

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai
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Date: 14 February, 2023

**CORAM: Sanjay Kumar, Chairperson
I.M. Bohari, Member
Mukesh Khullar, Member**

**Case No. 7 of 2023 and IA. No. 4 of 2023, 5 of 2023, 11 of 2023, 12 of
2023**

Case of M/s. Gajkesari Steels & Alloys Private Limited under Regulation 16.2.4 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees Including Power Quality) Regulations, 2021 challenging the “Debit Bill Adjustment” amounting to Rs. 24,25,16,847/- included by MSEDCL in the petitioner’s current monthly energy bill dated 11 January, 2023.

And Interlocutory Application seeking ex-parte ad-interim Orders/directions for stay of the “debit bill adjustment”.

And Interlocutory Application seeking urgent hearing of the interim application for stay.

And Interlocutory Application of M/s. Gajkesari Steels & Alloys Private Limited seeking directions from the Hon’ble Commission in furtherance of directions contained in daily order dated 17.01.2023.

And Interlocutory Application of M/s. Gajkesari Steels & Alloys Private Limited seeking urgent hearing of the interim application for directions dated 30.01.2023.

M/s. Gajkesari Steels & Alloys Private Limited. : Petitioner

Maharashtra State Electricity Distribution Co. Ltd. : Respondent

Appearance

For the Petitioner: Adv. Ashish Singh

For the Respondent: Adv. Kiran Gandhi

Daily Order

1. Heard the Advocates of the Petitioner and Respondent.

2. Advocate of the Petitioner stated that despite directions in the Commission's Daily Order dated 31 January, 2023 that no coercive action to be taken on Petitioner, MSEDCL has shown 2nd instalment of disputed amount as arrears in Petitioner's energy bill dated 4 February, 2023. He further stated that if this disputed amount is not paid, it will impede the eligibility of the Petitioner to avail various incentives. He further submitted he will arguing only on the IA's and not the main matter or the merits of the case.
3. The Commission expressed its displeasure on the same and opined as a petitioner he should have argued the main matter esp after seeking interim relief.
4. The Commission in its Daily Order dated 31 January, 2023, has already given the necessary relief to the Petitioner and directed MSEDCL not to take any coercive action due to non-payment of balance two installments of disputed amount and also, the eligibility of the Petitioner to avail of the incentives shall not be hampered till the final disposal of the present case. The Commission opines that the the interim relief given to the petitioner is always subject to the final outcome of the case. The petitioner is advised to pay the complete bill including the load factor incentive amount where the same will be adjusted in case the petitioner succeeds in this case. In any case, the consequences of availing the dispensation of the daily order dated 31 January, 2023 will be at the risk and cost of the petitioner.
5. The Commission enquired with the petitioner whether the present dispute is related to the eligibility of the Petitioner for subsidy/concession in energy rates is in the domain of Government of Maharashtra or otherwise. Further this dispute primarily seems to be a billing dispute with MSEDCL and therefore the same may be required to be pleaded before CGRF.
6. The Commission directs that the Petitioner that the main matter will be scheduled for hearing for a final decision and the petitioner, apart from the merits of the case shall also address the issue of the jurisdiction of the Commission to hear this case.
7. The Commission further directs the petitioner to submit the rejoinder/reply within 7 days.

Based on the submissions of the Petitioner and MSEDCL, the Secretariat of the Commission will communicate the further date of the hearing.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson