

NOTICE

Subject: Petition of Bharat Mumbai Container Terminals Private Limited against Maharashtra State Electricity Distribution Company Limited and Jawaharlal Nehru Port Trust for non-compliance of directions contained in Order dated 24.05.2010 passed by the Hon'ble Commission in Case No. 62 of 2009.

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Interim Application

Case No. 176 of 2020 and MA No. 8 of 2021

The Applicant /Original Petitioner M/s. Bharat Mumbai Container Terminals Private Limited has filed an Interim Application on 24.03.2021 under Section 94 (1) (b), 94 (2) of the Electricity Act, 2003, Regulation 68, 82 (a) of CBR Regulations, 2004. Application to bring on record additional documents and seeking consequential directions and also to seek appropriate Orders for production of documents.

The main prayers of the Petitioner are as under-

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- (a) *Take on record the Electricity Bill for January 2021 issued by JNPT and pending adjudication and final disposal of the present Application, pass necessary consequential directions in relation to execution of the Distribution Franchisee Agreement dated 05.01.2021 to ensure that Jawaharlal Nehru Port Trust henceforth does not levy any charges including Electricity Service Charges of 20%, on Bharat Mumbai Container Terminals Private Limited which are contrary to the provisions of Electricity Act and over and above of the approved regulated tariff;*
- (b) *Pending adjudication and final disposal of the present Application, direct Maharashtra State Electricity Distribution Company to ensure that Jawaharlal Nehru Port Trust to only recover tariff as per 'Annexure-I Tariff Schedule for FY 2020-21 to FY 2024-25 of the Tariff Order dated 30.03.2020 in Case no.322 of 2019 in compliance with direction the Order dated 24.05.2010 passed in Case No. 62 of 2009.*
- (c) *Issue appropriate directions against JNPT and MSEDCL for Production, disclosure and to bring on record:*
 - (i) *Settlement Terms concluded between the parties vide Minutes of Order dated 25.11.2016 as recorded in Order dated 25.11.2016 passed by the Hon'ble High Court of Bombay in Writ Petition No. 7092 of 2013 and*

(ii) Communications relating to execution of the Distribution Franchisee Agreement dated 05.01.2021;

(d) pass any order and/or any such orders as this Hon'ble Commission may deem fit and proper under the facts and circumstances of the present case and in the interest of justice."

1. I am directed to communicate that the Commission the Petitioner is directed to immediately serve a copy of its above-mentioned Petition in soft copy to the Respondents/Impleaded Respondents and hard copy immediately after the lockdown is over and file acknowledgement to the office of the Commission thereafter.
2. The Respondents/ Impleaded Respondents are directed to submit the say with documents if any, in soft copy on the above –mentioned Petition immediately with a copy to the Petitioner and on affidavit in 1+1 copies to the Commission immediately, after lockdown is over with a copy to the Petitioner.
3. 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+1 copies of all relevant documents/citations produced during the proceedings.
4. I am directed to communicate that e-Hearing in this matter is scheduled on, **Friday, 09 April 2021 at 10.30 am**. Kindly refer the Practice Directions dated 18 February, 2021 available on MERC website (www.merc.gov.in) for the protocol to be followed for and during the e-Hearing.
5. Petitioner(s) and Respondent(s) shall communicate the name(s), email ID(s), contact number(s), and the address(es) of their Representative(s) (maximum 3 persons) who will be attending e-Hearing. MERC – IT Team will communicate the credentials for login into e-Hearing Application and will also provide assistance for using this Application.
6. Documents to be referred during the e-Hearing shall be emailed to 'ehearing@merc.gov.in' at least one day before the scheduled e-Hearing. The said documents will be uploaded in e-Hearing Application for reference of the Commission and all concerned parties. During the e-Hearing, parties shall refer these uploaded documents only.
7. All communication related to e-Hearing shall be made on 'ehearing@merc.gov.in' mentioning MERC Case number.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

Bharat Mumbai Container Terminals Private Limited
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Applicant Original
Petitioner-

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Respondent No.1

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Respondent No.2