

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 1 of 2016

Dated: 10 March, 2016

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

**In the matter of
Petition for non-compliance of order passed under Section 127 of EA 2003, violation of
Supply Code 2005 & provisions of Electricity Act 2003, Violation of MERC's orders
and imposition of penalty thereof upon respondent under Section 142, 146, 149 and 150
of EA 2003.**

Ozone Research & Applications (I) Pvt. Ltd.Petitioner

V/s.

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

Appearance:

Representative for the Petitioner: Shri. Suhas Khandekar

Representative for the Respondent: Shri. Rajesh Naik, Additional EE

Daily Order

Heard the Representative of the Petitioner and the Respondent.

The Petitioner submitted that Flying Squad of MSEDCL had inspected its premises on 20 June, 2012 and issued assessment of Rs.1, 77,100/- under Section 126 of Electricity Act, 2003 for exceeding sanctioned demand. Petitioner first approached Assessment Officer of MSEDCL raising objection against the assessment. Subsequently, it exercised remedy available under Section 127 by filing Appeal before Appellate Authority, i. e. SE Electrical (PWD) Nagpur, who subsequently issued Order dated 16 October, 2014 quashing the

assessment of MSEDCL for the reasons recorded therein. MSEDCL did not comply with the Order of SE Electrical (PWD) Nagpur within the time frame prescribed. Instead, MSEDCL challenged the said Order before Bombay High Court, Bench at Nagpur, and obtained an interim stay on the impugned Order on 24 February, 2016.

Petitioner submitted that MSEDCL is currently billing it under tariff category LT II (B) (> 20 kW and < 50 kW) from the date of inspection, whereas the appropriate category is LT-II (A) category (< 20 kW). The Petitioner requested Commission to direct MSEDCL to bill it appropriately.

On enquiry from the Commission, MSEDCL informed that the Consumer has been billed in the tariff category LT II (B) (> 20 kW and < 50 kW) since the date of inspection. MSEDCL representative stated that it would consider change in the Tariff as LT II (A) (< 20 kW) if consumer files an application for it. The Petitioner agreed to file such application.

The Commission noted the stay granted by the Bombay High Court on the impugned Order.

Case is reserved for Order.

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

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