As agreed, the parties are required to minimize the differences of opinion on proposed protocol. The Commission reiterates and makes it clear that the mandate of the protocol shall be centered on enabling every consumer to avail supply from the licensee of their choice within the time stipulated in the SoP Regulations.

The Commission directs TPC to file its submission by 5 August, 2015 with copy served on all the parties. Rinfra and BEST is directed to file its submission by 10 August, 2015 with copy served on all the parties.

Post the matter for further hearing on Wednesday, 12 August 2015 at 11.30 AM.

Sd/-  
**(Deepak Lad)**  
**Member**

Sd/-  
**(Azeez M. Khan)**  
**Member**

Sd/-  
**(Chandra Iyengar)**  
**Chairperson**