

**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. 109 of 2015

Dated: 23 February, 2016

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

In the matter of Review Petition in the matter of application of tariff to Pre-cooling and Cold Storage units vis-a-vis MERC's approved tariff schedule w.e.f. 01.08.2009 in the tariff order in Case No. 116 of 2008 / Case No. 19 of 2012 & Case No. 121 of 2014 date 26.06.2015. (Case No. 109 of 2015)

The Seafood Exporters Association of IndiaPetitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)Respondent

Representatives for the Petitioner: Adv. Deepa Chawan

Representative for the Respondent: Adv. Ashish Singh

Daily Order

Heard the representatives of the Petitioner and the Respondent.

Advocate of the Petitioner submitted that over the past few years the Commission had correctly categorized 'Fisheries' along with similar activities like Aquaculture, Sericulture and Cattle Breeding farm. It stems from commonality of factor involved in the activities. However, the Commission in its Order dated 26 June, 2015 has clubbed seafood processing

units with fisheries. Fishery is different from integrated sea food processing. The term 'fisheries' is not defined in the Electricity Act, 2003. As such it must be construed in the popular sense which could be attributed to it by people engaged in the said activity. The members of the Petitioner's organization are using fish as raw material in their seafood processing units and are not involved in fisheries. Therefore, it is requested that seafood processing units may be categorized under Industrial category independent of Fisheries. The present Petition is for the correctness of Tariff categorization and not on financial aspects as the Tariff category, i.e. Industrial remains the same at present.

MSEDCL submitted that it is implementing the Orders of the Commission. However, on the issue of 'Fisheries', a number of litigations are going on. If the Commission decides to clarify the issue, it will help reduce such litigations. Further, MSEDCL mentioned that similar issue is pending before this Commission in Case No.42 of 2015 for Orders.

The Case is reserved for Order.

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

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