

NOTICE

Subject: Petition of M/s. Prithvi Ferro Alloys Pvt. Limited for disputes between the Petitioner and the Respondent pertaining to settlement/ netting of start-up power entirely consumed by the Petitioner, application for appropriate tariff category for start-up power and consequent relief of refund of charges to the Petitioner towards excess start up power charges paid during April 2014 to May 2015(13 months) is Rs.88,63,101.43/- and consequent reliefs.

- **Case No. 161 of 2018**

M/s. Prithvi Ferro Alloys Pvt. Limited has submitted a Petition on 04.06.2018 under Section 61, 62 read with 86(1)(a), (b) and (f) and further read with Section 142 of the Electricity Act, 2003 for disputes between the Petitioner and the Respondent pertaining to settlement/ netting of start-up power entirely consumed by the Petitioner, application for appropriate tariff category for start-up power and consequent relief of refund of charges to the Petitioner towards excess start up power charges paid during April 2014 to May 2015(13 months) is Rs.88,63,101.43/- and consequent reliefs.

The main prayers of the Petitioner are as under-

- a. *Declare/ clarify that the order dated 20.04.2018 passed Case No.127 of 2016 passed by this Hon'ble Commission is generic in nature and is applicable to all similarly placed consumers including the Petitioner herein and accordingly the Petitioner is entitled to get revision of its energy bills for the subject period from April, 2014 to May, 2015 as per the industrial tariff applicable to HT industries and accordingly is entitled for refund;*
- b. *Declare that the Petitioner has to be classified as "Industrial Category" for the period April 2014 to May 2015 also for availing start-up power supply and accordingly the tariff applicable for industrial supply will be applicable to the Petitioner;*
- c. *declare that recovery of Rs.88,63,101.43/- as per Annexure-F on account of start-up power during April 2014 to May 2015 is illegal and unjust being without any authority of law, without jurisdiction and contrary to the provisions of the Electricity Act, 2003 and Regulations made thereunder;*
- d. *direct refund of amounts paid by the Petitioner towards start up power during April 2014 to May 2015 is Rs.88,63,101.43/- on account of excess recovery of charges for start-up by incorrect categorization of Petitioner in to HT- Commercial;*
- e. *Award interest @ prime lending rate on the excess amounts recovered as per statement at Annexure 'F' and further interest till excess amounts are refunded to the Petitioner;*
- f. *pass such other order(s) and direction(s) that this Hon'ble Commission may deem fit in the facts and circumstances of the 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 **Tuesday, 10 July, 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/-
(Anilkumar Ukey)
Dy. Director (Legal)

M/s. Prithvi Ferro Alloys Pvt. Ltd.
at LUSING Tower,
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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
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Respondent

Cc: Institutional Consumer Representatives:-

Prayas (Energy Group)
Unit III A & B, Devgiri,
Joshi Railway Museum lane,
Kothrud Industrial Area,
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E-mail: peg@prayaspune.org

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
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Mumbai Grahak Panchayat,
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Maharashtra Chamber of Commerce,
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Chamber of Marathwada Industries & Agriculture
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Cc: Individual Consumer Representatives:-

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