

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005  
Tel. 022 22163964/65/69 Fax 22163976  
Email: [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in)

**Case No. 85 of 2008**

**In the matter of**  
**Petition of MSEDCL seeking directions in respect of EPA dated 2.9.2002**  
**executed between MSEDCL and M/s. Purti Sakhar Karkhana Limited**

**Shri A. Velayutham, Member**  
**Shri S. B. Kulkarni, Member**

Maharashtra State Electricity Distribution Co. Ltd.  
Plot No. G-9, “Prakashgad”  
Bandra (East),  
Mumbai – 400 051

....Petitioner

Versus

M/s. Purti Sakhar Karkhana Limited  
2<sup>nd</sup> Floor, Khadi Gramudyog Building  
Gandhi Sagar Mahal  
Nagpur – 440 032

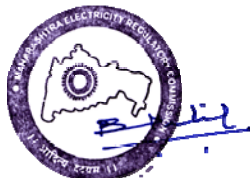
....Respondent

**INTERIM ORDER**

**Dated: October 27, 2008**

Shri. Vikas Singh, Senior Advocate appeared for the Petitioner. Shri. S.P. Dharmadhikari, Senior Advocate appeared for the Respondent. It has been submitted by the Petitioner that for providing short-term open access upto 31.10.2008, Petitioner has issued its no-objection to the Respondents subject to orders that may be passed by the Commission. In the meanwhile, the present petition has been filed before the Commission for adjudication of dispute relating to the EPA dated 2.9.2002. Several prayers have been made in the Petition. The Petitioner has also prayed for an interim order till such time the case is finally disposed of. The specific prayer seeking interim order reads as under:

*“5. MERC is requested to hear the case urgently and pass orders and / or interim orders on any of the issue till such time MERC finally decides on this issue. MERC is also requested to pass an interim order on the issue of giving short term open access beyond 31.10.2008.”*



2. Various issues have been raised by both parties with counter arguments advanced by both sides, as well as under reply filed by Respondents on 16.10.2008, additional reply on 20.10.2008, and rejoinder filed by Petitioner on 22.10.2008. These are complex issues that would be required to be deliberated upon carefully before the Commission could give its findings. In the meanwhile, in view of the aforesaid prayer made by Petitioner seeking interim order and in the interests of justice, the Commission passes the following interim order:

Since the Petitioner has on its own issued NOC permitting short term open access to the Respondent upto 31.10.2008, for permitting the Respondent to sell its power generated on coal / fossil fuel to M/s. RETCL, there is neither any ground nor any reason for the Commission to interfere in the present arrangement at this stage and the same should continue beyond 31.10.2008, until further orders are passed.

This is an interim order of the Commission which is subject to further orders in this matter.

Sd/-  
(S.B. Kulkarni)  
Member

Sd/-  
(A. Velayutham)  
Member



(P.B. Patil)  
Secretary, MERC