

महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

निर्णय क्र. मविनिआ/माअअ/अपील/१७/२०१५/००७२२

दिनांक- ०५.१०.२०१५

अपील क्र. मविनिआ/माअअ/अपील/१७/२०१५

अपीलामध्ये निदर्शनास आलेले मुद्दे:

अपीलकर्ता

श्री. जतीन बी. शाह
द्वारा : बी बालुभाई
२, भांगवाडी शॉपिंग आर्केड,
कालबादेवी रोड, मुंबई - ४००००२.

माहिती अधिकार अर्ज प्राप्त झाल्याची तारीख	:	३१.०७.२०१५
जन माहिती अधिकारी यांनी उत्तर दिल्याची तारीख	:	२८.०८.२०१५
प्रथम अपील प्राप्त झाल्याचा दिनांक	:	०२.०९.२०१५

मागितलेली माहिती :

1. By which law BEST collected transport losses from 05.08.1999 to 2003 March, 2003 April to 2012 May. BEST right to collect without your permission, if yes than by which law & if no than what action taken by MERC.
2. The amount collected as transport losses from 5.8.1999 to 2003, March, 2003 April to May 2012. Give detail per year collection and at what rate collected per year in tariff charges.
3. Not mentioned your three MERC Orders in electric bill. BEST can collect in the manner if, yes by which Order & if no than what action taken. (June-2012 -April 2016)
4. As BEST collect Transport Division loss Recovery and Taxes. That under V.C. without your permission. BEST cheat the consumer & collect like this. If yes by which order & page no & if no than what action taken.
5. BEST running majority kms of busses (80 to 85 %) in out of city Area and they not charged any transport losses from 5th August 1999 -2003 March, 2003 April-May-2012. Which rule provides to spared from this.
6. BEST consumers list of Electricity users (about 10,50,000 of TDLR paying of March -2015 as mentioned. Rs. 0 to Rs.250.00, Rs.251.00 to Rs.500.00, Rs. 501.00 to Rs.750.00, Rs. 751.00 to Rs. 1000.00 in difference of Rs. 250.00 up to highest paying (about Rs.

80,00,000.00) and no. of consumers against that. Also page no & each page no. of consumers to mention and also total how much consumer list given to mention.

जन माहिती अधिकारी यांचे उत्तर:

1. The Supreme Court vide its Judgment dated February 8, 2011 has ruled that as per the EA 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 EA 2003.

The SC, 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 for each of its business 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 and Order in Case No. 26 of 2013 may be referred, which are available in downloadable format on the Commission's web site.

2. TDLR was considered for trueing up exercise for FY 2010-11 and FY 2011-12. Further Transport Division Loss Recovery Charges (Rs/kWH) as stipulated in tariff schedules in Case No. 171 of 2011 and Case No. 26 of 2013 are enclosed as **Annexure A**.

3 & 4. BEST has levied tariff as approved by the Commission vide Order dated 16 May, 2012 in Case No. 171 of 2011 and Order dated 28 August, 2013 in Case No. 26 of 2013.

5. Same as above answer No. 1

6. Details may be sought from BEST Undertaking under RTI

प्रथम अपील दाखल करण्याचे कारण-

1. I have not received information asked in my RTI application dt. 29.07.2015 which replied by PIO on 28.08.2015 Ref. No. MERC/ADM/RTI/84/2015/00577.

2. Not giving correct information.

3. Not replied about information asked.

4. As a Regulatory body must have list of BEST TDLR paying about 10.50,000 paying customer as it collected MERC Order so must provide list as asked.

आदेश (माहिती अधिकार अधिनियमाच्या कलम १९ अंतर्गत)-

अपीलकर्ता यांनी वरिल नमूद केलेल्या कारणांकरिता अपील दाखल केले आहे.

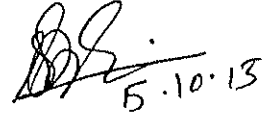
संबंधित अर्जावर आयोगाच्या कार्यालयामध्ये दि. २३.०९.२०१५ रोजी सुनावणी ठेवण्यात आली होती. सदर सुनावणीस अपीलार्थी व जन माहिती अधिकारी हजर होते व त्यांनी आपले निवेदन सादर केले.

अपिलावरून प्रथमदर्शनी असे दिसून येते की, अपिलार्थी यांना दि. २८.०८.२०१५ रोजी माहिती अधिकारी यांनी या कार्यालयात उपलब्ध असलेली माहिती पुरविलेली आहे. अपीलार्थी यांनी त्यांच्या माहितीच्या अर्जात मागितलेल्या १ ते ६ मुद्द्यांवर माहिती अधिकारी यांनी अपीलार्थी यांना माहिती उपलब्ध करून दिलेली आहे. करीता सदरहू अपिल निकाली काढण्यात येत आहे.

जर प्रथम अपीलीय अधिका-यांच्या उत्तराने आपले समाधान झाले नाही तर आपण राज्य माहिती आयुक्त, १३वा मजला, नवीन प्रशासन भवन, मादाम कामा रोड, मंत्रालयासमोर, मुंबई- ४०० ०३२ येथे अपील दाखल करू शकता.

आदेश

अपील निकाली काढण्यात येत आहे.



(अनिलकुमार उके)
उपरसंचालक (विधी) तथा
प्रथम अपीलीय अधिकारी.

प्रत- जनमाहिती अधिकारी, मविनिआ, यांना माहितीसाठी.

