

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 146 of 2016

Dated: 14 February, 2017

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

In the matter of Maharashtra State Electricity Distribution Company's Petition for Review of Order dated 16.09.2016 in Case No. 74 of 2015.

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

M/s. Caspro Metal Industries Pvt. Ltd.Respondent

Appearance:

For the Petitioner: Shri. Ashish Singh (Adv.)

For the Respondent: Shri. Pratap Hogade(Rep.)

Daily Order

Heard the representatives of the Petitioner and Respondent.

1. Advocate of MSEDCL re-iterated the submissions in the Petition and stated that:

The Petitioner has sought review of Commission's Order dated 16 September, 2016 in Case No.74 of 2015 under Regulation 85 of MERC (Conduct of Business) Regulation, 2004,the grounds for review being

- a. Correction in amount of interest arising from the delay in compliance of the CGRF Order ,which is about Rs.289524.40 instead of Rs.3.60 lakh.
- b. Review / Modify /Relax the stipulation of recovering the additional interest paid by MSEDCL from the salary of the concerned officer/s.

The Advocate of MSEDCL further submitted that it has complied with the CGRF Order, and the reason for the delay in complying with it was an account of systemic issues and cannot be ascribed to any person. It was a matter of the entire process that needed to be followed right from the Field Office upto the Corporate Office. Hence, penalizing the concerned officer/s for an act neither done willfully nor deliberately would cause serious prejudice to them and would create an environment which may hamper day to day decision making.

2. To a query of the Commission, Advocate of the Petitioner acknowledged that the Commission has not calculated the interest amount of Rs.3.60 lakh and the Order nowhere says so. The Commission further clarified that MSEDCL is free to calculate the exact amount of due interest.
3. The Representative of the Respondent re-iterated the submissions in its Reply and stated that the review Petition is not maintainable since there is no new matter or evidence, or error apparent. The reason of systemic delay cannot be a reason for review. The Petition may be dismissed with cost. The Commission may direct MSEDCL to recover legal charges, and further stated that such charges and additional interest amount should not be allowed in ARR.

The Case is reserved for Order.

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

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