

NOTICE

Subject: Petition of Hindustan Petroleum Corporation Limited against Tata Power Company Limited for Illegal and arbitrary levy of Cross Subsidy Surcharge (CSS) on the open access consumption of the Petitioner for FY 2016-17 which is a part of Group Captive Power Plant by the Respondent No.1 by way of a supplementary bill dated 23.11.2017.

- **Case No. 165 of 2017**

Hindustan Petroleum Corporation Limited has submitted a Petition on 28.11.2017, under Section 2, 42, 60 & 66 of the EA, 2003 for Illegal and arbitrary levy of Cross Subsidy Surcharge (CSS) on the open access consumption of the Petitioner for FY 2016-17 which is a part of Group Captive Power Plant by the Respondent No.1 by way of a supplementary bill dated 23.11.2017.

The main prayers of the Petitioner are as under-

- a. *Quash and set aside the supplementary bill dated 23.11.2017 issued by the Respondent No. 1.*
- b. *Hold that the act of Respondent No. 1 in raising the CSS bill is illegal and bad in law.*
- c. *Hold that the Respondent No. 1 is abusing its dominant position to curtail open access.*
- d. *Pass such further orders as this Hon'ble Commission deems fit and proper in the interest of justice and good conscience.*

Interim Prayers

- a. *Restrain the Respondent No. 1 from acting upon the illegal and arbitrary supplementary bill dated 23.11.2017 levying CSS on the Petitioner for financial year 2016-2017.*
- b. *Restrain the Respondent No. 1 from taking any coercive actions against the interest of the Petitioners on the basis of the supplementary bill dated 23.11.2017.*
- c. *Interim and Ad-Interim reliefs in terms of prayers clauses (a) & (b).*
- d. *Pass such further orders as this Hon'ble Commission deems fit and proper in the interest of justice and good conscience.*

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 **Wednesday, 06 December, 2017 at 11.00 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

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3. The Commission has impleaded MSLDC as a party in the matter.
4. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard Copy) to the Respondents, the authorised consumer representatives and impleaded MSLDC before the scheduled date of hearing.
5. The Respondents and MSLDC are directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition immediately from receipt of copy of Petition, with a copy to the Petitioner and the authorized Consumer Representatives.
6. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

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

The Deputy General Manager- Maintenance
Hindustan Petroleum Corporation Limited,
Mumbai Refinery, B.D Patil Marg,
Mahul, Chembur, Mumbai - 400 074
E-mail:- rahul.sinha@dsklegal.com

Petitioner

Tata Power Company Limited
Bombay House,
24, Homi Mody Street,
Fort, Mumbai - 400 001
E-mail: - bhaskar.sarkar@tatapower.com

Respondent No - 1

Sai Wardha Power Generation Limited
8-2-293/82/A/431/A
Road No.22, Jubilee Hills,
Hyderabad-500 033
E-mail:- sreekanth_a@skk.co.in / prabhjitsingh.s@skk.co.in

Respondent No - 2

The Chief Engineer,
Maharashtra State Load Despatch Centre (MSLDC) ,
Kalwa Thane- Belapur Road, P.O. Airoli,
Navi Mumbai – 400 708
E-mail:- cesldc@mahasldc.in / scheduling@mahasldc.in

impleaded party

Cc: Institutional Consumer Representatives:-

Prayas (Energy Group)
Unit III A & B, Devgiri,
Joshi Railway Museum lane,
Kothrud Industrial Area,
Kothrud, Pune - 411 038
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,
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Nagpur - 440 001
E-mail: rkengg@gmail.com

Chamber of Marathwada Industries & Agriculture
Bajaj Bhavan, P-2, MIDC Industrial Area,
Railway Station Road,
Aurangabad – 431 005
E-mail: info@cmia-aurangabad.com

Cc: Individual Consumer Representatives:-

Shri Hemant Arunchandra Kapadia
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