

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 80 of 2012

Proceeding in compliance of the directives issued by APTEL in Appeal No 155 of 2013
Judgment dated 31.10.2014

Dated: 13 October, 2015

CORAM: Shri. Azeez M. Khan, Member
Shri. Deepak Lad, Member

M/s BEST Undertaking	... Petitioner
V/s	
Indian Hotel Company Ltd	... Respondent No. 1
Prime Hotel Ltd.	... Respondent No. 2

Advocate/Representative for the Petitioner	: Shri H. Toor (Counsel)
Advocate/Representative for the Respondent	: Shri Abhijit Shinde (Adv. Resp. No.1) Shri R.H.Sayyad (rep for Resp. No.2)
Consumer Representative	: Shri. Ashok Pendse (TBIA)

Daily Order

The Parties were informed of the Commission's decision to constitute a two Member Bench to hear and decide this Case. Advocates of the Parties gave their consent to further hearing of the matter as being in continuation of earlier proceedings.

Heard the Advocates of Petitioner, Respondent and Consumer Representative.

Advocate of BEST reiterated its views set out in its submission dated 3 June, 2015, regarding implementation of Supreme Court Judgment and requested to continue the existing treatment of Transport Deficit Loss Recovery (TDLR) of BEST till the further Judgment of Supreme Court which would clarify the treatment of Transport Deficit Loss. Advocate of BEST further submitted that BEST is considering the possible implications/impacts of such Judgment.

Advocate of Respondent No. 1 submitted that the tariff determination be done without taking into account the TDLR, but no effect be given to it until the matter is decided by the Supreme Court.

Shri Ashok Pendse, TBIA stated that reading from the Interim Order of the Supreme Court and stressing the phrase “in the light of....” means, the tariff determination has to be done without taking into account the TDLR, but no effect must be given to it until the matter is decided by the Supreme Court.

During the hearing, Shri. Kamlakar Shenoy (neither a Party nor a Consumer Representative) requested to consider its say in the matter. The Commission permitted him to make written submission in a week’s time, which the Commission would decide whether to consider.

Accordingly, the Commission directed the Parties to make their brief submissions in terms of the applicability of the APTEL’s Judgment dated 31 October, 2014 in Appeal No. 155 of 2013.

The Case is reserved for the Orders subject to the submission of the Parties.

**Sd/-
(Deepak Lad)
Member**

**Sd/-
(Azeez M. Khan)
Member**