

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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Email: mercindia@merc.gov.in  
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**Case No. 175 of 2017 and 170 of 2018**

**Dated: 21 May, 2019**

**CORAM: I. M. Bohari, Member  
Mukesh Khullar, Member**

**(Case No. 175 of 2017)**

**Petition of Sai Wardha Power Generation Limited seeking declaration of Captive Status of its Captive Generating Units ( III &IV) for the financial year 2016-17**

Sai Wardha Power Generation Limited (SWPGL) .....Petitioner

V/s

1. Maharashtra State Electricity Distribution Co. Ltd., (MSEDCL)
2. Adani Electricity Mumbai Ltd.- Distribution (AEML-D)
3. The Tata Power Company Ltd.- Distribution ( TPC-D) .....Respondents

Maharashtra State Load Despatch Centre (MSLDC) ..... Impleaded Party

1. Lupin Ltd.
2. Mahindra Vehicle Manufacturers Ltd.
3. Mahindra and Mahindra Ltd.
4. Pudumjee Paper Products Ltd.
5. Mahindra CIE Automotive Ltd. .... Intervenors

**And**

**(Case No. 170 of 2018)**

**Petition of Sai Wardha Power Generation Limited seeking declaration of Captive Status of its Captive Generating Units ( III & IV) for the financial year 2017 -18**

Sai Wardha Power Generation Limited (SWPGL) .....Petitioner

V/s

1. Maharashtra State Electricity Distribution Co. Ltd., (MSEDCL)
2. Adani Electricity Mumbai Ltd.- Distribution (AEML-D)

3. The Tata Power Company Ltd.- Distribution ( TPC-D)
4. Maharashtra State Load Despatch Centre (MSLDC) .....Respondents

Maharashtra State Transmission Co. Ltd. (MSETCL) ..... Impleaded Party

1. Lupin Ltd.
2. Mahindra Vehicle Manufacturers Ltd.
3. Mahindra and Mahindra Ltd.
4. Pudumjee Paper Products Ltd.
5. Mahindra CIE Automotive Ltd. ....Intervenors

Appearance:

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

For the Respondents :Shri Ashish Singh(Adv.),MSEDCL  
: Shri. Ghanashyam Thakkar (Rep.) ,AEML-D  
:Shri Malcolm Desai (Adv.) TPC-D

For MSLDC : Shri. Anil Kolap (Rep.)

For Intervenors : Ms. Dipali Sheth (Adv.)

**Daily Order**

1. Advocate appearing on behalf of Intervenors stated that they are necessary parties to be impleaded in this matter and that they should be granted an opportunity to file their submission in the matter.
2. Advocate of TPC-D has filed the Miscellaneous Application (MA) and stated that the captive users of SWPGL may be impleaded in the matter as these captive users could approach Hon'ble High Court / Hon'ble Appellate Tribunal for Electricity (ATE) for not being heard as had happened in the earlier matters of Captive Generating Plant (CGP) status.
3. Advocate of the SWPGL opposed the MA filed by TPC-D and further stated that TPC-D has filed reply in Case No. 170 of 2018 yesterday and hence requested some time to file its Rejoinder in Case No. 170 of 2018. She also sought time to file its reply in MA filed by TPC-D and Intervention Applications (IA) filed by Intervenors.
4. Advocate of MSEDCL supported the MA filed by TPC-D and stated that as these matters

of CGP status for FY 2016-17 and FY 2017-18 are already delayed, they should be heard expeditiously.

5. On hearing the Parties, the Commission directs SWPGL to file their Rejoinder in Case No. 170 of 2018 and Reply on MAs filed by TPC-D and IAs filed by Intervenors, within two weeks with copy to Parties in the matter.

**The next date of hearing shall be communicated by the Secretariat of the Commission in Case No. 175 of 2017, Case No.170 of 2018 and MA filed by TPC-D and IA filed by Intervenors.**

**Sd/-  
(Mukesh Khullar)  
Member**

**Sd/-  
(I. M. Bohari)  
Member**