

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**M.A. No. 9 of 2016 in Case No.97 of 2016**  
**&**  
**Case No. 97 of 2016**

**Date: 18 August, 2016**

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

**Miscellaneous Application of M/s Laxmi Organic Industries Ltd seeking stay to the operation, implementation and execution of Order dated 3 June, 2016 in Case No. 59 of 2015 and not to levy the wheeling charges.**

M/s Laxmi Organic Industries Ltd (LOIL) .....Petitioner

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

**Present during the hearing**

For the Petitioner : 1. Shri Vikram Nankani (Sr. Counsel),  
2. Shri Subir Kumar, (Adv)

For the Respondent : 1. Shri Rahul Sinha,(Adv),  
2. Shri A.V. Bute, (Rep)

For the Consumer Representative : Shri Ashok Pendse, (Rep) TBIA

**Daily Order**

Heard the Advocates of the Petitioner and the Respondent on M.A. No. 9 of 2016 and Review Petition in Case No. 97 of 2016.

1. The Petitioner submitted that:

- (i) The Commission in its Order dated 3 June, 2016 in Case No.59 of 2015 and M.A. No. 8 of 2015 ruled that LOIL is liable for levy of Wheeling Charge and applicable losses by MSEDCL on the basis of connectivity of its Captive Power Plant with the grid.
- (ii) The Commission has not considered the issue of maintenance of dedicated distribution line by LOIL.
- (iii)The Commission in its Daily Order dated 12 January, 2016 directed LOIL and MSEDCL to submit documentary evidence regarding the maintenance of the express feeder. LOIL

submitted the documentary evidence vide its submission dated 3 February, 2016. However, the Commission has not considered it in its Order dated 3 June, 2016.

- (iv) Regulation 16.2 of the DOA Regulations, 2014 stipulates that Dedicated Distribution Facility charge payable to the Distribution Licensee shall be applicable in case the Distribution System is owned by the Open Access consumer and the network is maintained by the Distribution Licensee.
- (v) Regulation 14.6 of the DOA Regulations, 2016 also stipulates that Wheeling Charges shall not be applicable in case a Consumer or Generating Station is connected to the Transmission System directly or using dedicated lines owned by the Consumer or Generating Station, and hence Wheeling Charges should not be levied from LOIL.
- (vi) The Petitioner had made detailed submissions at para 6 of the main Petition and subsequent affidavits in the proceedings of Case No. 59 of 2015. The Commission may take the same on record for the present Review Petition in Case No. 97 of 2016, and dispose of the Review Petition, along with this M.A. No. 9 of 2016, as there is nothing further to add to the main Review Petition, then the Case may be closed for orders.
- (vii) The Supreme Court Judgement in the matter of Pappu Sweets and Biscuits and Another Vs. Commissioner of Trade Tax, U.P. may be referred to consider for action of the DOA Regulations, 2016 for the review of Order in Case No. 59 of 2015.

2. MSEDCL submitted that:

The Commission may take on record its submissions made in the earlier proceedings in Case No. 59 of 2015 with regard to the issue of maintenance of dedicated distribution line. However, if the Commission is considering the DOA, Regulations, 2016 for the maintainability of the Review Petition in Case No.97 of 2016, then it needs time to file its detailed submission, and the Case may be closed for orders.

The Commission directs MSEDCL to file its Reply on the Review Petition in Case No. 97 of 2016 within two weeks, and the Petitioner to file its Rejoinder, if any, within a week.

The stay sought by the Petitioner is granted till final Orders on its main Petition.

**Case No.97 of 2016 and M.A. 9 of 2016 in Case No. 97 of 2016 are reserved for Order.**

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

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