

NOTICE

Subject: Petition of M/s. Global Energy Limited under Section 86 (1), (f), (i), (k), 142, 146 & 149 of Electricity Act, 2003 for seeking issuance of appropriate directions upon the Respondent for levy of Tariff by arbitrarily subjecting the partial open access consumers to a different tariff category which is contrary to the provisions of the Electricity Act, 2003.

- **Case No. 148 of 2014**

M/s. Global Energy Ltd. has submitted a Petition under affidavit on 30.07.2014, under Sections 86(1) (f, i, k), 142, 146 & 149 of Electricity Act, 2003, for seeking issuance of appropriate directions upon the Respondent for levy of Tariff by arbitrarily subjecting the partial open access consumers to a different tariff category which is contrary to the provisions of the Electricity Act, 2003.

The main prayers of the Petitioner are as under -

“a) quash / set aside the letters dated 07.05.2013, 28.06.2013, 24.07.2013 and 21.01.2014 to the extent the same pertain to charging of temporary charges and penal demand charges from the sanctioned reduced contract demand of a partial open access consumer (Respondent No. 2);

b) hold and declare that the Respondent No. 1 cannot charge temporary tariff and penal demand charges from consumers, who opt for a part load open access, for the quantum of reduced contract demand in the event of a partial open access;

c) hold and declare that the Respondent No. 1 has to charge tariff as determined by this Hon’ble Commission for supply of electricity to consumers for the quantum of reduced contract demand in the event of a partial load open access;

d) hold and declare that the Respondent No. 1 has to grant open access, for the full or partial load, strictly in accordance with the provisions of the Electricity Act, 2003 and the MERC (Distribution Open Access) Regulations, 2005;

e) hold and declare that the Respondent No. 1 has abused its dominant position in charging temporary tariff and penal demand charges from consumers, who opt for a part load open access, for the quantum of reduced contract demand;

f) direct the Respondent No. 1 to refund the amount of Rs92,40,848 along with interest recovered under temporary charges and penal demand charges in the present case for the quantum of reduced contract demand of the Respondent No. 2;

g) hold and declare that the Petitioner has suffered a loss / damages of Rs 15 lac on account of loss of business due to the actions of the Respondent No.1 in charging temporary tariff and penal demand charges from consumers, who opt for a part load open access, for the quantum of reduced contract demand in the event of in the event of partial open access;

h) hold and declare that the actions of the Respondent No. 1 in charging temporary tariff and penal demand charges from consumers, who opt for a part load open access, for the quantum of reduced contract demand in the event of a partial open access, have violated Sections 142 / 146 of the Electricity Act, 2003;

i) direct the Respondent No. 1 to pay to the Petitioner a compensation, in terms of Section 60 of the Electricity Act 2003 as determined by this Hon'ble Commission on account of the abuse of dominant position by the said Respondent;

j) direct the Respondent No. 1 to pay to the Petitioner loss / damages suffered on account of the delay caused in the grant of NOC to the Respondent No. 2 for partial load under open access;

k) issue appropriate directions under Sections 142 and 146 against the Respondent No. 1, and its officials, for violating the provisions of the Electricity Act 2003, and the regulations framed thereunder, for levying temporary charges and penal demand charges to consumers for the quantum of reduced contract demand, when such consumers opt for part load open access;

l) pass such or further orders as this Hon'ble Commission may deem just and proper in the circumstances of the 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, 18 November, 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)

M/s. Global Energy Limited,
104, 10th floor,
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Petitioner

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Respondent - 1

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Respondent -2

Cc: Consumer Representatives:-

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