

NOTICE

Subject:- Petition of OPGS Power Gujarat Private Limited against wrongful action of MSEDCL of granting the consent for open access under Section 10 of the Electricity Act 2003, mid-way in the FY 2017-18, for the purposes of supply of power by the Petitioner, which is a captive generating plant, to its captive users.

- **Case No. 27 of 2018**

OPGS Power Gujarat Private Limited has filed a Petition on 08.01.2018 under Sections 9(2), 42, 57, 60 and 86(1)(c), 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 against wrongful action of MSEDCL of granting the consent for open access under Section 10 of the Electricity Act 2003, mid-way in the FY 2017-18, for the purposes of supply of power by the Petitioner, which is a captive generating plant, to its captive users.

The main prayers of the Petitioner are as under-

- a) *Quash the letter dated 26.12.2017 (Annexure P-6) issued by the Respondent to the Petitioner;*
- b) *Direct the Respondent to treat the consent dated 27.12.2017 (Annexure P-7) as under section 9 of the Electricity Act, 2003 for the month of January, 2018 for the purposes of supply of power by the Petitioner, as a captive generating plant, to its captive users;*
- c) *direct the Respondent to continue granting consent for the purposes of supply of power by the Petitioner, as a captive generating plant, to its captive users, under Section 9 of the Electricity Act, 2003;*
- d) *Declare that the Respondent has abused its dominant position, in terms stated in the present petition;*
- e) *Direct the Respondent to pay compensation to the Petitioner as computed in accordance with Section 57(2) read with Section 60 of the Electricity Act, 2003 on account of abuse of dominant position; and*
- f) *Pass such other and further order or orders as this Hon'ble Commission deems fit and proper under the facts and circumstances of the present case.*

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, 10 January, 2018 at 11.00 hrs** in the office of the Commission at 13th 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 Respondent and authorised consumer representatives before the scheduled date of hearing.

4. The Respondent is 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)

OPGS Power Gujarat Private Limited,
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Taluka - Mundra,
District Kutch,
Gujarat - 370 411
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Petitioner

Maharashtra State Electricity Distribution Co. Ltd
Hongkong Bank Building
M.G. Road, Fort,
Mumbai - 400 001

Respondent

Cc:- The Chief Engineer
Maharashtra State Load Dispatch Centre,
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E-mail: cesldc@mahasldc.in

Cc: **Institutional Consumer Representatives:-**

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Cc: Individual Consumer Representatives:-

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