



सत्यमेव जयते

महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



Date: 23 February, 2022

Constitution of Enquiry Committee in pursuance of Order dated 7 January, 2022 in Case No. 82 of 2021

1. Section 94 of the Electricity Act, 2003, provides that the Commission, shall for the purpose of any inquiry or proceeding under the Act, have the same power as are vested in the Civil Court under the Code of Civil Procedure, 1908 in respect of matters on summoning and enforcing the attendance of any person and examining him on oath and discovery and production of any document or other material object producible as evidence etc.
2. Section 97 of the Electricity Act, 2003, provides that the State Commission may by general or special Order in writing, delegate to any Member, Secretary, officers of the Commission or any other person, subject to such conditions, if any, as may be specified in the Order, such of its powers and functions under the Act, except powers to adjudicate disputes under Section 86 and the powers to make Regulations as it may deemed necessary.
3. As per Regulation 82 of the MERC (Conduct of Business) Regulations, 2004, the Commission may make such direction or order as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure. Further in accordance with Regulation 82(a) MERC (Conduct of Business) Regulations, 2004, the Commission may, at any time, direct the Secretary or any one or more Officers or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Commission under the Act.
4. The Tata Power Company Ltd.- Distribution (TPC-D) had filed its Petition in Case No. 82 of 2021 alleging that Adani Electricity Mumbai Ltd.- Distribution (AEML-D) (the other parallel Distribution operating in TPC-D's area of supply in Mumbai Suburban area) had been delaying/ disallowing the switchover of consumers and as per TPC-D, it was illegal and contrary to the Commission's Order dated 12 June 2017 in Case Nos. 182 of 2014 and 40 of 2015 read with the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021.

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5. On 7 January, 2022, the Commission has passed the Order in aforesaid matter directing to conduct an enquiry and examine into the truths of allegations regarding selective switchovers and intentional delays in allowing the switchover requests. Apart from this, the Committee would have to make recommendations regarding improvement of existing switchover protocol in consultation with both the licensees, i.e. TPC-D and AEML-D.
6. In view of the above, the Maharashtra Electricity Regulatory Commission hereby constitutes an enquiry committee comprising of Shri K. P. Bakshi, Retd. IAS, Chairman of the Committee and Shri Deepak Lad, Electricity Ombudsman (Nagpur) and Ex. Member, MERC, Member of the Committee to enquire into the allegations regarding selective switchovers and intentional delays in allowing the switchover requests and to make recommendations regarding improvement of existing switchover protocol as envisaged at paras. 28 to para. 37 of its Order dated 7 January, 2022 in Case No. 82 of 2021. Representatives of AEML-D and TPC-D (Senior Level Officer) shall be the special invitees as and when required by the Committee.
7. The broad Terms of Reference for the Committee shall be as follows:
 - 7.1 To enquire into the allegations regarding intentional delays in switchovers, selective switchovers, undue delays on part of AEML-D in case of certain category of consumers in switchover process, the unilateral switchover (if any) vis-à-vis procedure set out in the Order in Case No. 182 of 2014 and 40 of 2015.
 - 7.2 To conduct meetings with the Licensees to understand and study the process currently being followed by the Licensees in response to the switchover applications received from the consumers and identify steps for improvement existing process
 - 7.3 To make recommendations regarding improvement of existing protocol of switchover in consultation with both the Licensees on the aspects as mentioned in para. 36 of the Order in Case No. 82 of 2021.
 - 7.4 To submit report to the Commission with detailed findings of the enquiry conducted, highlighting non-compliances (if any) on part of the Licensees and making recommendations regarding improvement of existing switchover protocol.
 - 7.5 The Committee shall be guided by the considerations and principles elaborated in in the Order dated 12 June 2017 in Case No. 182 of 2014 and 40 of 2015, Order dated 7 January 2022 in Case No. 82 of 2021 and other relevant Orders/Regulations of the Commission.
8. The Committee, inter alia, may call for the records, data, documents, information, copies of application of consumers, etc. from the concerned Licensees as a part of enquiry and also may seek suggestions/submissions for improvement of existing switchover protocol.

The Licensees shall provide the necessary data, document, records and submissions as and when sought by the Committee.

9. The Committee shall be authorized, to discuss with representatives of the Licensee, call them for meetings and visit their premise(s)/offices or consumers' premises if necessary, without prejudice to the generality of its powers.
10. The enquiry committee shall confront AEML-D with the relevant issues collected during the enquiry and provide reasonable time to AEML-D, to make submissions in that regard.
11. An honorarium to be paid to the members of the Committee for their time to conduct the enquiry shall be separately informed to the Committee by the Secretary of the Commission. The Committee shall be provided full secretarial and other support.
12. The Committee shall ensure that the entire process is completed within a period of 3 months commencing from 24 February 2022 extendable with prior permission of the Commission and thereafter shall submit the enquiry report to the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson




(Abhijit Deshpande)
Secretary, MERC