

NOTICE

Subject: Petition of M/s. Global Energy Limited under Sections 42, 86 (1) (f), 86 (1) (e), 86 (k), of the Electricity Act, 2003 seeking issuance of appropriate directions on the Respondent with respect to the grant of Open Access/ NOC for adjustment of wind energy credit notes in the monthly bills of the end –consumers and Petition under Section 57 read with section 60 of the Electricity Act, 2003 seeking relief on the ground of abuse of dominant position for denial / delay in grant of Open Access / NOC by the Respondent resulting in commercial losses to the Petitioner and Complaint against the Respondent under Section 142, 146 and 149 of the Electricity Act, 2003 for non-compliance of orders, rules regulations framed by the Hon’ble Commission.

- **Case No. 186 of 2014**

Global Energy Private Limited has submitted a Petition under affidavit on 20.10.2014, under Sections 42,57,60, 86(1)(f), 86(1)(e), 86(k), 142, 146 & 149 of the Electricity Act, 2003 for seeking issuance of appropriate directions on the Respondent with respect to the grant of Open Access/ NOC for adjustment of wind energy credit notes in the monthly bills of the end – consumers and for abuse of dominant position for denial / delay in grant of Open Access / NOC by the Respondent resulting in commercial losses to the Petitioner and for non-compliance of orders, rules regulations framed by the Hon’ble Commission.

The main prayers of the Petitioner are as under -

“It is therefore most respectfully prayed that this Hon’ble Commission may graciously be pleased to

a) declare and hold that the Respondent had to grant banking facility to the wind generated power from 1st April to 31st March for the financial years as impugned herein;

b) direct the Respondent that it had to grant NOC/open access to Petitioner / wind generator from 1st April to 31st March for the financial year,

c) direct that 25% cross subsidy surcharge is applicable to consumers availing wind power from the Petitioner, in line with the order dated 09.09.2011 passed in Case No.43 of 2010;

d) direct the Respondent to compensate the Petitioner for an amount of Rs. 6,68,97,751/- alongwith interest at the rate of 18% per annum, on account of losses suffered due to sale of power on power exchange by the Petitioner;

e) direct the Respondent to refund an amount of Rs. 12,42,563/- on account of wrongful imposition of cross subsidy surcharge, along with interest at the rate of 18% per annum,

f) direct the Respondent to either grant credit notes for the unadjusted 7.59 lakh units of wind power towards adjustment in the monthly bills of the consumers, or compensate the Petitioner for an amount of Rs. 40,95,685/-, alongwith interest, in the event of lapsing of the said units;

g) declare and hold that the Respondent has abused its dominant position on account of the following:

i) by causing a delay / denial of NOC / open access to the Petitioner / wind generators, as mentioned in the present petition, in the light of the reliance placed by the Respondent for regulating wind energy upon a draft MERC (Distribution Open Access) Regulations 2011, as mentioned in the letter dated 25.07.2012(Annexure – p/5); and

ii) by causing a delay / denial of NOC / open access to the Petitioner / wind generators, as mentioned in the present petition, contrary to the various orders as detailed in the present petition.

h) direct the Respondent to pay a compensation to the Petitioner, as may be determined by this Hon'ble Commission, in terms of Sections 57 read with 60 of the Electricity Act, 2003;

i) issue appropriate order or directions under Sections 142 / 146 / 149 against the Respondents, and its officials, by imposing penalties for non-compliance of various orders mentioned in the present petition;

j) Pass any other order which this Hon'ble Commission deems fit and proper in the interest of justice and good conscience.”

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 **Thursday, 04 December, 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,
Maker Chambers VI,
Nariman Point, Mumbai - 400 021.

Petitioner

Tata Power Company Limited
Dharavi Receiving Station,
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Respondent

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Cc: **Consumer Representatives:-**

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