

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No.156 of 2016

Date: 14 March, 2017

CORAM: Shri. Azeez M. Khan, Member

Shri. Deepak Lad, Member

In the matter of
Petition filed by M/s. Kisan Mouldings Ltd. under Sections 142, 146 & 149 of the
Electricity Act, 2003 for non-compliance of Order dated 09.05.2013 passed by the
Electricity Ombudsman (EO), Mumbai in Representation No.30 of 2013.

M/s. Kisan Mouldings Ltd. Petitioner

V/S

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

Appearance:

For the Petitioner: ...Shri.S.H.Jalwadi (Rep.)

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

...Shri.D.R.Patil, (Rep.)

Daily Order

Heard the Representative of the Petitioner, and Advocate and Representative of the Respondent.

1. Representative of the Petitioner stated as follows:

- i. He re-iterated the submissions in the Petition. He stated that, instead of taking consent from the Petitioner to release a new connection on the 33 kV line which was erected by the Petitioner under Dedicated Distribution Facility

(DDF), MSEDCL had illegally tapped this 33 kV line under police protection. This line was erected by the Petitioner under DDF for availing uninterrupted power supply from MSEDCL. Due to this illegal tapping, the Petitioner has suffered heavy losses of Rs. 15 lakhs per annum. The Petitioner had pursued the matter with the Chief Engineer (CE), Kalyan Zone and was informed by CE, Kalyan that the matter is under investigation and that the Petitioner will be informed about the outcome. Till date, MSEDCL has not informed regarding the outcome of the investigation.

- ii. Vide Order dated 9 May, 2013, the Electricity Ombudsman (EO) has directed MSEDCL to remove the tapping from the DDF line within 3 months and pay Rs.10,000/- as compensation.
 - iii. Instead of complying with the Order of EO, on 20 September, 2013, MSEDCL filed a Writ Petition No.11626/2013 in Bombay High Court challenging the Order .The High Court never stayed the operation of the Order of the EO and, on 15 September, 2015, has finally dismissed the Writ Petition.
 - iv. Thereafter, the Petitioner continuously followed-up the matter. Even after the dismissal of the Writ Petition, MSEDCL has not complied with the EO's Order till filing of the Petition. However, on 3 January, 2017, MSEDCL removed the tapping from the DDF line, but it has not paid the compensation of Rs.10,000/- as directed by EO.
2. Representative of the Petitioner submitted a letter dated 23 August, 2011 addressed to S.E, Vasai by C.E., Kalyan in which the C.E. has mentioned that the method adopted by the staff in sanctioning the power supply by tapping the DDF line of the Petitioner is totally erroneous/ unfair and against the provisions. C.E. also directed S.E. to submit a detailed report immediately on the complaint of the Petitioner.
 3. Representative of the Petitioner further stated that the officers of MSEDCL deliberately tapped the DDF line of the Petitioner and, due to the tapping, interruptions have occurred on the line, resulting in wastage of raw material. Hence, the Commission may under Section 149 of Electricity Act,2003 , direct MSEDCL to conduct a detailed investigation in this matter, and initiate action against the erring officer/s and compensate the losses of Rs.15 lakh per annum. MSEDCL should also compensate the Petitioner on all the legal costs incurred till filing of this Petition and the harassment suffered by it. MSEDCL should also pay Rs.10,000/- compensation as directed by EO.
 4. Advocate of MSEDCL re-iterated the submissions in its Reply, and stated that the Writ Petition filed by MSEDCL challenging the EO Order was dismissed by the High Court on 15 May, 2015. Thereafter, MSEDCL has given effect to the EO Order on 3 January, 2017 by disconnecting the tapped connection on the DDF line.

5. To a query of the Commission, Advocate of MSEDCL replied that there had been no stay by the High Court on the EO Order. The Commission expressed its displeasure on non-compliance of EO Order within the specified time limit, and even after the Writ Petition was dismissed in 2015. Advocate of MSEDCL stated that the delay was on account of seeking approval at various stages from MSEDCL's Head Office and due to local public agitations. Advocate of MSEDCL stated that MSEDCL will submit its justification for delay.
6. The Commission asked MSEDCL what action has been taken against the officer/s who have directed to tap the DDF line of the Petitioner, and did not submit the detailed investigation report to the C.E. on the complaint of the Petitioner. The Petitioner had to file complaints in various departments of MSEDCL, and in IGRC, CGRF, EO and the Commission. The Commission also asked MSEDCL how it would compensate the consumer on account of interruptions faced due to tapping on the DDF line, legal costs and harassment suffered by him. The Commission also asked why MSEDCL has not paid Rs.10,000/- to the Petitioner as directed by the EO. In response, MSEDCL stated that it would initiate an inquiry to find out the facts that led to tapping of DDF line of the Petitioner.
7. The Commission directed MSEDCL to submit the name and designation of the erring officer/s who were literally involved in handling this case of the Petitioner within four weeks, with a copy to the Petitioner. The Petitioner may submit its Rejoinder, if any, within a week thereafter. The Petitioner may also inform the names of the erring officer/s to the Advocate of MSEDCL.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member