

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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CASE NO. 60 of 2015

Date: 5 January, 2016

CORAM: Shri Azeez M. Khan, Member

Shri Deepak Lad, Member

In the Matter of

Petition of Harish Dhirajlal Ondhiya against Dy. Executive Engineer flying squad, MSEDCL Aurangabad under Section 142 of the Electricity Act, 2003 for violating provisions of Supply Code 2005, and against Nodal Officer, Executive Engineer, MSEDCL, Washim for not complying with order of CGRF Akola in complaint no 12 of 2013 under Section 142, 146 & 149 of the Electricity Act 2003.

Harish Dhirajlal Ondhiya, Hotel Maniprabha, Hingoli Road, Washim.

..... Petitioner

V/s

1. Dy. Executive Engineer, flying squad, Rural Circle, MSEDCL, Aurangabad.
2. Executive Engineer, Vidyut Bhavan, O & M Sub Division, Civil Lines, MSEDCL, Washim.

..... Respondents

Appearance

For the Petitioner:

Shri. Ashish Chandarana

For the Respondent:

Ms. Radha Bhandari , Advocate

Shri. Atul B. Deokar, AEE, MSEDCL Washim

Daily Order

Heard the representative of the Petitioner and Advocate of Respondents.

Representative of the Petitioner submitted that MSEDCL has challenged the Order of CGRF Akola dated 8 April, 2013 in Complaint no. 12 of 2013 in the High Court. One of the observations of the High Court, in its Order dated 15 October, 2013, is that the consumer is not at fault and the fault lay with MSEDCL officials in not applying proper Tariff. Further the High Court has not granted stay on the operation of the CGRF Akola's Order. The

representative further mentioned that, MSEDCL has not complied with CGRF Akola's Order. Besides MSEDCL has violated Regulations 8 (4) & 8 (6) of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 while assessing the energy consumption under theft.

As the dispute regarding the period of assessment of the alleged theft under Section 135 of the Electricity Act, 2003 is before the appropriate Court wherein the Commission has no jurisdiction, the representative of the Petitioner stated that he will amend his prayer in this regard and will submit it to the Commission.

The representative of the Petitioner stated that the assessment given to the Petitioner under Section 135 of the Electricity Act, 2003 may be revised to industrial category tariff in view of the CGRF Akola's Order so that he may pay the charges towards the assessment of the alleged theft accordingly.

MSEDCL submitted that it has filed a Writ Petition in Bombay high Court against the CGRF Order, but has complied with the CGRF Order to the extent of retrospective recovery. The case regarding theft of electricity under Section 135 of the Act, 2003 is sub judice in the appropriate Court.

The Commission observed that the matter relating to theft of energy is beyond the jurisdiction of the Commission. However, both the parties agreed to take call on further course of action for reassessment of alleged theft of energy at Industrial Tariff.

The Commission directs both the parties to make their additional submissions within a week.

Case is reserved for Order.

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

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