

NOTICE

Subject: In the matter of implementation of the Judgment dated 16th December, 2011 given by the Hon'ble Appellate Tribunal for Electricity, in Appeal No. 39 of 2011, filed by Mula Pravara Electric Co-op Society Ltd. challenging the Commission's Order dated 27.01.2011.

The Mula Pravara Electric Cooperative Society (MPECS), Shrirampur was established in the year 1969-70 and was granted a license by the State Government in the year 1971 for a period of 20 years to distribute the power in five specific Talukas (MPECS area) in the District of Ahmednagar in Maharashtra. The MPECS commenced its functioning w.e.f. 1.3.1971 and took over the electrical distribution network of Maharashtra State Electricity Board. The said license was renewed for another 20 years i.e. from 1991 to 2011. Their term of license of MPECS has expired on 31.1.2011.

On 28th July, 2010, the Commission published a Notice inviting "Expression of Interest" (EoI) from the prospective applicants, having expertise in electricity distribution, for distributing electricity in the MPECS area of supply. Six entities, including the MPECS have submitted their respective proposals expressing their interest in distributing electricity in the area served by the MPECS. On 5th October, 2010, the Commission directed all the entities who have submitted their EoI, to submit an application for grant of Distribution License in the MPECS area, in accordance with Section 14 and 15 of the Electricity Act, 2003, read with the MERC (General Conditions of Distribution License) Regulations, 2006. Applications from two parties, namely the MPECS and the MSEDCL have been taken by the Commission for consideration.

After hearing the parties and the public, the Commission vide Order dated 27th January, 2011, rejected the application of the MPECS for grant of distribution license and granted license to the MSEDCL and amended the license of the MSEDCL by merging MPECS area of supply with MSEDCL area of supply. The Commission further directed the MPECS to handover its distribution network assets and equipments, including the consumer Security Deposits, to the MSEDCL.

The MPECS had preferred an Appeal before the Hon'ble Appellate Tribunal for Electricity (ATE) challenging the Commission's aforesaid Order dated 27th January, 2011. The Hon'ble ATE vide Judgment dated 16th December, 2011, was pleased to direct, inter alia, as follows:

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77. In view of our above findings we set aside the impugned order dated 27.1.2011 and remanded to the Commission with the direction to reconsider the application for license of the Appellant and dispose of on merits in accordance with the provisions of the Act and its own General Conditions of Supply Regulations and with a further direction to consider for grant of license to both the parties by allowing them to operate in the same area.

78. The Appeal is allowed. However, there is no order as to Costs.

After pronouncement of judgment, the learned Counsel for the parties request for issuing of consequential directions with regard to the existing arrangements and the time frame. Accordingly, we direct the Commission that the process to be completed within three months from today and in the meantime, the existing arrangement may be continued subject to payment of charges to the Appellant to be decided by the Commission after hearing all the parties concerned.”

I am directed to communicate that a preliminary hearing for the implementation of the aforesaid Judgment dated 16th December, 2011, passed by the Hon'ble ATE, will be held in the presence of authorised consumer representatives on **Tuesday, 31st January, 2012, at 11.00 hrs**, in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.

(P.B. Patil)
Registrar

Encl: Copy of the APTEL Order dated 16.12.2011

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