

RECORD OF PROCEEDINGS

DATE OF HEARING : 6th and 8th July 2011 at 11.00 hrs.
CASE NO. : 43 of 2010
PETITIONER : MSEDCL
MATTER : Review petition in the matter of determination of Cross Subsidy Surcharge and for determination of additional surcharge on the charges of wheeling to be recovered from a consumer & / or person, who has been granted Open Access.
CORAM : Shri V.P. Raja, Chairman
Shri Vijay L Sonavane, Member

A hearing was held on 6th July 2011 in the above matter in which all the Distribution Licensees presented their views on methodologies for calculation of Cross Subsidy Surcharge and thereafter the Commission provided an opportunity to all the Consumer Representatives and other stakeholders to present their views in the captioned subject matter. The Consumer Representatives who presented their views are Prayas (Energy Group), Thane Belapur Industries Association, Vidarbha Industries Association. Further, Shri Pratap Hogade, M/s Maharashtra Elektros melt, Chief Engineer (SLDC) have also presented their views.

Thereafter, the Commission informed all the parties concerned that Appeal Nos 4936 – 4941 of 2007 filed by APERC was pending before the Hon Supreme Court against the APTEL Judgement dated 5th July 2007. Furthermore the Commission informed that the issues pertaining to the Implementation of Open Access were discussed in the 24th Meeting of the Forum of Regulators (FOR) on the 16th June 2011, the details thereof are available in the website of the FOR. The hearing concluded in a lesser duration than expected and in view of the same the hearing which was supposed to be held on 7th July 2011 was cancelled. Thereafter the Commission felt it necessary to give an opportunity to all the concerned parties to study the aforesaid issues involved in the Appeal before the Hon. SC in addition to the issues discussed in the Meeting of the Forum of Regulators (FOR) held on the 16th June 2011,

since the issues raised were similar to the issues involved in the present case before the Commission and submit their views on the hearing to be held on 8th July 2011.

Scheduled a hearing was held on Friday 8th July 2011, in which the Commission provided opportunity to all the Distribution Licensees, Consumer Representatives & other stakeholders to present their views on the issues involved in the Appeal before the Hon. SC in addition to the issues discussed in the Meeting of the Forum of Regulators(FOR) on the 16th June 2011 and also informed that the appeals before the Hon. SC are listed on 12th July 2011 before the Registrar, Hon. Supreme Court. In response to which many of the Distribution Licensees & Other stakeholders requested more time to submit their views. Thereafter, the Commission directed all parties to make submissions in writing on affidavit, which should reach the Commission's Office within the next 10 days i.e. upto 18th July 2011. The Commission also distributed copies of the aforesaid APERC Appeal before the Hon. SC & the relevant extracts of the minutes of the meeting of the FOR along-with Annexure – IV to all the Distribution Licensees for the benefit of understanding the aforesaid issues.

Accordingly the next hearing is scheduled to be held on **26th July 2011 at 12.00 hrs.**

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List of persons who participated in the hearing held on 6th & 8th July 2011 in Case No. 43 of 2010

Persons attended the hearing held on 6th July, 2011

1. Shri Ajoy Mehta, MD, MSEDCL
2. Shri M.S. Kele, SE (CP), MWEDCL
3. Shri S.V. Bapat, SE (TRC), MSEDCL
4. Shri D.H. Kulkarni, EE (CP) MSEDCL
5. Shri A.,J. Deshpande, ED (Com), MSEDCL
6. Shri R.G. Sonwane, SE, (Comm), MSEDCL

7. Shri R.S. Sangle, JE, MSEDCL
8. Shri Vivek Mishra, Reliance Infrastructure
9. Shri Prashant Joshi, Tata Power Co Ltd.
10. Shri Ashok Sethi, (VP), Tata Power Co Ltd
11. Shri Mukesh Shah, Suzlon energy
12. Adv., Shri Ravi Prakash, Adv of MSEDCL
13. Shri P.. Karhade, Urja Prabodhan Kendra
14. Ms Ashwini Chitnis, Prayas (Energy Group)
15. Ms Ann Josey, Prayas Energy Group
16. Shri Pratap Hogade, Maharashtra Veej Grahak Sanghtana
17. Shri G.V. Patil, MVGS
18. Shri R.V. Athalye, Maharashtra Electros melt
19. Shri Abhijit Dhamdhare, IPPAI
20. Shri B.H. Gujrathi, SLDC
21. Shri P.B. Hote, SLDC
22. Shri Rahul Sinha, Adv for MSEDCL
23. Shri A.R. Bapat
24. Dr. Ashok Pendse, TBIA
25. Shri Mahesh InWEA
26. Shri K.N. Rajgopal, Chief Engineer, BEST
27. Shri S.D. Pawar, Dy Chief Engineer, BST
28. Shri M.M. Davare, BEST
29. Shri B.L. Ugale, AERC, BEST
30. Shri Kashyap Desai, Ushadev Power Holdings
31. Shri Sharad, Power Exchange India Ltd.
32. Shri Ankit Sharma, Power Exchange India Ltd.
33. Shri Sameer, Global
34. Shri Abhinav Sharma, TPC
35. Shri N. Ponrathnam, Vel Induction
36. Shri Aditya Bedekar, K. Raheja Corp.

37. Shri Gautam, TPC
38. Shri Pradeep Kumar, Suzlon
39. Shri Vaibhav Sinha
40. Shri S.K. Shivaraj Shivashri
41. Shri S.K. Parik, S.K. P.
42. Shri R.S. Bodalia, IPPAI
43. Shri Kiran ,Sakal
44. Shri R.R. Mehta, Reliance Infra
45. Shri P.S. Pandya, Reliance Infra
46. Shri Kapil Sharma, Reliance Infra
47. Shri Mikhail D IPPAI
48. Shri Banerjee, Reliance Infra
49. Shri S.P. Shinde, Bajaj Finserv
50. Shri Samarkant, Savita Oil Tec
51. Shri Laljio K Dwivedi, Pudumjee Paper
52. Shri A. Vijay, Reliance Infra
53. Shri R.B. Goenka, Vidarbha Industries Association
54. Shri N.K. Prakash, GEPL
55. Shri K.M. Vaidya, Deear Group
56. Shri Prashant ,IPPAI
57. Shri A,A. Alaspurkar, Advocate
58. Shri S.S. Shah, Cons, Engg
59. Shri T.N./ Agarwal, energy Audit
60. Shri Ravindra Manjarekar Maharashtra Times
61. Shri Chittranjan Tembhekar, Times of India'
62. Shri P Mehra, Newswise-18

Persons attended the hearing held on 8th July, 2011

1. Shri R.G. Sonwane, SE, MSEDCL
2. Shri D.H. Kulkarni, MSEDCL

3. Shri V.K. Kulkarni, Shree Datta SSK Ltd.
4. Shri Mukesh Shah, Suzlon energy Ltd.
5. Shri Ganesh Balasubramanian, Reliance Infrastructure
6. Shri Shivaraj, Shivashri
7. Shri A.D. Deo, STC
8. Shri Abhijit Dhamdhare, IPPAI
9. Shri N. Ponrathnam, Vel Induction
10. Shri Sameer
11. Shri Deepali Wankhede, Indo Rama
12. Shri Amey Naik, Tata Power Co Ltd.
13. Shri Abhinav Sharma, TPC
14. Shri Santosh Kumr Singh, Power Exchange India Ltd
15. Shri K.N. Rajgopal, CE, BEST
16. Shri P.V. Dhoble, BEST
17. Shri M.M. Davare, BEST
18. Shri B.L. Ugale, BEST
19. Shri M.S. Kele, SE, MSEDCL
20. Shri Vaibhav Sinha Re New Power
21. Shri Dayanand, Suzlon
22. Shri Avinesh , EIL
23. Shri P.V. Athalye, Maharashtra Electros melt Ltd
24. Shri Kiran Patil, Enercon India Ltd
25. Shri R.S. Bodalia, IPPAI