



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

MERC/RTI Case 08 of 2016/1421

4th February, 2016

Shri Ashwin Liladhar Shah,
Room No. 11, Bombay Mutual Chambers,
1st Floor, Bldg. No. 19/21, Ambalal Doshi Marg,
Mumbai- 400 023.

Sub: Application dated 18.01.2016 submitted under RTI Act 2005.

Shri Ashwin Liladhar Shah has submitted an application dated 18th January, 2016 under section 6 (1) RTI Act 2005 to the Public Information Officer, Maharashtra Electricity Regulatory Commission, Mumbai. The said application has been received to the office of the Commission on same day.

An applicant has sought the information of the said letter under RTI Act as follows;

The Supreme Court vide its Judgment dated February 8, 2011 has ruled that as per the Electricity Act, 2003, BEST's Electric Supply Division can subsidize the Transport Division, since it is a Local Authority that has been engaged in the business of electricity distribution since before the commencement of the Electricity Act, 2003.

The Supreme Court, in its Judgment dated February 8, 2011 ruled that **"In our opinion it would not be correct to hold that despite the third proviso to Section 51 of the Act, the distribution licensee must not only maintain separate accounts for each of its businesses but must also ensure that the electricity distribution business should not subsidize the other business undertaking."**

MERC has allowed recovery of Transport Deficit Loss vide its Order dated 16 May, 2012 in Case No. 171 of 2011 and Order dated 28 August, 2013 in Case No.26 of 2013.

For further information Orders in Case No. 171 of 2011 (143 pages) and Order in Case No. 26 of 2013 (308 pages) may be referred, which are available in downloadable format on the Commission's web site.

If you require the hard copies of the aforesaid orders, you have to deposit Rs.952/- [Rs.902/- (451 pages x Rs. 2 per page) + Rs. 50/- for postal charges] by demand draft payable at Mumbai in favour of Maharashtra Electricity Regulatory Commission. Or you have personally visit Commission office to pay cash of Rs. 902/- and collect the aforesaid copy of orders.

In case, if you are not satisfied with our reply, you may approach to Shri Anilkumar Ukey (Dy. Director-Legal), who is Appellate Authority, within thirty days from the receipt of the information as provided under section 19(1) of RTI Act 2005.

Yours faithfully,

(Pradeep Mohare)
Public Information Officer