

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 28 of 2017**

**Date: 30 May, 2017**

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

**Petition of M/s. Balaji Amines Ltd. under Section 142 and 146 of Electricity Act, 2003  
for non-compliance of the Electricity Ombudsman, Nagpur's Order dated 21.08.2015 in  
Representation No. 73 of 2015.**

M/s. Balaji Amines Ltd.

....Petitioner

V/s.

Maharashtra State Electricity Distribution Company Limited (MSEDCL)....Respondent

**Appearance:**

For the Petitioner:

...Shri.Pratap Hogade (Rep)

For the Respondent:

....Shri.P.N.Paunikar (Rep)

....Shri.Arshad J.Shaikh (Rep)

For Authorized Consumer Representative:

...Dr.Ashok Pendse (TBIA)

**Daily Order**

Heard the Representatives of the Petitioner and MSEDCL.

1. Representative of the Petitioner stated as follows :

- a) He re-iterated the submissions as stated in the Petition. He stated that in October, 2006, the Commission had introduced the continuous and non-continuous tariff categories.
- b) MSEDCL was billing the Petitioner as per non-continuous tariff category from 2006. However, in 2010, MSEDCL without any intimation issued the bill as per continuous tariff category. Since it had never sought the continuous tariff category, it approached MSEDCL to correct it, but there was no response from MSEDCL.

- c) In 2012, Petitioner received a debit bill adjustment of Rs. 31, 98, 013/- for the tariff difference from September, 2008 to November, 2010, which was paid under protest. Thereafter, Petitioner followed up with MSEDCL to quash the debit bill adjustment and requested it to revise the tariff from continuous to non-continuous. However, MSEDCL neither quashed the debit bill adjustment nor revised the tariff. Hence, being aggrieved, Petitioner approached the IGRC, CGRF and Electricity Ombudsman (EO).
  - d) The EO, Nagpur vide Order dated 21 August, 2015, has passed an Order quashing the debit bill adjustment and directed MSEDCL to refund it with interest from the due date of payment till it is refunded. It also directed MSEDCL to charge non-continuous tariff from December, 2010 onwards and refund the amount of tariff difference with interest.
  - e) Thereafter, Petitioner corresponded with MSEDCL requesting compliance with the EO Order. However, MSEDCL has still not complied with it. Instead of complying with the EO Order, MSEDCL filed Writ Petition in the Bombay High Court, Aurangabad Bench (WP No.5423 of 2016). Till date, there is no stay granted by the High Court, and the Writ Petition is in pre-admission stage.
  - f) Even two years after the EO Order, MSEDCL has not complied with the EO Order. Hence, the Petitioner approached the Commission in January, 2017, but still there is no reply from MSEDCL.
  - g) There are similar cases where the Commission had directed MSEDCL to comply with the CGRF and EO's Order. However, MSEDCL is not complying with these Orders. This should be viewed seriously by the Commission and MSEDCL directed to fix responsibility on the official (s) responsible for the delay in effecting refund as per the Order of the EO and to recover the amount of interest for the delay from them.
2. The Commission asked MSEDCL why the EO's Order has not been complied with so far, as required under the CGRF Regulations, when its operation had not been stayed. In response, MSEDCL Representative stated that it would comply with the Order by adjustment in the ensuing energy bill of the Petitioner.
  3. Representative of the Petitioner stated that already compliance is delayed for 2 years by MSEDCL and the final Order of the Commission will take some further time. Hence the Commission should give directives to MSEDCL to comply with the EO Order immediately. The Commission noted the commitment made by MSEDCL at the hearing.

**The Case is reserved for Order.**

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

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