

Before the

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 14 of 2017

Dated: 11 April, 2017

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

In the matter of

**Petition of M/s. Om Shree Agro- Tech Ltd for non-compliance of the Electricity
Ombudsman, Mumbai's Order dated 14.10.2016 in Case No. 70 of 2016 regarding
defective meter & billing**

M/s.Om Shree Agro –Tech Ltd Petitioner

V/s

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

Appearance:

For the Petitioner: ...Shri.Satish Shah. (Rep.)

For the Respondent: ...Shri.D.V. Padalkar. (Rep.)

Daily Order

Heard the Representatives of the Petitioner and Respondent.

1. Representative of Petitioner stated as follows:

- (i) He re-iterated the submissions as stated in the Petition. He further stated that the Electricity Ombudsman (EO) vide its Order dated 14 October, 2016 directed MSEDCL to recover only 50 % of DPC payable till February, 2016. MSEDCL was accordingly directed to issue a revised bill within 15 days and refund or adjust the payment, if any.
- (ii) Presuming that MSEDCL will comply with the Order of EO, the Petitioner made payment of 100 % of the disputed amount of DPC in December, 2016. Thereafter, Petitioner requested MSEDCL to give effect to the Order of EO. However MSEDCL deliberately avoided complying with the Order.

- (iii) Instead, MSEDCL filed Writ Petition (WP No. 12693 / 2016) before the Bombay High Court, Aurangabad Bench against the EO Order.
- (iv) MSEDCL agreed to waive 50 % DPC during the proceedings of the case before the EO as the Petitioner resorted to settlement option of paying 50 % DPC. Hence MSEDCL should comply with the Order of EO, and it had misled the High Court by hiding the fact of 100 % payment of DPC by the Petitioner.
2. To a query of the Commission, Representative of MSEDCL replied that it had never agreed for settlement of 50 % DPC and the contentions made by the Petitioner are false.
3. Representative of MSEDCL further stated that the High Court has granted stay on 9 January, 2017. In view of the stay granted by the High Court, this Petition may be disposed of. MSEDCL will obey the orders of the High Court.
4. To a query of the Commission, Representative of MSEDCL replied that, due to the unavailability of HT meters, there was delay in replacement of the defective meter of the Petitioner.
5. The Commission directed MSEDCL to furnish the details of new HT connections released during the meter defective period, i.e from September, 2006 to December, 2006, within 2 weeks.

The Case is reserved for Order.

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

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