

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

World Trade Centre, Centre No.1, 13th floor, Cuffe Parade, Mumbai 400 005.

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CASE Nos. 22 to 26 of 2003

In the matter of
Five applications filed by M/s BSES Limited, for grant of Distribution Licenses
in respect of
(i) Nashik 1 and 2 Divisions, (ii) Aurangabad (Urban) Circle, (iii) Nagpur (Urban) Zone, (iv)
Pune (Urban) Zone and (v) Vashi and Bhandup Circles.

Shri P. Subrahmanyam, Chairman
Shri Jayant Deo, Member
Dr Pramod Deo, Member

INTERIM ORDER

Dated: September 25, 2003

M/s BSES Limited have filed Applications on 8th September 2003 for grant of five Distribution Licenses for the areas comprising (i) Nashik 1 and 2 Divisions, (ii) Aurangabad (Urban) Circle, (iii) Nagpur (Urban) Zone, (iv) Pune (Urban) Zone and (v) Vashi and Bhandup Circles under the provisions of the Electricity Act, 2003, supported by affidavits. The Commission has fixed a preliminary hearing of all five Applications on 16th October, 2003. In the meantime, under their letter dated 18th September, 2003, M/s BSES Limited have drawn attention to the provisions of Section 15 (2) of the Electricity Act, 2003 which require, inter alia, that the Applicant “shall, within seven days after making such application, publish a notice of its application with such particulars and in such manner as may be specified”, and have sought the Commission’s advice since these matters have yet to be specified by the Commission through Regulations.

2. The Electricity Act, 2003 having been notified only recently, the process of formulating Regulations governing the grant of such licenses, including those concerning Section 15(2), has yet to be completed and is likely to take some more time. At the same time, it would not be desirable or appropriate to postpone the preliminary steps required for consideration of M/s BSES Limited’s Applications on this ground alone. The Commission, therefore, directs M/s BSES Ltd to publish separate notices of each of their Applications with the following particulars on or before 3rd October, 2003:

- a) Name of the Petitioner Company and brief subject matter of the Application (in bold as title), with their registered office address.

- b) The fact that an Application has been filed for grant of a Distribution License under Section 15 of the Electricity Act, 2003, along with brief details and salient features of the Application, including the area for which it is sought.
- c) The legal status of the Applicant, its share-holding pattern, management profile, summary of activities and past experience in similar activities.
- d) A statement that the Application and other documents filed before the Commission would be made available to any person applying for inspecting or obtaining them.
- e) The name, address and other necessary details of the person(s) under the control of the Applicant at the respective district headquarters with whom the Application and other documents can be inspected or from whom they can be purchased in person or by post at reasonable charges (not exceeding Rs.100/- per set), and stating that these can also be downloaded free of cost from the Applicant's website. As far as practicable, a copy of the Application may also be made available in Marathi, failing which a summary in Marathi should be made available.
- f) Specifying that the objections to the Application, if any, be filed (in six copies) before the Secretary, Maharashtra Electricity Regulatory Commission, 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005, with a copy to the Applicant, within thirty days of the issue of Public Notice, in English or Marathi.

3. The Public Notice in respect of each of the Applications shall be inserted by the Applicant in at least two leading English (in English) and three Marathi (in Marathi) daily newspapers with wide circulation particularly in the areas for which Distribution Licenses are sought. Individual notices should also be given to all the establishments / organisations referred to in Section 15(2)(ii) of the Act. Copies of the Public Notice published in each such newspaper shall be filed before the Commission on affidavit within seven days of their publication. Details of the persons who have inspected the documents and to whom they have otherwise been made available, as also objections, if any, filed with the Applicant, shall also be furnished to the Commission within a week after the expiry of the period of thirty days allowed for filing objections.

Sd/-
(Jayant Deo)
Member

Sd/-
(Dr Pramod Deo)
Member

Sd/-
(P. Subrahmanyam)
Chairman, MERC

Sd/-
(A.M. Khan)
Secretary, MERC