

NOTICE

Subject: Petition of Bhadreshwar Vidyut Private Limited (formerly known as OPGS Power Gujarat Private Limited) in accordance with the Order passed by this Hon'ble Commission in Case No. 23 of 2017 dated 17.01.2018 against unlawful action of MSEDCL in issuing the letter dated 29.05.2018 thereby making the captive users of the Petitioner liable to pay CSS and Additional Surcharge for the power procured for captive use in FY 2017-18.

- **Case No. 175 of 2018**

Bhadreshwar Vidyut Private Limited (formerly known as OPGS Power Gujarat Private Limited) has submitted a Petition on 15.06.2018 under Sections 9(2), 42, 57, 60 and 86(1) (c), 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 in accordance with the Order passed by this Hon'ble Commission in Case No. 23 of 2017 dated 17.01.2018 against unlawful action of MSEDCL in issuing the letter dated 29.05.2018 thereby making the captive users of the Petitioner liable to pay Cross Subsidy Surcharge and Additional Surcharge for the power procured for captive use in FY 2017-18 and Petition seeking quashing of the letter dated 29.05.2018 issued by MSEDCL wherein threat has been issued for levy of Cross Subsidy Surcharge and Additional Surcharge on the captive users of the said Petitioner.

The main prayers of the Petitioner are as under-

- a) *Declare that Petitioner qualifies as a captive generating plant for the FY 2017-18;*
- b) *Quash the letter dated 29.05.2018 (Annexure P-1) issued by the Respondent to the Petitioner wherein Cross Subsidy Surcharge and AS for FY 2017-18 has been imposed on the captive users of the Petitioner;*
- c) *Declare that the Respondent has abused its dominant position, in terms stated in the present petition;*
- d) *Direct the Respondent to pay compensation to the Petitioner as may be computed by this Hon'ble Commission in accordance with Section 57(2) read with Section 60 of the Electricity Act, 2003 on account of abuse of dominant position;*
- e) *direct the Respondent to pay damages to the Petitioner on account of the shutdown of the power plant by the said Petitioner for calendar month of March 2018; 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 **Friday, 21 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 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.
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)

Bhadreshwar Vidyut Private Limited
(formerly known as OPGS Power Gujarat Private Limited)
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Gujarat - 370 411
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siddhant.singh@opgpower.com / desk@praxiscounsel.com

Petitioner

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

Respondent

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

Cc:- The Chief Engineer
Maharashtra State Load Dispatch Centre,
Kalwa, Thane - Belapur Road,
Airoli, Navi Mumbai - 400 708
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