

NOTICE

Subject: Petition of ITC Limited pertaining to wrongful denial/restriction of short term open access applications under Section 42 of the Electricity Act, 2003 read with the provisions of the MERC (Distribution Open Access) Regulations, 2016

- **Case No. 370 of 2018**

ITC Limited has filed a Petition on 26.12.2018 pertaining to wrongful denial/restriction of short term open access applications under Section 42 of the Electricity Act, 2003 read with the provisions of the MERC (Distribution Open Access) Regulations, 2016

The main prayers of the Petitioner are as under-

a) *Declare and hold that the actions of the Respondent in denying short term open access to Applicant-1 for the months of August 2016, September 2016, January 2017 and February 2017 were arbitrary, irrational, unreasonable and contrary to the DOA Regulations 2016 and principles of the Electricity Act, 2003;*

b) *Declare and hold that the actions of the Respondent in denying short term open access to Applicant-2 for the months of January 2017 and May 2017 were arbitrary, irrational, unreasonable and contrary to the DOA Regulations 2016 and principles of the Electricity Act, 2003;*

c) *Direct the Respondent to pay the Petitioner a sum of Rs 1,35,84,680/- (Rupees One Crore Thirty Five Lakh Eighty Four Thousand Six Hundred Eighty Only) for 23,91,669 units generated for supply to Applicant-1 for which open access permission was wrongfully curtailed and denied by the Respondent;*

Or

Direct the Respondent to set off the said sum of Rs 1,35,84,680/- (Rupees One Crore Thirty Five Eighty Four Six Hundred Eighty Only) with dues as and when payable by the Petitioner to the Respondent;

d) *Direct the Respondent to pay the Petitioner a sum of Rs 61,19,223/- (Rupees Sixty One Lakh Nineteen Thousand Two Hundred Twenty Three Only) for 13,44,884 units generated for supply to Applicant-2 for which open access permission was wrongfully curtailed and denied by the Respondent;*

Or

Direct the Respondent to set off the sum of Rs. 61,19,223/- (Rupees Sixty One Lakh Nineteen Thousand Two Hundred Twenty Three Only) with dues as and when payable by the Petitioner to the Respondent;

e) Direct the Respondent to pay the Petitioner a sum of Rs 52,35,000/-(Rupees Fifty Two Lakh Thirty Five Thousand Only) for the loss of RECs, denied to the Petitioner for the wind energy generated in the months of August 2016, September 2017, January 2017, February 2017 and May 2017;

f) Direct the Respondent to grant STOA to the Petitioner and/or other consumers of the Petitioner for subsequent months in a timely manner in accordance with law;

g) Direct Respondent to adhere to timelines as provided in DOA Regulations and Practice Directions under the DOA Regulations for processing open access applications;

h) Award costs of these proceedings against the Respondent and in favour of the Petitioner; and

i) Pass such other order(s) as the 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 on **Monday, 28 January, 2019 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

The 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 : - cecommho@gmail.com

Respondent