



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/108/2019/1194



एक बंधन स्थापना की ओर
Dt. 16.12.2019

प्रती,
श्री. दत्तात्रेय खंडेराव खैरे,
मु.पो. नाशिक, गुरु गोविंद सिंग कॉलनी,
बळी नगर, श्रीकृष्ण बंगला, धात्रकफाटा,
पंचवटी, नाशिक - ४२२००३.

Subject : Your application dated 5.12.2019 submitted under RTI Act 2005.

The office of the Commission is in receipt of your application dated 09.12.2019 under section 6 (1) RTI Act 2005 seeking information by the PIO.

In reference to the subject, the applicant has asked the information regarding amount deposited by the Maharashtra State Electricity^{Transmission} Co. Ltd. (MSETCL) under Section 126 (2) of the Electricity Act 2003 in reference to his application dated 4.12.2019 submitted at the hearing in Case No. 287 of 2019 (A petition filed by MSETCL for Seeking revision to the District Collector Nashik Order dated 1.10.2019).

In this regard following are the facts in respect of application:

a) The provisions of the Section 127 (2) of the Electricity Act,2003 are as under:

“Section 127. (Appeal to Appellate Authority): --- (1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to 3[half of the assessed amount] is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.”

b) The provisions of the Section 126 of the EA,2003 are as under:

“INVESTIGATION AND ENFORCEMENT

Section 126: (Assessment): --- (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to

the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.

(2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed."

1[(3) The person, on whom an order has been served under sub- section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment of the electricity charges payable by such person.]

- c) From the above, it is clear that the provisions of the Section 126 and 127 are related to the unauthorized use of electricity. However, the application of the Applicant dated 4.12.209 is related to the compensation against damages during construction of EHV line by MSETCL.
- d) Hence, no amount is deposited by MSETCL with the Commission as per the provisions of the Section 127 (2) of the Electricity Act,2003. Further, the matter is related to MSETCL, the appellatant may approach the MSETCL for further information if any.

Shri Anil Kumar Ukey, Director (Legal) In-charge is the first Appellate Authority for the purpose of Appeal under Sub- Section (1) of section 19 of the Right Information Act, 2005. Address: Maharashtra Electricity Regulatory Commission, World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400005 Tel. No. 022-22163964/65/69. Email: anilkumar.ukey@merc.gov.in

Yours faithfully,



(Pradeep Mohare)

Public Information Officer & Section Officer