

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 116 of 2015

Dated: 2 February, 2016

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

In the matter of
Petition of Shri Rakshpal Abrol for rectification of Order dated 22 August, 2012 in Case
No. 151 of 2011

Shri Rakshpal AbrolPetitioner

V/s.

Reliance Infrastructure Ltd. (RInfra)Respondent No.1

The Tata Power Company Ltd. (TPC)Respondent No. 2

Appearance

For the Petitioner : Shri. Rakshpal Abrol

For the Respondent No.1 : Shri Ghanshyam Thakkar (Rep.)

For the Respondent No. 2 : Shri Bhaskar Sarkar (Rep.)

Daily Order

Heard the representatives of the Petitioner and Respondents.

The Petitioner referred to some earlier letters from BSES Ltd. (predecessor of RInfra) and the Government of Maharashtra for highlighting background of the Petition and reiterated submissions in the Petition

The Petitioner stated that:-

1. The Commission, while issuing Order dated 22 August, 2012 in Case No. 151 of 2011 has directed that only residential consumers with 0 to 300 Units consumption per month are allowed to migrate from RInfra to TPC, imposing restrictions on other consumers.

2. As per Supreme Court's Judgment dated 8 July, 2008, the consumers in Mumbai Suburbs have a choice to obtain supply from any of the parallel Distribution Licensees operating in the area.
3. The MERC (Supply Code and Other Conditions of Supply) Regulations, 2005 and MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 do not contain any Regulation separately dealing with the consumer category of 0 to 300 units consumption per month.
4. The Distribution Licence granted to RInfra mandates it to supply all consumers irrespective of the category.

The Petitioner stated that the direction in Case No. 151 of 2011 was therefore is not line with the Commission's Regulations as well as the Conditions of Licence granted to the Distribution Licensees and needs rectification by way of deleting such direction.

Representative of RInfra submitted that though the Petition is not clear, perusal of the prayer shows that the Petitioner is seeking rectification of the Commission's Order dated 22 August, 2012 in Case No. 151 of 2011 which was challenged before ATE in Appeal No. 229 and 246 of 2012. Subsequent to the pronouncement of ATE Judgment in above Appeal, Order in Case No. 151 of 2011 no longer exists as same has merged in the ATE Judgment. In view of the above, question of rectification of the Order in Case No. 151 of 2011 as prayed for by the Petitioner, does not arise. RInfra further submitted that the letters referred to by the Petitioner are not relevant to the prayer.

Representative of TPC stated that it is in agreement with RInfra and the Order in Case No. 151 of 2011 cannot be rectified subsequent to the ATE Judgment.

The Petitioner stated that, pursuant to the Order in Case No. 151 of 2011, the Distribution Licensees have initiated a number of proceedings under Section 126 and Section 135 of the Electricity Act, 2003 against various consumers, and rectification of the Order would provide relief to these consumers.

Refuting the above claim, RInfra stated that no such proceeding has been initiated by RInfra in pursuance of Order in Case No. 151 of 2011. TPC also denied the contention, and submitted that the proceedings under Section 126 and Section 135 do not have any relation with the direction in Case No. 151 of 2011 and are based on totally different issues.

The Commission directs RInfra and TPC to file submissions within seven days on the issue raised regarding proceedings under Section 126 and 135 of the Act, initiated as a result of directions in Case No. 151 of 2011, with a copy to the Petitioner. Petitioner may file Rejoinder, if any, within seven days thereafter, with a copy to the parties.

Case is reserved for Order.

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

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