

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 113 of 2016

Dated: 5 January, 2017

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

In the matter of Petition filed by M/s. VVC Pharma & Speciality Chemical Pvt. Ltd for action against MSEDCL under Section 142 of the EA, 2003 for violating the Order in Appeal No. 207 of 2013 dated 29.05.2013 passed by the Appellate Authority, Mumbai u/s 127 of EA, 2003.

M/s. VVC Pharma & Speciality Chemical Pvt. Ltd. (VVS Pharma)Petitioner

V/s.

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

Appearance:

Representative for the Petitioner: Adv. Rubina Khan

Representative for the Respondent: Adv. Radha Bhandari
Shri. P. G. Pethkar, SE, MSEDCL

Authorized Consumer Representative: Dr. Ashok Pendse, TBIA

Daily Order

Heard the Advocates of the Petitioner and the Respondent.

Advocate of the Petitioner reiterated the submissions in the Petition. She stated that, on the Appeal filed against the assessment under Section 126 of EA, 2003, the Appellate Authority, by Order dated 29 May, 2013, allowed the appeal and set aside the Final Assessment Order passed by the Assessing Officer of the Respondent. It further directed MSEDCL to refund the amount of Rs. 9,15,955 (50 percent of the total assessment amount) which was deposited by the Petitioner with MSEDCL. The amount was to be refunded within 30 days. Despite reminding it on several occasions through letters, MSEDCL failed to comply with the Order of the Appellate Authority. MSEDCL in the meantime filed a Writ Petition No. 3490 of 2014 in the High Court, which is pending. There is no stay on the Order of the Appellate Authority.

Advocate of MSEDCL stated that it has partly complied with the Order of the Appellate Authority and refunded the amount of Rs. Rs. 9, 15, 955 through RTGS on 18 February, 2016. Further, MSEDCL has refunded Rs. 7, 61, 970 after deducting the assessment amount from the Petitioner's Security Deposit. She submitted a copy of the RTGS transaction of Bank of Maharashtra dated 18 February, 2016 showing the amount of Rs. 16, 77, 925.

The Commission expressed its displeasure as to why the Order has not been complied with in totality and within the specified time limit.

Advocate of the Petitioner stated that she will submit the factual position within three days about the claim of MSEDCL regarding the refunds made through RTGS to the Petitioner.

The Case is reserved for Order.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member