



**And**

**Case No. 24 of 2012:**

**In the matter of**

**Determination of compensation/charges payable, pursuant to Hon'ble APTEL Judgment dated December 16, 2011 in Appeal No. 39 of 2011**

Mula Pravara Electric Co-op Society (MPECS) ..... Petitioner

V/s.

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) .....Respondent

**And**

**Case No. 119 of 2013:**

**In the matter of**

**Petition filed by MSEDCL for seeking Clarification of the Commission's Order dated 3 September, 2013 passed in Case No. 121 of 2012 under Regulation 92 & 93 of the MERC (Conduct of Business) Regulations, 2004.**

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) ..... Petitioner

V/s.

Mula Pravara Electric Co-op Society (MPECS) .....Respondent

**And**

**Case No. 120 of 2013:**

**In the matter of**

**Petition filed by the MSEDCL under section 142 of Electricity Act, 2003 in the matter of Order dated 03.Sep.2013 passed by Commission in Case No 121 of 2012 directing Mula Pravara Electric Co-operative Society Ltd. to submit its assets register to MSEDCL**

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) ..... Petitioner

V/s.

Mula Pravara Electric Co-op Society (MPECS)

.....Respondent

**And**

**Case No. 177 of 2013:**

**In the matter of**

**Petition filed by Mula Pravara Electric Co-operative Society Ltd. (MPECS) for amendment / review/ rectification of the Order dated 3 September, 2013 in Case No. 121 of 2012 passed by the Commission directing MPECS to handover the copy of asset register to MSEDCL for determination of the compensation.**

Mula Pravara Electric Co-op Society (MPECS)

..... Petitioner

V/s.

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL)

.....Respondent

Advocate/Representative for the MSEDCL : Smt Deepa Chawan (Advocate)

Shri. C.A. Gadre, (Representative)

Advocate/Representative for the MPECS : Shri. Shaunak Thacker (Advocate)

Shri. Bhavesh V. Panjuani (Advocate)

Shri. Rakesh Mandavkar ((Advocate)

### **Daily Order**

The Commission observed that in the Daily Order dated 25 March 2014, it has directed MPECS to file its written submissions in all matters before 7 April, 2014 and MSEDCL to file its rejoinder before 15 April, 2014. However, the Commission noted the status of written submissions made by both parties as under:

<b>S.No</b>	<b>Particulars</b>	<b>MPECS submission</b>	<b>MSEDCL rejoinder</b>
1	Case No. 85 of 2010	Received by the Office of the Commission by email on 20 April 2014 (Sunday)	Awaited
2	Case No. 87 of	Not filed	Not filed

S.No	Particulars	MPECS submission	MSEDCL rejoinder
	2010		
3	Case No. 24 of 2012	Received by the Office of the Commission on 9 April 2014.	Not filed
4	Case No. 119 of 2013	Received by the Office of the Commission on 9 April 2014	Received by the Office of the Commission on 17 April 2014
5	Case No. 120 of 2013	Not filed	Not filed
6	Case No. 177 of 2013	Received by the Office of the Commission on 9 April 2014	Received by the Office of the Commission on 17 April 2014

The Commission noted that the timelines stipulated in the Daily Order dated 25 March, 2014, were not adhered by MPECS and written submission in Case No. 85 of 2010 was submitted to the Commission by email on evening of 20 April 2014 (Sunday), which shows lack of seriousness on behalf of MPECS and is not acceptable.

The Commission further noted that neither the counsel of MPECS nor the MPECS reached the office of the Commission for Hearing at the specified time of 1130 Hrs and also not informed about this delay. The Commission also noted that the Hearing date and timing was scheduled only after consultation with the counsel of MPECS and MSEDCL which was recorded in the Daily Order dated 25 March 2014. The Commission after waiting for MPECS, started hearing at 1145 hours; and MPECS and the counsel of MPECS reached the office of the Commission for Hearing 10 minutes after start of Hearing. However, the Commission opined that discipline in the proceedings before the Commission needs to be followed by all Parties. The Commission further opined that either representative of counsel of the MPECS or MPECS should have been present at the specified time of the hearing. The counsel of MPECS rendered personal apology for this slippage, which was accepted by the Commission.

The Commission also noted that it has started hearing the Cases on 31 January, 2012 and has already held 17 Hearings in Case No. 85 of 2010, 15 Hearings in Case No. 87 of 2010 and 14 Hearings in Case No. 24 of 2012, till date. During the proceeding of Cases, there were multiple requests for adjournment and additional time for written submissions from both Parties, which has led to the delay in finalizing the matters and the Commission had to approach Hon'ble ATE for seeking additional time for disposing the matters. On the last occasion, Hon'ble ATE in its Order dated 7 January 2014 ruled that licence Applications of MSEDCL and MPECS need to be disposed on priority and granted final 6 months extension from 20 December 2013.

The Commission further notes that sufficient time has been given to both Parties in all the matters listed today to submit their views.

The Commission directed MPECS to make its submission, if any, in all Cases listed today for Hearing by 21 April 2014 (Monday) before closing hours of office of the Commission; and MSEDCL is directed to file its rejoinder, if any, to the written submissions filed by MPECS before 28 April, 2014 (Monday) before closing hours of office of the Commission.

MSEDCL mentioned the rulings of Hon'ble Supreme Court in its Judgment dated 4 April 2014 (Paragraph 40 of the Judgment) in matter of Civil Appeal No. 4126 of 2013. The Commission directed the Secretariat of the Commission to forward the same to Government of Maharashtra for information and necessary action.

The Case No. 85 of 2010, Case No. 87 of 2010, Case No. 24 of 2012, Case No. 119 of 2013, Case No. 120 of 2013 and Case No. 177 of 2013 are reserved for Orders.

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

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