

NOTICE

Subject: Petition of M/s. Pudumjee Paper Products Limited under Section 42 and other applicable provisions of the Electricity Act, 2003 read with MERC (Distribution Open Access) Regulations, 2016 for directions to the Respondent with regard to the withdrawal of short term open access for the month of January 2017, refund of wrongly levied transmission and wheeling charges and adjustment of over injected conventional units

- **Case No. 156 of 2018**

M/s. Pudumjee Paper Products Limited has submitted a Petition on 25.05.2018 under Section 42 and other applicable provisions of the Electricity Act, 2003 read with MERC (Distribution Open Access) Regulations, 2016 for directions to the Respondent with regard to the withdrawal of short term open access for the month of January 2017, refund of wrongly levied transmission and wheeling charges and adjustment of over injected conventional units.

The main prayers of the Petitioner are as under-

a. Direct Respondent to refund the amount of Rs.2,21,05,566/- (Rupees Two Crore Twenty One Lakhs Five Thousand Five Hundred Sixty Six only) being the total amount of transmission and wheeling charges unlawfully recovered from the Petitioner, together with interest on the said amount @ 18% p.a. from January 2015 onwards and no later than seven (7) days from date of order or credit such wrongful recovery of transmission and wheeling charges in the ensuing bills of the Petitioner;

b. Direct Respondent to levy wheeling and transmission charges only on the actual consumption for STOA;

c. Direct Respondent to not levy arbitrary conditions on open access permission of scheduling on RTC basis;

d. Direct Respondent to forthwith correct the bills raised upon the Petitioner from June, 2016 due to incorrect adjustment of power;

e. Direct Respondent to refund/credit the amount of Rs.39,96,755/- (Rupees Thirty Nine Lakh Ninety Six Thousand Seven Hundred Fifty Five only) together with interest on the said amount @ 18% p.a. from June 2016 onwards; in respect of loss incurred by the Petitioner on account of alleged over-injection of 5,41,786 units which occurred due to incorrect billing method followed by Respondent within fifteen (15) days from the date of order by way of refund or credit in ensuing bills;

f. Direct Respondent to adopt correct practice of set-off of open access power i.e. first conventional OA power and then RE power in accordance with DOA 2016 and the Order of this Hon'ble Commission dated August 11, 2017 in Case No.139 of 2016;

- g. Direct Respondent to comply with DOA 2016, Practice Directions and Orders of this Hon'ble Commission in letter and spirit for processing and grant of open access;*
- h. Direct Respondent to comply with DOA 2016, Practice Directions and Orders of this Hon'ble Commission in letter and spirit for billing open access consumers;*
- i. Award costs of this proceeding against the Respondent and in favour of the Petitioner; and*
- j. Pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

Interim Relief

- a) Pass an ad-interim order directing Respondent -to levy wheeling and transmission charges only on the actual consumption for STOA;*
- b) Pass an ad-interim order directing Respondent to not levy arbitrary conditions on open access permission of scheduling on RTC basis;*
- c) Pass an ad-interim order directing Respondent to adopt correct practice of set-off of open access power i.e. first conventional OA power and then RE power in accordance with DOA 2016, and the Order of this Hon'ble Commission dated August 11, 2017 in Case No.139 of 2016;*
- d) Pass such other order(s) as this Hon'ble Commission may deem just in the facts 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 **Thursday, 28 June, 2018 at 10.00 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 the authorised consumer representatives before the scheduled date of hearing.

4. The Respondent is directed to submit the say immediately on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition, with a copy to the Petitioner and authorized Consumer Representatives, the CRs may submit there say before hearing.

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)

M/s. Pudumjee Paper Products Limited
Thergaon, Chinchwad,
Pune - 411 033.
E-mail : - dipali@eternitylegal.com

Petitioner

The Chief Engineer (Commercial),
Maharashtra State Electricity Distribution Co. Ltd
Plot No G-9, Prakashgad, 5th floor, Station Road,
Bandra (East), Mumbai - 400 051
E-mail: - cecommho@gmail.com

Respondent

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,
1st Floor, Udyog Bhavan,
Civil Line,
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
25, Shantiniketan Colony,
Near Shani Mandir,
Aurangabad – 431001
Email - hemantkapadia00@hotmail.com