

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.  
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Email: [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)  
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**Case No. 54 of 2009**

**In the matter of**  
**Petition filed by M/s. Deepak Fertilizers and Petrochemicals Ltd. seeking clarification with respect to re-classification of the tariff category of the petitioner from HT-I (Non-continuous) to HT-II (Commercial) pursuant to Order dated June 6, 2008 passed in Case No. 72 of 2007 (MSEDCL APR Order) by the Commission**

**Shri. V.P. Raja, Chairman**  
**Shri S. B. Kulkarni, Member**  
**Shri V. L. Sonavane, Member**

Deepak Fertilizers and Petrochemicals Ltd. ....Petitioner  
V/s  
Maharashtra State Electricity Distribution Co. Ltd. ....Respondent

**ORDER**

**15<sup>th</sup> December, 2009**

M/s. Deepak Fertilizers and Petrochemicals submitted a petition under affidavit on 20.07.2009 before the Commission seeking clarification with respect to re-classification of the tariff category of the Petitioner from HT-I (Non-Continuous) to HT-II (Commercial) pursuant to Order dated June 6, 2008 passed in Case No. 72 of 2007 (MSEDCL APR Order) by the Commission.

2. The prayers of the Petitioner are as follows:

*“a. The Hon’ble Commission be pleased to clarify in respect of re-classification of Petitioner in new category with higher tariff from earlier tariff category having lower tariff;*

b. *The Hon'ble Commission be pleased to clarify the philosophy adopted on basis of which the Petitioner tariff category is reclassified in to new tariff category;*

c. *Any just and equitable order in the interest of justice may kindly be passed."*

3. The Commission fixed an admissibility hearing in the matter on 16<sup>th</sup> October, 2009 vide Notice dated September 29, 2009. The hearing was adjourned at the request of the Petitioner. The next hearing was fixed on 9<sup>th</sup> November, 2009 vide Notice dated October 20, 2009. On the hearing held on 9<sup>th</sup> November, 2009, the Petitioner requested the Commission to keep the matter in abeyance as according to it the case was identical with an appeal preferred by Spencer's Retail Ltd., before the Hon'ble Supreme Court. However, the Commission did not accede to the Petitioner's request and fixed the matter for hearing on 30<sup>th</sup> November, 2009. On the hearing held 30<sup>th</sup> November, 2009, the Petitioner requested the Commission to permit it to withdraw its petition.

In view of the request made by the Petitioner, the present petition stands dismissed as withdrawn.

Sd/-  
(V. L. Sonavane)  
Member

Sd/-  
(S. B. Kulkarni)  
Member

Sd/-  
(V. P. Raja)  
Chairman



(Sanjay Sethi)  
Secretary, MERC