

**NOTICE**

Subject: The Petitioner The Tata Power Company Limited (Distribution) has filed under the provision of the Electricity Act, 2003 ("Electricity Act") seeking quashing of Maharashtra State Power Committee's Provisional Fixed Charge Bill under Intra State ABT for FY 2011-12 to FY 2017-18 dated 25.01.2019 and for direction.

**-MA No. 4 of 2019 in Case No. 25 of 2019**

The Petitioner along with this Petition has filed Miscellaneous Application seeking urgent listing of the captioned Petition on the ground that Petitioner need Interim protection in respect of prayer clause "c" and "d". against Maharashtra State Power Committee (MSPC)/MSLDC from the enforcement of the Fixed Charges Bill.

1) The Applicants/Petitioner prays are as under:

“

- a) *Hold and declare that the Provisional Fixed Charges Bill under the Intra-State ABT for FY 2011-12 to FY 2017-18 dated 25.01.2019 issued by the Maharashtra State Power Committee is not in accordance with the principles/methodologies set out by this Hon'ble Commission in Para 4.2.3 of its Order dated 17.05.2007 in Case No. 42 of 2006 read with Para 7.3.2 of the Final Balancing and Settlement Code, 2009;*
- b) *Quash and set aside the Provisional Fixed Charges Bill under the Intra-State ABT for FY 2011-12 to FY 2017-18 dated 25.01.2019 issued by the Maharashtra State Power Committee;*
- c) *Pending adjudication of the present proceedings, pass an ex-parte, ad-interim order staying the operation and/or enforcement of the Provisional Fixed Charges Bill under the Intra-State ABT for FY 2011-12 to FY 2017-18 dated 25.01.2019 issued by the Maharashtra State Power Committee and no coercive steps be taken against Tata Power-D*
- d) *Alternatively, pending final disposal of Case No. 297 of 2018 filed by MSEDCL pass an ex-parte, ad-interim order staying the operation and/or enforcement of the Provisional Fixed Charges Bill under the Intra-State ABT for FY 2011-12 to FY 2017-18 dated 25.01.2019 issued by the Maharashtra State Power Committee and no coercive steps be taken against Tata Power-D*
- e) *Pass appropriate direction, in the interest of transparency, directing issuance of public notice for conducting of a public hearing in the present petition and in Case No. 297 of 2018 filed by MSEDCL as the impact of both the Petitions will be on the distribution Licensees, including Tata Power-D's consumers;*
- f) *Pass such other or further order/orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”*

Page - 2

- 2) I am directed to communicate that the hearing in the above matter on ad-interim relief will be held on **Wednesday, 06 February, 2019** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.
- 3) The Applicant/Petitioner is directed to immediately serve a copy of its above mentioned Application/Petition (both in soft and hard Copy) to the Respondents before the scheduled date of hearing.
- 4) The Respondents are 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)

The Tata Power Company Limited -Distribution,  
Bombay House,  
24, Homi Mody Street,  
Fort, Mumbai – 400 001

Petitioner

Also At:-

Corporate Center A, 34 Sant Tukaram Road, Carnac Bunder,  
Mumbai 400 009, Maharashtra, India.  
E-mail:-bhaskar.sarkar@tatapower.com

Maharashtra State Power Committee  
Through its secretary  
State Load Despatch Centre,  
Airoli,  
Navi Mumbai 400 708  
E-mail : - [cesldc@mahasldc.in](mailto:cesldc@mahasldc.in)

Respondent - 1

Maharashtra State Load Despatch Centre  
Thane-Belapur Rd.  
P.O. Airoli,  
Navi Mumbai 400708  
E-mail:- [cesldc@mahasldc.in](mailto:cesldc@mahasldc.in)

Respondent - 2

Maharashtra State Electricity Distribution Company Limited  
at PRAKASHGAD  
Plot No. G-9, Bandra (East)  
Mumbai – 400 051  
E-mail :- [setrcmsedcl@gmail.com](mailto:setrcmsedcl@gmail.com)

Respondent - 3