



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/068/2023/0266



Dt. 08.06.2023

To,

Shri. Prabhat,
LIG 212, E 7 Arera Colony,
Near Union Bank,
Bhopal, MP, Pin: 462016.

Subject : Your application dated 03.05.2023 submitted under RTI Act 2005.

Sir,

Your application has been transfer from MPERC vide its letter No. 62/मप्रविनिआ/आर.टी.आई.२८/२०२३, भोपाल dated 26th May, 2023 under section 6 (3) RTI Act 2005 to the Public Information Officer, Maharashtra Electricity Regulatory Commission, Mumbai. The office of the Commission received application on dated 05.06.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:-

No.	Information Sought	Information Provided
1	<p>Electricity Dues against Company under Liquidation (IBC 2016) :</p> <p>The Company is under liquidation & IP Subrata Maity is the liquidator. Company is having outstanding dues and according to the provisions of the IBC 2016 the settlement shall be done. The Electricity Distribution Company has the policy to recover the dues from the new buyer of the property, with outstanding electricity dues. This is not a legal process according to the provisions of the IBC 2016.</p> <p>Kindly share some existing guideline or case law for Distribution Company to take action according to the provisions of the IBC 2016 especially for the company in liquidation. "The buyer of the following property shall be fee from the old liabilities."</p> <p>Notice for liquidation is attached herewith. Kindly records and update with instruction & oblige.</p>	<p>Section 45 (Power to recover charges) empowers the Commission to formulate the regulations in accordance with the provision of Electricity Act, 2003 to recover the charges by distribution licensee for the supply of electricity.</p> <p>The Commission has notified "MERC (Electricity Supply Code and Standard of Performance of Distribution Licensees including Power Quality) Regulations, 2021" on 25th February, 2021 along with the "Statement Of Reasons" wherein the Commission has stated that, unpaid electricity dues from the previous consumer shall be charge on the premises transmitted to the legal representative / successors-in-law new occupier of the premise and such dues shall be recoverable by Distribution licensee.</p> <p>In Statement of Reasons of MERC (Electricity Supply Code and Standard of Performance of Distribution Licensees including Power Quality) Regulations, 2021 the Commission has stated that new occupier /owner is expected to exercise adequate due diligence before purchasing the property and make appropriate financial settlement of unpaid dues with earlier owner.</p> <p>Copy of the Regulation & SOR is available in downloadable form on Commission website www.merc.gov.in</p> <p>Guideline of Case law for Distribution Company to take action according to provision of IBC 2016 are not available with office of the Commission.</p>

१३वा मजला, केंद्र क्र. १, जागतिक व्यापार केंद्र, कफ परेड, मुंबई - ४०० ००५.

13th Floor, Centre No. 1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

Tel.: 022-2216 3964 / 2216 3965 / 2216 3969 Fax : 022-2216 3976

E-mail : mercindia@merc.gov.in Website : www.merc.gov.in

As per the Hon'ble CIC decision No. CIC/YA/A/2014/000379/SB Dated 19.09.2016 in the matter of Shri. K. Lall Vs M. K. Bagri, Assistant Registrar of Companies and CPIO, Appeal No. CIC/AT/A/2007/00112, dated 12.04.2007, since the same is available in public domain, the PIO is not obliged to provide the same to the appellant under the RTI Act.

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,


(Arun Walunj)

Public Information Officer & Under Secretary

Copy to:-

1. To,
Shri. Manish Shrivastva
Deputy Director (T & D)-PIO (RTI),
Madhya Pradesh Electricity Regulatory
Commission, Metro Plaza, 3rd & 4th floor, E – 5,
Arera Colony, Bittan Market, Bhopal – 462016.
2. To,
Shri. Sachin Kumar,
Nodal Officer (RTI),
Central Electricity Regulatory Commission,
Ground Floor, Chanderlok Building,
36, Janpath, New Delhi-110001.