

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> floor, Cuffe Parade, Mumbai 400 005  
Tel. No. 022 22163964/65/69 – Fax 022 22163976  
E-mail [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in) / [www.merc.gov.in](http://www.merc.gov.in)

**Case No. 162 of 2013**

**Dated: 8 November, 2013**

**CORAM:**      **Shri. Vijay L. Sonavane, Member**  
                     **Smt. Chandra Iyengar, Member**

**In the matter of:**

Petition of Reliance Infrastructure Limited (Distribution) for postponing the implementation of the Order dated 30 October, 2013 in Case No. 85 of 2013

Reliance Infrastructure Limited –Distribution (RInfra – D)...	Petitioner
Vs.	
The Tata Power Company Limited – Distribution (TPC-D)...	Respondent

Representative for the Petitioner:	Smt. Anjali Chandurkar (Adv.) Shri. Kapil Sharma (Rep.)
Representative for the Respondent:	Shri. Sitesh Mukherjee (Adv.)
Consumer Representatives:	Shri Rakshpal Abrol, BUAUS

**DAILY ORDER**

Heard the Advocates and representatives of RInfra-D and TPC-D and the Consumer Representative.

2. RInfra-D submitted that it has filed an Appeal (Appeal No. 278 of 2013) before the Hon'ble Appellate Tribunal for Electricity (APTEL), and inter-alia, sought interim stay on the operation of the Order dated 30 October, 2013. The Hon'ble APTEL has admitted the Appeal and in its Order dated 31 October, 2013, has directed as under:

*“After hearing the parties, we are of the view that instead of granting stay of the Impugned Order, it would be better to direct the Appellant to approach the Commission to seek for the extension of time for the implementation of this impugned order. Accordingly ordered.*

*The Learned Senior Counsel for the Applicant also submits that the Applicant will file the application for extension of time tomorrow itself before the State Commission. In view of the fact that the Appellant will approach the Commission seeking for extension of time, we deem it appropriate to direct that implementation of the Impugned Order be postponed till the order is passed by the State Commission in the Application for seeking extension of time to be filed by the Appellant tomorrow i.e. on 01.11.2013.*

*The Commission may entertain the said application and consider the extension time for implementation and pass an order accordingly.”*

3. RInfra-D submitted that it has filed the present application in accordance with the above Order of the Hon’ble APTEL in Appeal No. 278 of 2013, and requested the Commission to postpone the implementation of the Order in Case No. 85 of 2013 upto any reasonable date beyond 13 November, 2013, i.e., the date on which RInfra-D’s appeal is scheduled for hearing before the Hon’ble APTEL.

4. TPC-D submitted that RInfra-D has to justify its prayer for postponement of the migration of 8 lakh consumers from RInfra-D to TPC-D before the Commission, however, neither the present application nor the Interim Application filed by RInfra before the Hon’ble APTEL discloses any specific issues or operational difficulties in the implementation of the directions.

5. During the hearing, the Commission repeatedly asked RInfra-D to justify its request for extension of time for implementation of the Order in Case No. 85 of 2013, and also indicate the time frame required for implementation of the Order in Case No. 85 of 2013. The Commission pointed out the Hon’ble APTEL’s direction in this regard and asked RInfra-D to clarify as to what exactly the Commission was required to consider, in accordance with the Hon’ble APTEL directions. However, RInfra-D declined to make any submissions in this regard and submitted that they will submit their say in writing to the Commission.

6. Shri. Rakshpal Abrol, Consumer Representative, submitted that he was in agreement with the Commission’s directions in Case No. 85 of 2013 and added that RInfra-D should have stated its objections to the original directions issued by the Commission in its Order in Case No. 151 of 2011, in case it had any issues with the same.

7. Since, RInfra-D intends to submit their say in writing, and considering the importance of the matter, the Commission hereby grants additional time till 30 November, 2013 to

RInfra-D to make a detailed submission on affidavit on its request for extension of time for implementation of the Order in Case No. 85 of 2013, and also indicate the time frame required for implementation of the Order in Case No. 85 of 2013. RInfra-D should serve a copy of its submissions on TPC-D as well as the authorised Consumer Representatives by 30 November, 2013. TPC-D should submit its comments and suggestions on affidavit on the same by one month from the date of the hearing, i.e., 8 December, 2013, with a copy to RInfra-D and the authorised Consumer Representatives.

8. The next hearing in the matter shall be held on 10 December, 2013. The date for implementation of the Commission's Order in Case No. 85 of 2013 is therefore, postponed till 10 December, 2013.

Sd/-  
**(Chandra Iyengar)**  
**Member**

Sd/-  
**(Vijay L. Sonavane)**  
**Member**