

No. MERC/Case No. 37 of 2010/
August 23, 2010

NOTICE

Subject: Petition of M/s The Tata Power Company Ltd assailing the legality and propriety of letters dated 16th May 2010, 18th May 2010 and 12th June 2010 and of the letter dated 30th June 2010 issued by the Respondent No.1- Maharashtra State Load Dispatch Centre, thereby refusing to schedule 160 MW and 100 MW power respectively. – **Case No. 37 of 2010**

M/s The Tata Power Company Ltd (TPC) have submitted a Petition under affidavit on 20.08.2010, under Section 86 (1) (c), 33(4) and 142 of the EA, 2003, r/w Regulation 35 of the (State Grid Code) Regulation, 2006 assailing the legality and propriety of letters dated 16th May 2010, 18th May 2010 and 12th June 2010 and of the letter dated 30th June 2010 issued by the Respondent No.1- Maharashtra State Load Dispatch Centre, thereby refusing to schedule 160 MW and 100 MW power respectively. The following are the main prayers of the Petitioners:

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- a. *quash and set aside the impugned letters dated 16th May 2010, 18th May 2010 and 12th June 2010 issued by the respondent no.1 – Maharashtra State Load Dispatch Centre, thereby refusing to schedule 160 MW, which the Petitioner's distribution has contracted to produce through a PPA to meet the load requirements of its consumers in Mumbai license area;*
- b. *quash and set aside the impugned letters dated 30th June 2010, issued by the Respondent no.1 refusing to schedule 100 MW power to Tata Power- Distribution from 1st July 2010 onwards, which the Petitioners distribution division has contracted to procure through a PPA to meet the load requirements of its consumers in Mumbai license area;*
- c. *direct that the Tata Power-Distribution shall be entitled to compensation from the Respondent no.1 for the power bought from the spot/UI/short-term power market, up to 160MW not scheduled to the Petitioner from 00:00 hrs of 17th May 2010 and again from 00:00 hrs of 14th June 2010, until such power is finally scheduled;*
- d. *direct that the Tata Power- Distribution shall be entitled to compensation from the Respondent No.1 for the power bought from the spot/UI/short-term power market, up to 100MW not scheduled to the Tata Power- Distribution from 1st July 2010 onwards, until such power is finally scheduled;*
- e. *Direct the Respondent No.1 to show cause and thereafter impose the maximum penalty under section 142 of the Electricity Act, 2003.*
- f. *Direct the respondent no1 to schedule the power contracted by the Petitioner's distribution division, as per its requirements, with the respondent No.6 from time to time in accordance with the electricity Act, 2003 and the regulations framed by this Hon'ble Commission;*
- g. *Pass ex-parte ad interim order in terms of prayer (f) above;*

h. Pass such other and further orders / directions as the Hon'ble Commission may deem appropriate in the facts and circumstances of the case."

I am directed to communicate that the hearing in the above matter will be held in the presence of authorized consumer representatives on **Friday, 3rd September, 2010 at 12.30 hours at 31st floor, Seminar Hall No. 1 & 2, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.**

The Petitioner is directed to serve a copy of its above Petition along with its accompaniments (both in soft and hard versions) to the Respondents and authorized consumer representatives by 26th August, 2010.

The Respondents are directed to submit their comments, if any, on the above Petition with a copy served on the Petitioner and authorised consumer representatives.

(P.B. Patil)
Registrar, MERC

The Company Secretary,
Tata Power Company Limited,
Bombay House,
24, Homi Mody Street,
Mumbai 400 001.

Petitioner

The Chief Engineer
State Load Despatch Centre,
Thane-Belapur Road,
Post Airli, Navi Mumbai 400 708

Respondent No. 1

The Secretary (Energy)
Industries, Energy & Labour Department,
Government of Maharashtra,
Mantralaya, Mumbai 400 032.

Respondent No. 2

The Director,
Reliance Infrastructure Limited,
Reliance Energy Centre,
Santacruz (East),
Mumbai 400 055

Respondent No. 3

The General Manager,
BEST Undertaking,
BEST House,
BEST Marg, Mumbai 400 005

Respondent No. 4

The Managing Director,
Maharashtra State Electricity Transmission Co Ltd.
C-19, E-Block Prakashganga,
Bandra-Kurla Complex,
Bandra (East), Mumbai 400 051.

Respondent No. 5

The Managing Director,
Tata Power Trading Company Ltd.,
Corporate Centre, `A` Block,
34, Sant Tukaram road,
Carnac Bunder, Mumbai 400 006

Respondent No. 6

Cc: Prayas (Energy Group),
Amrita Clinic, Athawale Corner,
Lakdipool-Karve Road Junction,
Deccan Gymkhana, Karve Road,
Pune 411 004 E-mail: peg@prayaspune.org

Cc: Vidarbha Industries Association,
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Cc: Mumbai Grahak Panchayat,
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