

**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**

Dated: 19 April, 2022

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

Case No. 119 of 2018

**Case of Roha Dyechem Pvt. Ltd. for directions to Maharashtra State Electricity
Distribution Company Ltd. with regard to the terms of Open Access permissions**

And

MA in Case No. 119 of 2018

**Miscellaneous Application of Roha Dyechem Pvt. Ltd. seeking compliance of the Order
dated 27 April 2021 passed by the Hon'ble Appellate Tribunal for Electricity in Appeal
No. 319 of 2018 and Order dated 15 March 2022 passed by the Hon'ble Supreme Court
in Civil Appeal No. 1804 of 2021 and batch**

Roha Dyechem Pvt. Ltd.Petitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd.Respondent

Case No. 19 of 2019

**Case of Arvind Cotsyn (India) Ltd. regarding unilateral reduction of Open Access
capacity and non-compliance of MERC Order dated 27 February 2018 in Case No. 80 of
2016 by Maharashtra State Electricity Distribution Co. Ltd.**

Arvind Cotsyn (India) Ltd.Petitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd.

.....Respondent

Case No. 118 of 2019

Case of Western Precicast Pvt. Ltd. for adjudication of dispute regarding wrongful curtailment of Open Access capacity and denial of Medium Term Open Access

And

MA in Case No. 118 of 2019

Miscellaneous Application of Western Precicast Pvt. Ltd. seeking compliance of the Order dated 27 April 2021 passed by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 378 of 2019 and Order dated 15 March 2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 1804 of 2021 and batch

Western Precicast Pvt. Ltd.

.....Petitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd.

.....Respondent

And

Case No. 119 of 2019

Case of Jsons Foundry Pvt. Ltd. for adjudication of dispute regarding wrongful curtailment of Open Access capacity and denial of Medium Term Open Access

And

MA in Case No. 119 of 2019

Miscellaneous Application of Jsons Foundry Pvt. Ltd. seeking compliance of the Order dated 27 April 2021 passed by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 377 of 2019 and Order dated 15 March 2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 1804 of 2021 and batch

Jsons Foundry Pvt. Ltd.

.....Petitioner

V/s.

Maharashtra State Electricity Distribution Co. Ltd.

.....Respondent

Appearance:

For

Western Precicast Pvt. Ltd. and

Jsons Foundry Pvt. Ltd. and

Roha Dychem Pvt. Ltd.

..... Smt Dipali Sheth (Adv.)

For Arvind Cotsyn (India) Ltd.

(Adv.)

..... Smt Ritu Apoorva

For Maharashtra State Electricity Distribution Co. Ltd.

(Adv.)

..... Shri G. Saikumar

For Maharashtra Energy Development Agency

..... Shri Manoj Pise (Rep.)

Coram

Shri Sanjay Kumar, Chairperson

Shri I. M. Bohari, Member

Shri Mukesh Khullar, Member

Daily Order

1. Heard the Advocates for the Petitioners/Applicants and Respondent.
2. The Advocate appearing on behalf of MSEDCL stated that:
 - i. While passing its common Judgment dated 27 April 2021, the Hon'ble Appellate Tribunal for Electricity has not taken into consideration Regulation 20 of the MERC (Distribution Open Access)(First Amendment) Regulations, 2019 regarding banking related provisions. Hence, MSEDCL intends to file its replies in the present matters covering aforesaid law point. Accordingly, MSEDCL may be granted two weeks' period for filing its replies.
 - ii. MSEDCL has received Miscellaneous Applications from three Petitioners out of four Petitioners in the present proceeding and M/s. Arvind Cotsyn is yet to file its Miscelleenos Application.
3. Advocate appearing on behalf of M/s. Arvind Cotsyn stated that they would file their Miscellaneous Application within 4 days.
4. Responding to a query of the Commission, Advocate of Roha Dychem clarified that

the Petitioners are not Parties to the proceeding before the Hon'ble High Court wherein the banking related provisions of the MERC (Distribution Open Access)(First Amendment) Regulations, 2019 have been challenged. It was further clarified that the Petitioners, in present proceeding, are seeking their prayers within four corners of the existing provisions of the MERC (Distribution Open Access), Regulations, 2016 and its amendment in year 2019 and legality of MERC (Distribution Open Access)(First Amendment) Regulations, 2019 on banking issue is not being disputed by the Petitioners. Hence, the present proceeding is not a parallel proceeding on the same issue sub-judice before the Hon'ble High Court

5. Having heard the Parties, the Commission directs that:
- i. Arvind Cotsyn may file its Miscellaneous Application within four days of this Order. MSEDCL may file its replies on the Miscellaneous Applications of the Petitioners within five days thereafter. Rejoinders, if any, may be filed by the Petitioners within 5 days thereafter.
 - ii. Thus, the filing of submissions by the Parties should be completed within fifteen days of this Order.
 - iii. Considering the timeframe of three months directed by the Hon'ble Supreme Court for passing the consequential Order, the Parties should adhere to the aforesaid timelines for filing their respective submissions.

Next date of the hearing will be communicated by the Secretariat of the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M.Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson