

NOTICE

Subject: Petition of Mahindra & Mahindra Limited against MSEDCL for violation of Clause No. 16.3 of the MERC (Distribution Open Access) Regulations, 2016 related with Power factor Incentive on open access charges paid by HT consumer, hence liable for action under section 142 & 146 of Electricity Act, 2003.

- **Case No. 179 of 2018**

Mahindra & Mahindra Limited has submitted a Petition on 16.06.2018 against MSEDCL for violation of Clause No. 16.3 of the MERC (Distribution Open Access) Regulations, 2016 related with Power factor Incentive on open access charges paid by HT consumer, hence liable for action under section 142 & 146 of Electricity Act, 2003.

The main prayers of the Petitioner are as under-

1. *To admit the petition and impose penalty on the respondent as worked out as per section 142 & 146 of Electricity Act 2003 for contravention of power factor Incentive Clause No. 16.3 of DOA Regulations, 2016 and also Section-45 of Electricity Act, 2003.*
2. *Also admit petition as per section 32 of DOA regulations, 2016 for settlement of dispute about PF incentive rebate in r/o our both the plants availed open access power during the period mentioned above.*
3. *As per Commission's Order dt.28.11.207 for Case No. 110 of 2017 MIAL Vs TPC and APTEL's judgment dt.23.04.2018 for Case No. 36 of 2018, power factor incentives is equally applicable on the OA charges collected by Licensees. To avoid discrimination, the MSEDCL may also be directed to comply these directions pay the PF incentive due to us on the open access charges (Transmission charges, Wheeling loss/charges, CSS & Addl. SC etc.) collected.*
4. *To pay the interest applicable till date of credit on power factor incentive amount due for refund at bank rate permissible u/s 62(6) of Electricity Act, 2003.*
5. *To compensate towards mental agony, stress, travelling expenses and other misc. expenses, the licensee may be asked to pay Rs.50,000/-*
6. *To permit us to make further submission, addition & alteration in this petition as may be required from time to time.*
7. *To condone any error/omission and give us opportunity to rectify the same during the course of proceedings.*
8. *To pass any such order by Hon. Commission which may be in the interest of consumer & justice by safeguarding rights of the consumers.*

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 **Monday, 24 September, 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 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.
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)

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Petitioner

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Respondent