

NOTICE

Subject: Review Petition of Wardha Power company Limited, against Order dated 17.01.2014 in Case No. 164 of 2013.

- **Case No. 34 of 2014**

Wardha Power Company Limited, has submitted a Petition under affidavit on 20.01.2014, against the MSEDCL, under Section 94(1)(f) of the Electricity Act, 2003 and Regulation 85 of MERC (Conduct of Business) Regulations, 2004 for Review of Order dated 17.01.2014 in Case No. 164 of 2013.levying cross subsidy surcharge.

The main prayers of the Petitioner are as under-

“ a) issue appropriate order or directions under Section 142 against the Respondents by imposing penalties for non compliance of the order/ directions dated 28.08.2013 passed by this Hon’ble Commission in Case No.117 of 2012;

b) issue appropriate directions under Section 146 against the Respondent No.2, and any other officials of the Respondent No.1, by imposing punishments for non compliance of the order/ directions dated 28.08.2013 passed by this Hon’ble Commission in Case No.117 of 2012;

c) quash the invoices raised by the Respondents (Annexure P-5 in Petition No. 164 of 2013), containing imposition of cross subsidy surcharge;

d) direct the Respondents to issue fresh invoices / bills without the levy of cross subsidy surcharge;

e) direct that any cross subsidy surcharge can only be imposed at the end of a financial year, by verifying the generation and consumption criteria on an annual basis, as per the directions issued by this Hon’ble Commission in the order dated 28.08.2013 passed in Case No. 117 of 2012;

f) direct refund the amount of Rs. 56.51 Crores towards CSS illegally levied and collected by the Respondent No. 1, alongwith interest at the rate of 18% per annum; and

g) pass such other and further order or orders as this Hon’ble Commission deems fit and proper under the facts and circumstances of the present case.

2. I am directed to communicate that the **Hearing** in the above matter will be held in the presence of the authorized consumer representatives on **Tuesday, 11 February, 2014 at 12.30 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard versions) to the Respondent and the authorised consumer representatives before the scheduled date of hearing.

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

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

Wardha Power Company Limited
8-2-293/82/A/431/A,
Road No. 22, Jubilee Hills,
Hyderabad-500 033
E-mail :- mail@praxiscounsel.com

Petitioner

The Managing Director
Maharashtra State Electricity Distribution Co. Ltd.,
Prakashgad, 5th floor,
Bandra (East), Mumbai - 400051
E-mail :- md@mahadiscom.in

Respondent No.1

The Chief Engineer (Commercial)
Maharashtra State Electricity Distribution Co. Ltd.,
Prakashgad, 5th floor,
Bandra (East), Mumbai - 400051
E-mail :- cecomm@mahadiscom.in

Respondent No.2

Cc: 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

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

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
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