

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 12 of 2017

Date: 16 May, 2017

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

In the matter of
Petition of M/s. Karamtara Engineering Pvt. Ltd for non-compliance of the Electricity
Ombudsman's Order dated 29.10.2014 in Representation No. 2 of 2014, a Review of
Representation No.19 of 2014.

M/s. Karamtara Engineering Pvt. Ltd.Petitioner

V/s.

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

Appearance:

For the Petitioner: ...Shri.Tushar Mandlekar (Adv)

For the Respondent:Shri.M.G.Wath (Rep)
....Shri.M.S.Dhobale (Rep)

For Authorized Consumer Representative:Dr.Ashok Pendse (TBIA)

Daily Order

Heard the Advocate of the Petitioner and Representative of MSEDCL.

1. Advocate of the Petitioner stated as follows :
 - a) He re-iterated the submissions as stated in the Petition. He stated that MSEDCL was billing the Petitioner as per non-continuous tariff category. However, without any notice to the Petitioner, MSEDCL suddenly changed the tariff category from non-continuous to continuous from August, 2008.
 - b) The Electricity Ombudsman (EO), Nagpur vide Order dated 29 October, 2014 had directed MSEDCL to change the tariff category of the Petitioner from continuous

to non-continuous. The compliance to this Order was to be reported within 90 days.

- c) Instead of complying with the EO Order, MSEDCL filed a Writ Petition in the Bombay High Court, Nagpur Bench (WP No.2181 of 2017) which has ruled by its Order dated 10 April, 2017 as follows:

“-----However, the petitioner shall carry out the exercise of reviewing the energy bills from August 2008 by applying HT-I Non Continuous Tariff”.

- d) Even three years after the EO's Order dated 29 October, 2014, MSEDCL has complied with neither the EO's Order nor with the High Court's Order of carrying out the exercise of reviewing the energy bills from August, 2008 by applying HT-I Non Continuous Tariff.
- e) It has become the practice of MSEDCL to file Writ Petitions challenging Orders of the CGRF and EO.
2. Representative of MSEDCL stated that, since the Petitioner failed to apply within one month of the Tariff Order, it is being billed as per the Continuous Tariff. MSEDCL has filed a Writ Petition in the High Court, which has granted stay to the payment of tariff difference to the Petitioner but directed MSEDCL to carry out the exercise of reviewing the energy bills from August 2008 by applying HT-I Non Continuous tariff. Accordingly, MSEDCL has calculated the amount of refund by way of difference in tariff, the audit of which will take a further 7 days.
3. The Commission observed that, in spite of the dispensation in the Commission's Order in Case No.94 of 2015, MSEDCL is still incurring legal expenses on such litigation. The Commission may take a serious view on this at the time of the MTR proceedings.
4. The Commission directed MSEDCL to submit the following:
- a) Reasons for non-compliance of the EO Order in the period up to the High Court Order.
 - b) Officer/s responsible for the non-compliance.
 - c) Reasons for delay in the exercise of reviewing the energy bills post issue of EO Order.
 - d) Comments on option of withdrawing the Writ Petitions before the various courts with respect to continuous and non-continuous tariff in view of Order of the Commission in Case 94 of 2015.
5. The Commission directed MSEDCL to file its say within 10 days, with a copy to the Petitioner.
6. Advocate of Petitioner pleaded that, instead of closing the Case, the Commission may schedule one more hearing after withdrawal of the Writ Petition by MSEDCL.

7. As the matter is subjudice before the High Court, the Commission closed the matter with liberty to approach the Commission subsequent to the outcome of the High Court matter, if required.

The Case is reserved for Order.

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

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