

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No.159 of 2016**

**Date: 23 February, 2017**

**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 2015-16**

M/s Sai Wardha Power Limited. .... Petitioner

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)  
Reliance Infrastructure Limited (RInfra-D)  
Tata Power Co. Ltd. - Distribution (TPC-D) ..... Respondents

**Present During the hearing**

For the Petitioner : Ms. Swapna Seshadri, (Adv)

For the Respondent : Shri Ashish Singh, (Adv), MSEDCL  
Shri B Y Khandait, (Rep), MSEDCL  
Shri Ghanasham Thakkar, (Rep), Rinfra-D  
Smt Deepa Chawan, (Counsel), TPC-D  
Shri. Abhishek Munot (Rep), TPC-D

Authorised Consumer Representative : Dr. Ashok Pendse, (TBIA)

**Daily Order**

Heard the Advocates / Representatives of Petitioner, Respondents and Authorized Consumer Representative.

1. Advocate of the Petitioner stated that the Replies of TPC-D and RInfra-D were received only on 22 February, 2017. It has not yet received Reply of MSEDCL.

2. Advocate of MSEDCL stated that it would file a Reply within two weeks.
3. Counsel of TPC-D stated that its Miscellaneous Application (MA) filed on 22.02.2017 requesting the Commission to implead MSLDC may be considered as its submission in the matter instead of a separate MA. She further stated that the data collected from MSLDC website is analysed by TPC-D, on which there are some issues which it will present in its further submission.
4. Representative of RInfra-D stated that SWPL has to pay Cross Subsidy Surcharge (CSS) on the consumption of energy supplied to captive users from Unit No. 1 & 2 (Non CPP). A suitable method for levying the CSS may be suggested by the Petitioner. He also raised the issue of change of source of power in the context of the provisions of Distribution Open Access Regulations, 2016

The Commission decided to implead MSLDC, in the matter and directs the Petitioner to serve a copy of its Petition on MSLDC, and the Respondents to serve copies of their Replies within a week. MSLDC may submit its Reply within three weeks. Petitioner may file its Rejoinder within a week thereafter.

**The Secretariat of the Commission will communicate next date of hearing.**

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

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