

NOTICE

Subject:- Petition filed by M/s Aquapharm Chemicals Private Limited under Section 86 (1) (f), Section 142 with Section 42(2) and other applicable provisions of the Electricity Act, 2003 for issuing necessary directions against the respondent for non – compliance of the order dated 05/04/2019 in the grant of open access and seeking damages for wrongful denial of Open Access.

Case No. 139 of 2019

M/s Aquapharm Chemicals Private Limited has filed a Petition on 10.06.2019 Petition under Section 86 (1) (f), Section 142 with Section 42(2) and other applicable provisions of the Electricity Act, 2003 for issuing necessary directions against the respondent for non – compliance of the order dated 05/04/2019 in the grant of open access and seeking damages for wrongful denial of Open Access.

The main prayers of the Petitioner are as under-

- (a) *Hold and direct MSEDCL to forthwith grant open access with effect from 1st May 2019 to the Petitioner pending the installation of SEMs by MSEDCL at the wind turbine of the Petitioner;*
- (b) *Direct MSEDCL to install the SEMs at the generating station of the Petitioner forthwith;*
- (c) *Hold and direct MSEDCL to give credit for the electricity injected by the Petitioner to its captive consumption from 01/05/2019;*
- (d) *Hold and direct that MSEDCL to pay a principal amount of Rs. 791.72 lakh as compensation for the loss caused on account of the illegal and wrongful denial of open access for the period up to 30th April 2022,*
- (e) *Hold and direct MSEDCL to compensate the Petitioner for any further losses caused beyond 31/05/2019 due to the wrongful denial of open access on account of non-availability of SEMs at the wind turbine generator;*
- (f) *Award interest on the compensation payable in terms of prayer (b) and (c) above at the rate of 18% per annum payable till the date the compensation is paid by MSEDCL to the Petitioner;*
- (g) *Initiate penal action against MSEDCL under Section 142 for violation of the provisions of the DOA Regulations and also the directions of the Hon'ble Commission in Case No. 34 of 2019;*

(h) Award costs of the present proceedings in favour of the Petitioner and against the Respondent MSEDCL;

(i) Pass such other further order or orders as the Hon'ble Commission may deem just, fit and proper.

2. I am directed to communicate that the hearing in the above matter will be held on **Tuesday, 23 July, 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 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)

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Petitioner

The Chief Engineering (Commercial),
Maharashtra State Electricity Distribution Co. Ltd
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Anant Kanekar Marg,
Bandra (East), Mumbai - 400 051
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Respondent