

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No.77 of 2015

Date: 3 February, 2016

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

Petition of M/s Sai Wardha Power Limited, seeking declaration of compliance of captive status with respect to its generating units of 2x135 MW for FY 2014-15

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|--|-------|------------|
| M/s Sai Wardha Power Limited. | | Petitioner |
| Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) | | Respondent |
| Tata Power Co. Ltd. - Distribution (TPC-D) | | Intervener |

Present During the hearing

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|-------------------------|---|-----------------------------|
| For the Petitioner | : | Ms. Sushmita Heta, (Adv) |
| For the Respondent | : | Shri Ashish Singh, (Adv) |
| For the Intervener | : | Smt Deepa Chawan, (Counsel) |
| Consumer Representative | : | Shri Ashok Pendse, (TBIA) |

Daily Order

Heard the Representatives of Petitioner, Respondent, Intervener and Consumer Representative.

Petitioner submitted that MSEDCL's Reply is received only on 2 February, 2016 and hence two weeks time to submit its Rejoinder.

Counsel for TPC-D mentioned that some of its consumers are in the Petitioner's Group Captive Open Access arrangement, and hence requested the Commission to allow its Application to intervene in the matter.

The Commission enquired as to whether the Electricity Act, 2003 and Electricity Rules, 2005 (regarding requirement of Captive Power plant (CPP)) provides for the Commission to declare/certify the Captive status of CPP every year.

The Commission also enquired as to why the Petitioner has not approached the Distribution Licensees (MSEDCL and TPC-D) first before filing this Petition, and approach the Commission if there was a dispute. Petitioner agreed to approach the Distribution Licensees (MSEDCL and TPC-D).

This exercise may be carried out within a month. Petitioner shall submit the outcome within a week thereafter. Petitioner is directed to serve copy of its Petition on TPC-D, and MSEDCL its reply to TPC-D.

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

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

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