

**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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Dated: 15 November, 2021

**CORAM: Sanjay Kumar, Chairperson
I.M. Bohari, Member
Mukesh Khullar, Member**

Dairy No. 143 of 2021

**Petition of Maharashtra Industrial Development Corporation seeking a stay on the
Disconnection Notices issued by MSEDCL in view of non-consideration of the Captive
Status of the Small Hydro Plant (SHP) at Barvi Dam of the Petitioner, from 2016 to
2021, and seeking directions for filing of appropriate proceedings qua determination of
the captive status of Barvi SHP**

Maharashtra Industrial Development Corporation Petitioner

V/s

Maharashtra State Electricity Distribution Co. Ltd. Respondent

Appearance:

Maharashtra Industrial Development CorporationMs Deepa Chavan (Adv.)

Maharashtra State Electricity Distribution Co. Ltd. Shri. Rahul Sinha (Adv.)

Daily Order

1. Heard the Advocates of the Petitioner and Respondent.
2. Advocate appearing on behalf of the Petitioner briefly highlighted the background of the Petition and stated that intent of filing of the present Petition was to seek an interim

stay to the disconnection notices issued by Maharashtra State Electricity Distribution Co. Ltd. (**MSEDCL**) for recovery of Cross Subsidy Surcharge (CSS) and Additional Surcharge (ASC) in view of non-consideration of the Captive Status of the small hydro power plant (**SHP**) at Barvi Dam by MSEDCL from 2016 to 2021. It also sought reasonable and sufficient time approaching the Commission for determination of the Captive Status of Barvi SHP, in accordance with the prevailing regulatory framework. It was also informed that the Petitioner has made a partial payment of around Rs. 7 Cr. against MSEDCL's claims of around Rs. 16 Cr. and requested the Commission to grant an interim relief.

3. Advocate appearing on behalf of MSEDCL confirmed receipt of partial payment and further stated that they need fifteen days' time to file their replies on the Petition as the copy of the Petition was served only on Friday i.e., three days before the date of hearing. MSEDCL also assured that it would not proceed with the disconnection of supply to the MIDC, as per the disconnection notices issued by MSEDCL (challenged in the instant Petition) till the further date of hearing.
4. Having heard the Parties, the Commission directs MSEDCL not to take any coercive action, till further Order in the matter. MSEDCL is also directed to file its replies to the Petition within two weeks of the Order and rejoinder, if any, may be filed by the Petitioner within a week thereafter.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson