

NOTICE

Subject: Petition of ISMT Limited To direct the MSEDCL to comply with the order dated 08.09.2004 passed by the Hon'ble Commission, to fulfill the obligation arising from energy banking agreement dated 07.05.2010 and to set aside Commercial Circular No. 170 dated 13.06.2012 issued by the MSEDCL.

- MA No. 6 of 2013 in Case No. 46 of 2013

ISMT Limited has submitted a Petition and Miscellaneous Application under affidavit before the Commission on 28.03.2013 under the Sections 39 to 42, 86 & 129 of EA, 2003, to direct the respondent, MSEDCL, to comply with the order dated 08.09.2004 passed by the Hon'ble Commission, to fulfill the obligation arising from energy banking agreement dated 07.05.2010 and to set aside Commercial Circular No. 170 dated 13.06.2012 issued by the Maharashtra State Electricity Distribution Company Limited . The Following are the main prayers of the Miscellaneous Application-

- “ a) Pending the hearing and final disposal of the Petition the Respondent be directed to comply with the order dated September 8, 2004 passed by this Hon'ble Commission and fulfill their obligation arising from Energy Banking Agreement;*
- b) Pending the hearing and final disposal of the Petition the Respondent be directed to forthwith pay an amount of Rs 33 crores along with interest @ 18% to the petitioner for wrongfully denying banking facility to the Petitioner from March 2012 till date;*
- c) Pending the hearing and final disposal of the Petition the Respondent be directed to reinstate the Petitions Contract Demand as per paragraph 9 above;*
- d) Pending the hearing and final disposal of the Petition the Respondent be directed to issue Open Access Permission for the year commencing from April 2013 to March 2014 as per the prevailing law;*
- e) Pass an ad-interim order for stay of the operation of the impugned circular No. 170 dated June 13, 2012.*
- f) Pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

3. I am directed to communicate that the hearing in the above matter will be held in the presence of authorised consumer representatives on **Wednesday, 17 April, 2013 at 12.30 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.

4. The Petitioner is directed to serve a copy of its above mentioned Petition, along with its accompaniments to the Respondent and the four authorised consumer representatives, whose addresses are given below.

5. The Respondent is directed to submit its say on affidavit, if any, on the above mentioned Petition with a copy to the Petitioner and authorised consumer representatives.

(R.S. Sonawane)
Dy. Director (Legal)

ISMT Limited
Lunkand Towers,
Viman Nagar,
Pune - 411 014

Petitioner

Chife Engineer (Tariff Regulatory Cell)
Maharashtra State Electricity Distribution Company Ltd
5th Floor, Plot G-9, Anant Kanekar Marg,
Prakashgad, Bandra (East),
Mumbai 400 005

Respondent

Chife Engineer (Commercial)
Maharashtra State Electricity Distribution Company Ltd
5th Floor, Plot G-9, Anant Kanekar Marg,
Prakashgad, Bandra (East),
Mumbai 400 005

Consumer Representatives

Prayas (Energy Group)
Amrita Clinic, Athvale Corner,
Lakdipool-karve Road Junction,
Deccan Gymkhana, Karve Road,
Pune 411 004.
E-mail: peg@prayaspune.org

Page - 3

Mumbai Grahak Panchayat,
Grahak Bhavan,
Sant Dynaneshwar Marg,
Behind Cooper Hospital,
Vile Parle (West), Mumbai 400 056
E-mail: mgpanchayat@yahoo.com

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
Navi Mumbai 400 701
E-mail: tbia@vsnl.com

The Vidarbha Industries Association,
1st Floor, Udyog Bhavan,
Civil Line,
Nagpur 440 001.
E-mail: rkengg@gmail.com