

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

World Trade Centre, Centre No.1, 13th Floor, Cuffe

Parade, Mumbai – 400 005

Tel. 022 22163964/65/69

Email: mercindia@merc.gov.in

Website: www.merc.gov.in

Dated: 26 December 2023

PRACTICE DIRECTIONS

UNDER

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
(ELECTRICITY SUPPLY CODE AND STANDARDS OF PERFORMANCE OF
DISTRIBUTION LICENSEES INCLUDING POWER QUALITY)
REGULATIONS, 2021**

Preamble:

1. MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (henceforth referred to as the Supply Code, 2021) stipulated various procedures and standards for providing services to the electricity consumers. Procedures for making application for new electricity connection, release of electricity connection by Distribution Licensee, billing and issuance of electricity bills are part of these Regulations.
2. Issue of power supply to un-authorized construction and practice of using electricity bill as proof to claim that such construction is authorized was came before the Hon'ble Bombay High Court in Suo-Motu Writ Petition No. 2 of 2023. On clarification that supply of electricity is nothing to do with legitimacy or legality of the structure and it needs to be treated as service which Distribution Licensees are mandated to provide under the Electricity Act 2003, the Hon'ble High Court has accepted suggestion of the Advocate that disclaimer/ caveat to that effect can be added in electricity supply application and electricity bill to make it further clarified. Accordingly, the Bombay High-Court in its Order dated 30 November 2023 ruled as follows:

“6. We accept both these as being sufficient. It is our understanding that these statements disclaimers or clarifications are not newly introduced restrictions or conditions. They only make explicit that which was already a part of the law on the subject for the mere application for an electricity connection made to a distribution licensee or the issuance of a bill for power consumption by the distribution licensee has nothing at all to do with planning permissions for the construction and erection of a structure. An electricity connection application and a bill cannot be used to prove ownership because that is not even the demand of the distribution licensee. All that the licensee requires to know is the address to which power is to be supplied and in whose

name it is to be billed. It is impossible to expect a distribution licensee to act beyond the remit of the statute to assess questions of title to the property in question let alone assess questions of whether the structure or structures or apartments or units do or do not have the requisite planning permissions. Notably, even under the planning statute, namely the Maharashtra Regional and Town Planning Act, 1966 (“MRTP Act”), no distribution licensee is a planning authority for these purposes. It is not even a local authority for the purposes of the MRTP Act.”

3. In view of above, disclaimer needs to be added in the application for electricity supply and electricity bill to state that release of electricity connection or issuance of electricity bill cannot be treated as proof of address or proof that such premises is authorised structure.
4. Accordingly, using its power vested under Regulation 29 of MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations 2021, the Commission issues following practice direction:

Practice Direction:

- a. Distribution Licensee shall add following disclaimer in their Application format for the new electricity connection:

“This application for power supply when processed and considered by the distribution licensee cannot be treated or utilised as proof that the premises for which the power supply is sought is an authorised structure nor would such consideration of an application by the distribution licensee amount to proof of ownership of premises.”

- b. Distribution Licensee shall add following statement in Electricity Bill:


“This bill for power supply cannot be treated or utilised as proof that the premises for which the power supply has been granted is an authorised structure nor would the issuance of the bill amount to proof of ownership of the premises.”

- c. Above disclaimer/statement shall be printed in Marathi and English in addition to any other language which Distribution Licensee may choose to.

Sd/-
(Surendra J Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary

