

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69
Email: mercindia@merc.gov.in
Website: www.merc.gov.in

Date: 13 September 2021

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

Case No.116 of 2018
(Hearing for Appearance as per the Hon'ble ATE's Judgement dated 02 September 2021)

Implementation of the Hon'ble Appellate Tribunal for Electricity (ATE)'s common Judgment dated 2 September 2021 in Appeal Nos. 78 of 2019, 81 of 2019, 82 of 2019, 111 of 2019, 112 of 2019, 117 of 2019, 147 of 2019 and DFR No. 146 of 2020

M/s Sai Wardha Power Generation Ltd. (SWPGL)**Petitioner in Case No. 116 of 2018**

1. Mahindra CIE Automotive Ltd. (Mahindra CIE)
2. Inox Air Products Pvt. Ltd. (Inox)
3. Lupin Ltd. (Lupin)
4. Mahindra Sanyo Special Steel Pvt. Ltd. (Mahindra Sanyo)
5. Mahindra & Mahindra Ltd. (M & M)
6. Pudumjee Paper Products Ltd. (Pudumjee)
7. Bekaert Industries Pvt. Ltd. (Bekaert)

.....**Captive Users / Appellants before Hon'ble ATE**

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

.....**Respondent in Case No. 116 of 2018**

Appearance of the Parties

For SWPGL, Pudumjee, M & M	: Shri Ashwin Ramanathan, (Adv)
For Mahindra CIE, Inox, Mahindra Sanyo, Bekaert	: Ms. Dipali Sheth (Adv.)
For Lupin	: Ms. Divya Chaturvedi (Adv.)
For MSEDCL	: Shri Ravi Prakash, (Adv)

Daily Order

1. Advocates of Petitioner and Respondent in Case No. 116 of 2018 and other Appellants present as per the Hon'ble ATE Judgment dated 2 September 2021 and:
 - (i) Advocate for the SWPGL stated that in compliance of the Hon'ble ATE Judgment dated 2 September 2021, SWPGL will file its Affidavit along with all required data for determination of Captive Generating Plant (CGP) status for FY 2018-19 within 10 days.
 - (ii) Advocates for other Appellants before the Hon'ble ATE stated that they will require 15 days' time to file their submissions after the detailed submissions made by SWPGL and MSEDCL.
 - (iii) Advocate for Respondent, MSEDCL stated that he would file Reply on the affidavit filed by the Petitioner.
2. The Commission notes that Tata Power Company Ltd. – Distribution Business (TPC-D) has filed Application on 10 September 2021 seeking its impleadment as a necessary and proper party in the matter as Mahindra & Mahindra had sought Open Access from TPC-D for FY 2018-19 as a Group captive users of SWPGL. The Commission also observed that STU and MSLDC are also other concerned Parties who are also required to be impleaded for arriving at the decision relating to determination of CGP status of SWPGL for FY 2018-19. The Appellants and the Respondent submitted that they have no objection to implead them as Respondents in the matter.
3. The Commission further notes that as per the aforesaid Hon'ble ATE Judgment, matter needs to be decided at the earliest preferably within three months of the date from the first appearance of the Parties.
4. Considering the submissions of the Parties, the Commission accordingly directs as under:
 - (i) Impleadment of TPC-D, MSLDC and STU as the Respondents in the present proceedings.
 - (ii) SWPGL to file its Affidavit along with all the required data for determination CGP Status for FY 2018-19 as per Hon'ble ATE Judgment dated 2 September 2021 and Electricity Rules 2005, within 10 days and serve the copies of its submission to all the Parties including impleaded Respondents.
 - (iii) Thereafter, MSEDCL, TPC- D, MSLDC and STU to file their Replies along with necessary details as required for determination of CGP status, within 10 days with copies to other Parties in the matter.
 - (iv) All the Captive Users of SWPGL for FY 2018-19 /Appellants and SWPGL to file their respective submissions and Rejoinder, if any within 8 days thereafter.

After the receipt of submissions from Parties as above and as per the time frame decided by the Hon'ble ATE Judgment dated 2 September 2021, the Secretariat of the Commission will communicate next date of hearing.

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

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