

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No. 1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 52 of 2009

**In the matter of
Petition filed by The Tata Power Company Ltd. for implementation of Order
dated 2nd February, 2009 in Case 46 of 2008 and Order dated 15th June, 2009 in
Case 113 of 2008**

The Tata Power Company Limited
Corporate Center 'B'
34, Sant Tukaram Road
Carnac Bunder
Mumbai 400 009

... Petitioner

Versus

1. Reliance Infrastructure Ltd.
Reliance Energy Centre
Santa Cruz (E)
Mumbai 400 055

2. The Brihan Mumbai Electricity Supply and Transport Undertaking
Power Management Division
1st Floor, Multistoried Annex Building
BEST Marg
Colaba, Mumbai 400 001

... Respondents

ORDER

Dated: November 23, 2009

The Tata Power Company Limited ('TPC') submitted a petition under affidavit before the Commission on 4th August, 2009, under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes with Brihan Mumbai Electricity Supply and Transport Undertaking ("BEST") and Reliance Infrastructure Ltd ('RInfra') for implementation of the Commission's directive with reference to Order dated 2nd February, 2009 in Case 46 of 2008 and Order dated 15th June, 2009 in Case 113 of



2008 with regard to the refund of excess surplus given by Tata Power-Generation to the three distribution licensees viz. BEST, RInfra and Tata Power-D.

2. TPC under its Petition prayed as under:

“(a) The Hon’ble Commission may direct the two distribution licensees to refund the said amounts as directed by the Hon’ble Commission in its Order dated 15th June 2009 in Case 113 of 2009.

“(b) The Hon’ble Commission may direct the two distribution licensees; RInfra and BEST to remit the amounts due to Tata Power-G immediately along with a carrying cost computed at an Interest Rate of SBI PLR.

“(c) The Hon’ble Commission may grant such further and other reliefs as may be necessary.”

3. TPC had through this Petition, requested the Commission to issue appropriate directions to BEST and RInfra for paying the dues of TPC.

4. Subsequently, TPC through its letter dated 29th September, 2009 cited the following developments:

“(i) **Payment from BEST**

Although BEST had suspended the payments to Tata Power in the matter for some time, it resumed the same subsequently.

(ii) **Payment from RInfra**

The Hon’ble Commission in Case 46 of 2009 has issued the necessary clarification in the matter.

The non-consideration of the amount of Rs. 8.50 crore in the ARR of RInfra is due to oversight and the fact that RInfra-D had not included the amount in its revised APR Petition, even though the Order in Case No. 46 of 2008 was issued before the revised APR Petition was submitted by RInfra-D. It is clarified that RInfra-D should refund this amount to TPC-G and include the same in its ARR Petition for FY 2009-10.”



5. Thereafter, TPC vide letter dated 6th October, 2009 alongwith an affidavit in support thereof, sought to withdraw their aforesaid Petition.

6. In view of the aforesaid affidavit seeking withdrawal of the petition, the same stands dismissed as withdrawn.

(V.L. Sonavane)
Member

(S.B. Kulkarni)
Member

(V. P. Raja)
Chairman



(Sanjay Sethi)
Secretary, MERC