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. 141 of 2015

Date: 18 February, 2016

<u>CORAM:</u> Shri. Azeez M. Khan, Member Shri. Deepak Lad, Member

Petition of Rattan India Power Limited under Section 61, 62 read with 86 (1) (a), (b) and (f) of the Electricity Act, 2003 and in the matter of Disputes between the Petitioner and the Respondent MSEDCL pertaining to Settlement /Netting of Start-up Power consumed by the Petitioner with the power supplied as per the PPAs dated 22.04.2010 & 05.06.2010 and in the matter of Application of appropriate tariff category for start-up power and consequent relief of refund of charges to the Petitioner towards excess start up power charges paid during October 2012 to May 2015 is Rs. 92105504/- and consequent reliefs.

Rattan India Power Limited (RIPL) V/s		Petitioner
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL)		Respondent
For the Petitioner:	:	Adv. Sanjay Sen
For the Respondent:	:	Adv. Nirav Shah

Daily Order

Heard the Advocates of the Petitioner and Respondent.

Advocate of Petitioner mentioned that the Commission vide Order dated 26 June, 2015 in Case No. 121 of 2014 has categorised the activity of start-up power of Generating Station under HT-I Industrial category. This classification made by the Commission is on the basis of activity and its purpose. MSEDCL has levied tariff as per HT-II Commercial category during October 2012 to May 2015.

Advocate of MSEDCL informed that the Petitioner is being charged as per Order dated 26 June, 2015 in Case No. 121 of 2014 prospectively.

Advocate of the Petitioner submitted that MSEDCL should charge the industrial tariff retrospectively. Hence, the Petitioner is entitled to get refund of excess amount from MSEDCL paid for start-up power during October 2012 to May 2015.

On enquiry from the Commission, Advocate of the Petitioner informed that there is no provision in the PPA for treatment of start-up power. He further submitted that in the Order dated 3 February, 2014 in Case No. 51 of 2013, the Commission has categorically classified start-up power as a power required for industrial purpose. The said Order of the Commission has not been challenged by any party.

The Commission granted parties one week time to file Replies and Rejoinder.

The Case is reserved for Order.

Sd/-(Deepak Lad) Member Sd/-(Azeez M. Khan) Member