

NOTICE

Subject: Petition of Bharat Forge Limited for seeking clarification of Order dated 16.08.2012 in Case No. 19 of 2012 pronounced by the Hon'ble MERC read with the Commercial Circular No. 175 dated 05.09.2012 issued by the MSEDCL and the Order dated 26.07.2012 in Appeal No. 198 of 2010 and Appeal No. 42 of 2011 pronounced by the Hon'ble APTEL.

- **Case No. 113 of 2014**

Bharat Forge Limited has submitted a Petition under affidavit on 26.05.2014 under Sections 61 & 62 of the Electricity Act 2003 for seeking clarification of Order dated 16.08.2012 in Case No. 19 of 2012 pronounced by the Hon'ble MERC read with the Commercial Circular No. 175 dated 05.09.2012 issued by the MSEDCL and the Order dated 26.07.2012 in Appeal No. 198 of 2010 and Appeal No. 42 of 2011 pronounced by the Hon'ble APTEL.

The main prayers of the Petitioner are as under -

"a) Clarify that in view of the Order pronounced by this Hon'ble Commission dated 16.08.2012 in Case No. 16 of 2012 read with Commercial Circular No. 175 of dated September 5, 2012 issued by the MSEDCL, deems to mean and include 'Energy Charges' as energy charge plus TOD and FAC and hence, EHV rebate is payable on entire component of such energy charge.

b) In the event, the Hon'ble Commission considers to grant to the Petitioner, relief in terms of prayer (a) above, then the Hon'ble Commission may direct the Respondent to rectify the Impugned Circular to the extent to make in compliance with the order pronounced by this Hon'ble Commission and refund EHV rebate of Rs. 25,92,576/- to the Petitioner with interest @ 18% p.a. till payment thereof.

c) Clarify that Order pronounced by this Hon'ble Commission dated 16.08.2012 in Case No. 16 of 2012 read with Commercial Circular No. 175 of dated September 5, 2012 issued by the MSEDCL, has wrongly reference payment arrears with EHV rebate and the direction to MSEDCL to amend the Impugned Circular to such extent.

d) Award costs of these proceedings against the Respondent and in favour of the Petitioner.

e) Pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case."

The Interim prayers of the Petitioner are as under-

"In the circumstances, it is respectfully prayed that pendente lite the final order, the Hon'ble Commission may be pleased to:

a) Pass an ad-interim ex-parte order directing amendment the impugned Circular No. 175 dated September 5, 2012 issued by the Respondent qua the Petitioner in respect of EHV rebate on the entire energy component i.e. including energy charges, TOD and FAC of stay of the operation of and confirm the above order after notice to the Respondent; and

b) 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 the authorized consumer representatives on **Tuesday, 12 August, 2014 at 11.30 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 (both in soft and hard versions) to the Respondent and the authorised consumer representatives before the scheduled date of hearing.

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 the authorised consumer representatives well in advance.

Sd/-

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

Bharat Forge Limited
Mundhwa Pune Cantonment,
Pune - 411 036.
E-mail:- dipali@eternitylegal.com / contact@eternitylegal.com

Petitioner

The Chief Engineer (Commercial)
Maharashtra State Electricity Distribution Co. Ltd.,
5th floor, Prakashgad,
Plot No. G-9,
Bandra (East), Mumbai 400 051.
E-mail :- cecomm@mahadiscom.in

Respondent

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

Maharashtra Chamber of Commerce,
Industry & Agriculture,
Oricon House, 6th floor,
12 K. Dubash Marg,
Fort, Mumbai - 400 001
(Nashik Branch)
E-mail : maccia.nsk@gmail.com

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