

## FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5449 OF 2014

Venkatesahwara Hatcheries Private Ltd.

vs.

Maharashtra Electricity Regulatory Commission and ors.

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Office Notes, Office  
memorandum of Coram,  
appearances, Court's  
orders or directions &  
Registrar's orders.

Court's or  
Judge's orders.

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Shri. A.M.Kulkarni for the Petitioner.

Ms.Shilpa Kapil for Respondent No.1.

Mr. V.P. Malvankar, AGP. A Panel for Respondent No.4.

CORAM : A.S. OKA & A.PBHANGALE, JJ.

DATED : 07 April, 2015

P.C.:

Heard learned counsel appearing for the petitioner, learned counsel appearing for the first respondent and the learned A.G.P appearing for 4<sup>th</sup> respondent.

2) By order dated 17 April 2013 passed in W.P NO.3799/2013 filed by the petitioner, this Court permitted the petitioner to make a representation to the Maharashtra Electricity Regulatory Commission (for short "the Commission") with a direction to the

said Commission to decide the said representation. In terms of the said order, the petitioner made a representation which was numbered as Case No.57 of 2013. The Commission by order dated 7 August 2013 observed that the remedy of the petitioner is to approach the Commission to raise the issues during the ensuing Tariff proceedings under Section 64 of the Electricity Act, 2003. It was observed that the issues raised by the petitioner can be considered during the ensuing Tariff proceedings under Section 64 of the Electricity Act, 2003 as and when 2<sup>nd</sup> respondent MSEDCL files a petition before the Commission. The Tribunal observed that it is advisable if the petitioner approaches the Commission for consideration of the issues raised at the time of the Tariff determination process.

3) There is an affidavit filed by Shri. Ravindra Shivram Sonawane on behalf of the Commission. In the said affidavit reliance is placed on Public notice issued by MSEDCL in Case NO.121/2014 inviting suggestions and objections on the petition filed by the 2<sup>nd</sup> respondent for multi year Tariff for the Financial Year 2013-14 to the Financial Year 2015-16. The affidavit incorporates the fact that public hearing shall take place on the on the said petition of the 2<sup>nd</sup> respondent at various places from 18 March, 2015 to 10 April, 2015.

4) The representation made by the petitioner in terms of the order of this Court can be

always treated as an objection filed by the petitioner. As the said representation can be treated as an objection filed by the petitioner, it is obvious that the petitioner will be entitled to participate in the public hearing which is scheduled at Pune on Friday 10 April 2015 at 11.00 a.m.

4) In view of the aforesaid factual position, we dispose of the petition by passing the following order:-

a) The 1<sup>st</sup> respondent shall treat the representation of the petitioner numberd as Case No.57/2013 as suggestions/objections filed by the petitioner on the basis of the Public Notice in MSedCL case NO.121/2014. Accordingly, the petitioner shall be entitled to participate in the public hearing at Pune proposed to be held on 10 April 2015 at 11.00 a.m.

(b) All contentions on merits are kept open.

c) Petition is disposed of in the above terms.

d) All concerned to act on a copy of this order duly authenticated by the registry of this court.

(A.P.BHANGALE, J)

(A.S.OKA, J)