

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 50 of 2015

Dated: 7 January, 2016

**CORAM: Shri Azeez M. Khan, Member
Shri. Deepak Lad, Member**

**In the matter of
Petition of The Tata Power Company Ltd. for approval of commissioning and
capitalizing of ongoing work on Distribution Network Development**

The Tata Power Company Ltd.(TPC)Petitioner

V/s.

Reliance Infrastructure Ltd. (RInfra)Respondents
BEST undertaking

Representative for the Petitioner: Ms. Deepa Chavan (Advocate)
Ms. S.R. Mehendale (Rep.)

Representative for the Respondent (RInfra): Ms. Anjali Chandurkar (Advocate)
Shri Kapil Sharma (Rep.)

Representative for the Respondent (BEST): Shri S.S. Jadhav (Rep.)

Authorized Consumer Representative: Dr. Ashok Pendse, TBIA

Daily Order

Heard the representatives of the Petitioner, Respondent and Authorized Consumer Representative.

Advocate for the Petitioner stated that ATE in para 59 of its Judgment dated 28 November, 2014 has allowed TPC to commission and capitalize considerable investment made in pursuance of the directions of the State Commission for constructing the distribution system. Present Petition has been submitted for this purpose. It is mentioned that as per Commission's Order dated 22 August, 2012 in Case No. 151 of 2011, TPC has initiated

Network Development Schemes in Mumbai suburbs for identified 11 clusters. Till issuance of ATE Judgment dated 28 November, 2014, it has incurred capex of around Rs. 294 crore out of Rs. 979 crore in-principally approved by the Commission. In addition to this already incurred capex, TPC has sought approval for additional capex of Rs 200.77 crore towards the WIP and last mile connectivity related works. TPC submitted that balance capex amounting Rs. 484.77 Cr. may be cancelled as there is no substantial investment made.

RInfra contended that the Petition does not contain enough details for submitting its responses. RInfra had sought specific information relevant to the Petition such as scheme-wise approved capex, location, capex incurred, capitalization, WIP, specific details of target consumers and other details. However, said data was not provided by TPC.

TPC argued that the details sought by RInfra are irrelevant and may amount to scrutiny of operations of one distribution licensee by another licensee. TPC further submitted that quarterly reports indicating progress of implementation of capex schemes have already been submitted to the Commission.

RInfra submitted that, in guise of seeking approval of capitalization, TPC is seeking approval for switchover of RInfra's existing consumers. Thus RInfra is vitally affected in the present matter and therefore needs the information to represent its stand. Also, in view of ATE Judgment and Commission's interim Order in Case No. 182 of 2014, the Commission needs to decide which group of consumers can be connected by laying distribution network.

Dr. Ashok Pendse submitted that only 50% of expenses are proposed to be incurred against the capex scheme for 11 clusters. Also work of last mile connectivity is still under progress. Hence question may arise regarding which part of 11 clusters will have distribution network with last mile connectivity.

Having heard the parties, the Commission stated that it will decide upon the data requirements in the present matter. The same will be communicated to the parties.

Next date of hearing will be communicated by the Secretariat of the Commission.

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

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