

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.merc.gov.in

CASE No. 137 of 2016

Dated: 11 August, 2020

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

In the matter of

**Petition of The Tata Power Company Ltd.- Transmission Business for amendment of its
Transmission Licence and restoration of the proceedings in Case No. 137 of 2016 in
accordance with the Judgement dated 3 April, 2020 of the Hon'ble Supreme Court in
Civil Appeal No. 5049 of 2019**

The Tata Power Co. Ltd. -Transmission BusinessPetitioner

V/s

Hindustan Petroleum Corporation Ltd. Impleaded Respondent No. 1

State Transmission Utility Impleaded Respondent No. 2

The Tata Power Co. Ltd. -Distribution Business Proposed Respondent

Sai Wardha Power Generation Ltd. Applicant for Impleadment

Appearance:

The Tata Power Co. Ltd. -Transmission Business : Shri Anand Shrivastav (Adv.)

Hindustan Petroleum Corporation Ltd. : Shri Varun Pathak (Adv.)

State Transmission Utility : Shri Shrikant Petkar (Rep.)

The Tata Power Co. Ltd. – Distribution Business : Ms. Deepa Chawan (Adv.)

Sai Wardha Power Generation Ltd. : Shri Anand Ganeshan (Adv.)

Daily Order

1. Heard the Advocates for the Petitioner, Impleaded Respondent and Proposed Respondent.
2. Advocate for Sai Wardha Power Generation Ltd. (SWPGL) requested for mentioning his submission. The Commission allowed the mentioning. He stated that:
 - i. The present Petition has been filed by TPC-T pursuant to the direction of the Hon'ble Supreme Court dated 3 April, 2020 in Civil Appeal No. 5049 of 2019. The above decision of the Hon'ble Supreme Court was passed in the Appeals filed by SWPGL and HPCL against Tata Power Company Limited. Therefore, it is incumbent upon Tata Power Company to make SWPGL as a Respondent in the present Petition.
 - ii. The issue raised and the relief sought would also affect SWPGL. Hence, the Commission is requested to implead SWPGL as a Respondent in the matter.
 - iii. In terms of Section 18 of Electricity Act, 2003, a notice is required to be published seeking suggestions/objections on its Licence Amendment Application.
3. Advocates appearing for TPC-T and TPC-D objected SWPGL's request and stated that:
 - i. The public consultation as required under Section 18 of Electricity Act, 2003, has already been held in the matter after due Notice publication and SWPGL did not participate in those proceedings.
 - ii. No proper Application has been filed by SWPGL seeking its impleadment in the matter and only email copy has been received.
 - iii. The Hon'ble Supreme Court has segregated the matters related to levy of Wheeling Charge and the Licence amendment and the Commission has been directed to decide the application filed by TPC-T for amendment of the transmission licence.
4. Advocate appearing for HPCL supported SWPGL's request and stated that the Commission should consider the issue in holistic manner. As per Judgment dated 3 April, 2020 passed by the Hon'ble Supreme Court, the Application of TPC-T for Licence amendment has to be decided by the Commission and while doing so, all the concerned Parties are required to be heard. Therefore, ideally SWPGL should be impleaded in the present matter.
5. The Commission observed while the Petitioner TPC-T is objecting the impleadment request of SWPGL, it is seeking to implead TPC-D in the matter. Therefore, before going into the merits of the matter, the issue of permitting the impleadment of Parties needs to be decided first. Accordingly, SWPGL may file a proper Application seeking its impleadment in the matter, in accordance with the MERC (Conduct of Business)

Regulations, 2004. TPC-T should also make its submissions justifying its stand that TPC-D is a necessary and proper party to the present proceeding.

6. SWPGL and TPC-T shall file the submissions by 14 August, 2020 and rejoining (if any) shall be filed by 17 August 2020.
7. Next E-hearing on the issue of impleadment of parties will be held on Tuesday, 18 August, 2020 at 10.30 Hrs.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member