

**NOTICE**

Subject: Petition of Lupin Limited seeking directions against MSEDCL for unjustified, illegal and arbitrary levy of Cross Subsidy Surcharge and Additional Surcharge on the open access consumption of the Petitioner for FY 2016-17 which is a part of Group Captive Power Plant by way of supplementary bill dated 05.12.2017.

- **Case No. 179 of 2017**

Lupin Limited has submitted a Petition on 11.12.2017, under Section 2(8), 9, 42, 60 and 62(6) of the EA, 2003 seeking directions against MSEDCL for unjustified, illegal and arbitrary levy of Cross Subsidy Surcharge and Additional Surcharge on the open access consumption of the Petitioner for FY 2016-17 which is a part of Group Captive Power Plant by way of supplementary bill dated 05.12.2017.

The main prayers of the Petitioner are as under-

- a) Direct Respondent No.1 to withdraw the supplementary bill dated December 05, 2017 issued on the Petitioner;
- b) Hold that the act of Respondent no.1 in raising the supplementary bill prior to determination of CPP status by this Hon'ble Commission as premature, illegal and bad in law;
- c) Award costs of these proceedings against MSEDCL and in favour of the Petitioner; and
- d) Pass such further orders as this Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.

***The Petitioner through the Interlocutory Application filed is seeking urgent interim order against the Respondents and prays to:***

- a) *Restrain Respondent No.1 from acting upon the illegal and arbitrary supplementary bill dated December 05, 2017 levying CSS and ASC on the Petitioner/Applicant for financial year 2016-17 and/ or enforcing the same;*
- b) *Restrain the Respondent No.1 from taking any coercive actions against the interest of the Petitioner/Applicant on the basis of the supplementary bill dated December 05, 2017;*
- c) *Interim and Ad-interim reliefs in terms of prayers clauses (a) and (b); and*
- d) *Pass such further orders as this Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.*

2. I am directed to communicate that the hearing in the above matter on Interlocutory Application will be held in the presence of the authorized consumer representatives on **Thursday, 14 December, 2017 at 12.30 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard Copy) to the Respondents and the authorised consumer representatives before the scheduled date of hearing.

4. The Respondents 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, with a copy to the Petitioner and authorized Consumer Representatives.

5. 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)

Petitioner

Lupin Limited  
2/A, Laxmi Towers,  
Bandra Kurla Complex,  
Bandra (East)  
Mumbai – 400 051  
Email: - [dipali@eternitylegal.com](mailto:dipali@eternitylegal.com)

Respondent No - 1

Chief Engineer (Commercial),  
Maharashtra State Electricity Distribution Co. Ltd  
Plot No G-9, 5<sup>th</sup> Floor, Prakashgad,  
Anant Kanekar Marg,  
Bandra (East), Mumbai - 400 051  
E-mail : - [cecomm@mahadiscom.in](mailto:cecomm@mahadiscom.in)

Respondent No - 2

Sai Wardha Power Generation Limited  
8-2-293/82/A/431/A  
Road No.22 Jubilee Hills,  
Hyderabad-500033  
Email: - [sreekanth\\_a@skk.co.in](mailto:sreekanth_a@skk.co.in)

The Chief Engineer  
Maharashtra State Load Dispatch Centre,  
Kalwa, Thane - Belapur Road,  
Airoli, Navi Mumbai - 400 708  
E-mail: [cesldc@mahasldc.in](mailto:cesldc@mahasldc.in)

Respondent No - 3

**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](mailto: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](mailto: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](mailto:mgpanchayat@yahoo.com)

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

Vidarbha Industries Association,  
1<sup>st</sup> Floor, Udyog Bhavan,  
Civil Line,  
Nagpur - 440 001  
E-mail: [rkengg@gmail.com](mailto: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](mailto:info@cmia-aurangabad.com)

**Cc: Individual Consumer Representatives:-**

Shri Hemant Arunchandra Kapadia  
25, Shantiniketan Colony,  
Near Shani Mandir,  
Aurangabad - 431 001  
Email - [hemantkapadia00@hotmail.com](mailto:hemantkapadia00@hotmail.com)