

NOTICE

Subject: Petition of Mihan Industries Association for grant of directions under sections 23, 24, 42, 43, read with clause 4.1, 4.3, 4.7, 5.1, 6.1, 6.2, 6.3, 8.1, 8.2, 8.3, 10.1, 10.2, 10.3, 10.4, 12.1, 12.2, 13.1, 13.2 of MERC (Standard of Performance of Distribution Licenses, Period for Giving Supply and determination of compensation) Regulations 2005, and regulation 3.1, 3.2, 3.3, 4, 6.1, 6.2 10 of MERC (CGRF / IGRC/ OMBUASMAN) Regulations 2006, and u/s 56, 59, u / s 86 (1) (b), (c), (i), (k), 92, 94 (2), 95, read with 8.2.1, 8.2.2, 8.3.1, 8.3.2, 8.15.2 of MERC (GENERAL CONDITIONS OF DISTRIBUTION LICENSE) Regulations 2006, read with clause 73, 92 of MERC (CONDUCT OF BUSINESS) Regulations 2004, and u/s 86 (1), 129, 128, 142, 146, 149 EA Act 2003.

- **Case No. 107 of 2014**

Mihan Industries Association has submitted a Petition under affidavit on 16.05.2014 under Sections 23, 24, 42, 43, 56,59, 86 (1), 86 (1) (b), (c), (i), (k), 92, 94(2), 95, 129, 128, 142, 146, 149 of the Electricity Act, 2003 & Regulation 4.1, 4.3, 4.7, 5.1, 6.1, 6.2, 6.3, 8.1, 8.2, 8.3, 10.1, 10.2, 10.3, 10.4, 12.1, 12.2, 13.1, 13.2 of MERC (Standard of Performance of Distribution Licenses, Period for Giving Supply and determination of compensation) Regulations 2005 & Regulation 3.1, 3.2, 3.3, 4, 6.1, 6.2 10 of MERC (CGRF / IGRC / OMBUASMAN) Regulations 2006 & Regulation 73, 92 of MERC (CONDUCT OF BUSINESS) Regulations 2004 for seeking directions to Respondents for arbitrary disconnection of power supply of industries and for failure to give uninterrupted power supply to industries.

The main prayers of the Petitioner are as under-

“1) Allow the petition filed by the petitioner association.

2) Direct the MADC to provide “uninterrupted power supply” to the industries in MIHAN-SEZ as per mandate of section 42, 43, of EA 2003 read with section 5(A), 5(c) of SEZ RULES 2006.

3) Direct the MADC to immediately give / restore the power supply “efficiently and effectively” to those industries who have not opted to avail the power supply of MSEDCL as they were getting before the disconnection in interim u / s 94 (2)

4) Direct the MADC & AMNEPL to implement the order passed by the Hon’ble Commission in case no:-62/2014 in paragraph no:- 56(a) by exercising the powers u/s 23, 86, 92, 94, 129 in interim

5) Direct the MADC to procure the power from AMNEPL in order to supply it to the consumers or alternatively direct the MADC to procure the power from MSEDCL in order to supply it to consumers as per the orders passed on 06.05.2014 in case no:-62/2014 by this Hon’ble Commission in interim

- 6) *Hold and Declare that the “disconnection of power” made by MADC & AMNEPL by way of letters dated 14.04.2014 is illegal in the eyes of the law and violates section 56 of EA 2003*
- 7) *Direct the MADC to appoint the “Grievance Redressal Mechanism” as per the section 42(5), (6), (7) of EA 2003 read with regulation 3.1, 3.2, 3.3, 4, 6.1, 6.2, 10 of MERC (CGRF & EO) Regulations 2006*
- 8) *Direct the MADC AND AMNEPL to supply the power at the rate of Rs. 2.97 / per unit to the industries as per the contractual obligations by exercising the powers u/s 23, 86 (1) (b) of EA 2003*
- 9) *Hold and Declare that the MADC has violated the provisions of EA 2003 as stated in paragraph 26 of this petition and is guilty of “willful breach” of the orders passed by this Hon’ble Commission in case no:-16/11 & 62/2014.*
- 10) *Hold and Declare that the AMNEPL & MSEDCL is guilty of “willful breach” of the orders passed by this Hon’ble Commission in case no:- 62/2014.*
- 11) *Suspend the “distribution licence” of MADC u/s 24 of EA 2003 and appoint an “administrator” due to the deliberate and serious violations of EA 2003*
- 12) *Punish the Chairman, VCMD, Directors and officials of MADC u/s 142, 146, 149 of EA 2003*
- 13) *Direct the MADC to furnish the information as stipulated u/s 59 (1)(a)(b), read with 13.1 of MERC (SOP) Regulations 2005*
- 14) *Fix the standards of Reliability achieved by MADC as per regulation 10.4 of MERC (SOP) Regulations 2005*
- 15) *Direct the Director General of police (State CID) to investigate into the affairs & functioning of MADC & AMNEPL u/s 128 of EA 2003*
- 16) *Give any other directions which may be deemed fit in the facts and circumstances of the case in accordance with the provisions of the EA 2003.*

3. I am directed to communicate that the hearing in the matter will be held further on **Thursday, 07 August, 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.

4. The Petitioner is directed to immediately serve a copy of its above mentioned Petition, along with its accompaniments, (both in soft and hard versions) to the Respondent ,MSEDCL and the four authorized consumer representatives.

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

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Petitioner

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