

NOTICE

Subject: Urgent hearing in Petition of Maharashtra Industrial Development Corporation (MIDC) invoking the provisions of Section 86 (1) (e) and (f) read with Sections 9 and 42 (2) of the Electricity Act, 2003 and further read with Rule 3 of the Electricity Rules, 2005, the latter to the extent of seeking reasonable time for adopting appropriate remedy in accordance with law, qua captive status for its Barvi SHP. This Hon'ble Commission is the parens patriae in respect of RE Generation in the State. As such, non-compliance with the Statutory Provisions.

- **Diary No. 143 of 2021**

The Petitioner Maharashtra Industrial Development Corporation (MIDC) filed Petition invoking the provisions of Section 86 (1) (e) and (f) read with Sections 9 and 42 (2) of the Electricity Act, 2003 and further read with Rule 3 of the Electricity Rules, 2005, the latter to the extent of seeking reasonable time for adopting appropriate remedy in accordance with law, qua captive status for its Barvi SHP. This Hon'ble Commission is the parens patriae in respect of RE Generation in the State. As such, non-compliance with the Statutory Provisions.

The main prayers of the Petitioner are as under-

- a) *this Hon'ble Commission be pleased to stay the letter of Demand No. 41337 dated 01.11.2021 read with Electricity Bill for the month of August 2021 dated 13.09.2021, SE/KC-II/HTB/3026 dated 13.08.2021, SE/KC-II/HTB/3325 dated 02.09.2021, SE/KC-II/HTB/3895 dated 02.09.2021, Notice of disconnection under Section 56 (1) of the Electricity Act, 2003 dated 27.08.2021 and Notice of disconnection under Section 56 (1) of the Electricity Act, 2003 dated 28.09.2021 (impugned demands and bill of MSEDCL) in view of non-consideration and declaration of the Captive Status of the SHP at Barvi Dam or otherwise, by the Distribution Licensee, MSEDCL from 2016 to 2021 as directed by law and orders passed by this Hon'ble Commission and issue directions for filing of appropriate proceedings qua determination of the captive status of Barvi SHP.*
- b) *this Hon'ble Commission be pleased to grant reasonable and sufficient time to the Petitioner, MIDC, to adopt appropriate proceedings for determination of the Captive Status of Barvi SHP, in accordance with the principles and protocols for determination of Captive Status of a generating Station as laid down by this Hon'ble Commission, to enable the Petitioner, MIDC to avail of a mode of redress by approaching this Hon'ble Commission for declaration of its Captive Status for Barvi SHP, for the impugned period November 2016 to June 2021.*
- c) *this Hon'ble Commission be pleased to restrain the Respondent, MSEDCL from raising any demands / bill or taking any coercive steps including disconnection of electricity connection on the ground of non-payment of CSS and ASC, till the captive status of the Barvi SHP is decided by this Hon'ble Commission.*

- d) *this Hon'ble Commission be pleased to condone any delay and laches on the part of MIDC in approaching this Hon'ble Commission for declaration of its Captive Status for the period November 2016 to June 2021.*
- e) *urgent ad-interim relief in terms of prayer clause (a) and (c) above*
- f) *pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

1. I am directed to communicate that urgent e-Hearing in this matter is scheduled on, **Monday, 15 November, 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.
2. I am directed to communicate that the Petitioner is directed to serve a copy of its above-mentioned Petition in soft copy to the Respondents/Parties and a original hard copy on affidavit along with soft copy (PDF & Word) of the same with acknowledgement immediately to the office of the Commission thereafter.
3. The Respondent is 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 an original hard copy of the same on affidavit along with soft copy (PDF & Word) to the Commission immediately.
4. Kindly note that the Commission has launched its 'E-Filing Application' from 15 August 2021. All new Petitions filed post 1 May 2021 needs to be filed through 'E-filing Application'. Similarly, all Reply/Rejoinder or any other document in such Cases also needs to be filed through 'E-Filing Application'. Parties may refer Practice Directions dated 1 May 2021 in this regard on the website of the Commission <https://www.merc.gov.in> .
5. The Parties who have filed petition prior 1 May 2021 shall file Application/Documents /Replies etc. in the office of the Commission in single original copies. In addition, all the documents shall also be filed through e-mail on "ehearing@merc.gov.in" (soft copy in Word and PDF) along with the scanned copy of the acknowledgment of filing the hard copy, citations produced during the proceedings.
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. 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.

8. All communication related to e-Hearing shall be made on 'ehearing@merc.gov.in' mentioning MERC Case number.

Sd/-
(Anilkumar Ukey)
Director Legal, (I/c.)

Maharashtra Industrial Development Corporation
Having its registered office at 4, 4(A)
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Petitioner

The Chief Engineer (Commercial)
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Respondent