

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No.10 of 2017

Date: 11 April, 2017

CORAM: Shri. Azeez M. Khan, Member

Shri. Deepak Lad, Member

**In the matter of
Petition of M/s. Sudarshan Tyres Pvt. Ltd., Ahmednagar for Non-Compliance of
CGRF Nasik Zone's Order dated 08.07.2016 and the Electricity Ombudsman,
Mumbai's Order in representation No. 97 of 2016 dated 25.10.2016 by Maharashtra
State Electricity Distribution Company Ltd. in the matter of arrears after change of
tariff category.**

M/s. Sudarshan Tyres Pvt. Ltd. Petitioner

V/s

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

Appearance:

For the Petitioner: ...Shri.B.R.Mantri (Rep.)

For the Respondent: ...Shri.B.D.Karad (Rep.)

Daily Order

1. Heard the representatives of the Petitioner and Respondent.
2. Representative of the Petitioner stated that it is a LT consumer undertaking Tyre Remoulding works as its process. MSEDCL categorized it under Industrial tariff and was being billed accordingly. However, inspection by Flying Squad led to charging its Unit the Commercial tariff, and it was issued a Demand Note for April, 2012 to December, 2013 for Rs.1,75,082/-. The bill was to be paid within 15 days. Subsequently the regular bill from January, 2014 was billed at Commercial tariff.
3. The issue was taken up with MSEDCL officials who wrote to Flying Squad. However, Flying Squad did not reply to their queries. As a result, the Petitioner connection was again being billed as per Industrial tariff from the billing month

of February, 2014. Surprisingly, however, the connection was again billed as per Commercial tariff from June, 2015. This was without any notice from MSEDCL. The Petitioner paid both the supplementary bills.

4. The Petitioner approached IGRC and then CGRF, Nashik. The CGRF allowed the application and directed the Respondent to refund by way of adjusting first supplementary bill of Rs 1,75,082/- (April 2012 to December 2013) through future bills. The compliance of CGRF Order was to be reported within 1 month.
5. The Petitioner thereafter filed its representation to the Electricity Ombudsman (EO), Mumbai for refund of second supplementary bill of Rs 1,66,210/-(Feb 2014 to May 2015).
6. EO in his order dated 25 October, 2016 directed the Respondent to refund Rs 1,66,210/-, and also directed it to refund Rs 1,75,082/- if not already refunded as per the CGRF Order.
7. He stated that the CGRF Order which set aside the retrospective recovery for the period August 2012 to December, 2013 was challenged by MSEDCL in Writ Petition (WP No. 10734/2016) before the Bombay High Court, Aurangabad Bench, but operation of the Order is not stayed by the High Court.
8. He further stated that the EO Order setting aside the retrospective recovery for the period February, 2014 to May, 2015 was also challenged by MSEDCL in Writ Petition (WP No. 12513/2016) before the Bombay High Court, Aurangabad Bench.
9. To a query of the Commission, the Representative of the Petitioner submitted his interpretation of the High Court interim Order, namely that it has directed MSEDCL to refund the amount recovered by MSEDCL as per Commercial tariff from the Petitioner. He further stated that, in spite of the High Court directive, MSEDCL has not given effect to the Orders of CGRF and EO.
10. Representative of MSEDCL stated that the High Court has granted stay on 19 December, 2016 to the Order of EO wherein it had directed to refund Rs.1,66,210/- to the Petitioner together with refund of Rs.1,75,082/- , if not already paid , as per the Order of CGRF. The interim Order implies that both the CGRF and EO Orders are stayed by the High Court. The contention of the Petitioner that the stay is on the EO Order and not on the CGRF Order is not correct.
11. The Commission directed MSEDCL to take note of the Commission's Order dated 3 Nov, 2016 in Case No. 48 of 2016 that Tyre Remoulding units should be billed as per Industrial Tariff.

The Case is reserved for Order.

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

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