

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in / www. merc.gov.in**

Miscellaneous Application No. 3 of 2017 in Case No. 101 of 2016

Dated: 28 February, 2017

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

**In the matter of
Intervention Application in Case No. 101 of 2016 (Petition of MSEDCL for allowing
MSEDCL to discontinue payment of any further claims of industrial consumers
towards refund of ASC for applications received after 1 April 2016)**

Shri. Suresh Sancheti

.....Intervener

Representative for the Intervener:

Shri. Suresh Sancheti

Representative of the Petitioner (MSEDCL):

Shri. Ashish Singh (Adv.)

Daily Order

1. Heard the Intervener and the Advocate of the Petitioner.
2. Intervener submitted that:
 - i. Details of implementation of Load Shedding are available with MSEDCL, and hence it would have been possible to develop/modify the billing software so that the consumers who have faced extra hours of Load Shedding would have got automatic refund of ASC instead of having to apply. Instead of doing this, MSEDCL restricted such refund to only a few select consumers, which needs to be investigated.
 - ii. There is no provision in the Commission's Orders for refunding ASC, but MSEDCL has misinterpreted these Order to give undue benefit to a select few consumers. Out of 99 consumers who have got refund of ASC, 75 are from the Continuous tariff category which has never been subjected to Load Shedding. MSEDCL has refunded ASC to such consumers on the basis of interruptions faced by them and not on the basis of additional Load Shedding. Considering the nature of ASC, the Commission's Orders are with regard only to Load Shedding and not to interruptions in supply.

iii. In another recent proceeding before this Commission in Case No. 86 of 2015, MSEDCL had raised the issue of limitation period. On the other hand, in present matter, without considering the limitation period, MSEDCL has refunded ASC for the period of FY 2007-08 in the year 2012 and continued to refund it till February, 2016.

Intervener also submitted his additional written submission during the hearing.

3. MSEDCL stated that it has filed Reply to the original Intervention Application, and seeks time for filing its response to the additional written submission filed by the Intervener. The Intervener stated that he has not received the Reply of MSEDCL. MSEDCL agreed to hand over its Reply to the Intervener.
4. The Commission directed MSEDCL to submit its Reply to the additional submission filed by the Intervener within 2 weeks with copies to all parties. Thereafter, Intervener may file his Rejoinder, if any, within a week.

Subject to filing of above submission, Miscellaneous Application is reserved for Order.

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

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