

NOTICE

Subject: Petition of BEST Undertaking, for challenge to grant of distribution license in the area of supply of the Brihanmumbai Electric Supply & Transport Undertaking of the Municipal Corporation of Greater Mumbai, to any person other than the Brihanmumbai Electric Supply and Transport Undertaking of the Municipal Corporation of Greater Mumbai.

- **Case No. 37 of 2014**

BEST Undertaking has submitted a Petition under affidavit on 30.01.2014, under Sections 86(1)(f) of E.A. 2003 & Regulation 94 of MERC (Conduct of Business) Regulations, 2004 as a protest by making Challenge to Grant of distribution license in the area of the Brihanmumbai Electric Supply and Transport Undertaking of the Municipal Corporation of Greater Mumbai, to any person other than the Brihanmumbai Electric Supply and Transport Undertaking of the Municipal Corporation of Greater Mumbai and challenge to the Invitation for Expression of Interest for distribution of Electricity in Mumbai City and Part of Mumbai Suburban Area, issued and published on 01.01.2014 by MERC.

The main prayers of the Petitioner are as under-

“ a. that the Hon’ble MERC be pleased to refuse grant of distribution licence in the area of supply of BEST to TPC, RInfra and / or any person (other than BEST);

b. that the Hon’ble MERC be pleased to order that distribution license cannot be granted to TPC, RInfra and / or any person (other than BEST); for the area of supply of BEST.

c. that the Hon’ble MERC be pleased to refuse distribution of electricity in retail in the area of supply of BEST, by TPC, RInfra and / or any person (other than BEST);

d. that the Hon’ble MERC be pleased to set aside the Invitation for Expression of Interest for Distribution of Electricity in Mumbai City and part of Mumbai Suburban Area, issued and published on 01.01.2014 in various newspapers and on the website of the MERC and / or any proceedings or steps taken thereunder, to the extent of the area of supply of BEST;

e. that pending the hearing and final disposal of this Case, the Hon’ble MERC be pleased to direct or order the Government of Maharashtra, Industries, Energy and Labour Department, through

(i) Principal Secretary (Industries) (ii) Principal Secretary (Energy) (iii) Principal Secretary (Labour) to study and report to MERC about implications of grant of distribution license by MERC to TPC, RInfra and / or any other person (other than BEST) in the area of supply of a Local Authority such as BEST.

f. that pending the hearing and final disposal of this Case, the Hon’ble MERC be pleased to direct or order the State Advisory Committee to study and report to MERC about implications of grant of distribution license by MERC to TPC, RInfra and / or any other person (other than BEST) in the area of supply of a Local Authority such as BEST.

g. that pending the hearing and final disposal of this Case, the Hon'ble MERC be pleased to suspend or hold in abeyance any further or other proceedings or steps taken under the Expression of Interest for Distribution of Electricity in Mumbai City and part of Mumbai Suburban Area, issued and published on 01.01.2014 in various newspapers and on the website of the MERC, to the extent of the area of supply of BEST;

h. that pending the hearing and final disposal of this Case, the Hon'ble MERC be pleased to suspend or hold in abeyance grant of distribution license to TPC, RInfra and / or any other person (other than BEST).

i. that pending the hearing and final disposal of this Case, the Hon'ble MERC be pleased to make a temporary order and injunction restraining distribution of electricity in retail in the area of supply of BEST, by TPC, RInfra and / or any person (other than BEST);

j. for such further or other reliefs as the circumstances and nature of the case may require."

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, 18 March, 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)

Dy. General Manager,
The Brihan Mumbai Electric Supply & Transport Undertaking
BEST Bhavan, BEST Marg,
Post Box No. 192,
Colaba, Mumbai - 400 001.

Petitioner

Tata Power Company Limited,
Bombay House, 24, Homi Mody Street,
Fort, Mumbai - 400 001.

Respondent - 1

Reliance Infrastructure Limited,
Bombay House, 24, Homi Mody Street,
Fort, Mumbai - 400 001.

Respondent - 2

Government of Maharashtra

Respondent - 3

- i) The Principal Secretary (Industries),
Industries, Energy and Labour Department,
Mantralaya, Mumbai - 400 032.
- ii) The Principal Secretary (Energy),
Industries, Energy and Labour Department,
Mantralaya, Mumbai - 400 032.
- iii) The Principal Secretary (Labour),
Industries, Energy and Labour Department,
Mantralaya, Mumbai - 400 032.

The Secretary,
State Advisory Committee,
Centre No.1, 13th floor,
World Trade Centre,
Cuffe Parade, Mumbai - 400 005.

Respondent - 3

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

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

Mumbai Grahak Panchayat,
Grahak Bhavan,
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Maharashtra Chamber of Commerce,
Industry & Agriculture,
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(Nashik Branch)
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