

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 16 of 2017

Dated: 20 June, 2017

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

In the matter of
Petition of Shri Ashok Kulkarni for investigation of the books of accounts of Tata Power Company in respect of various contracts awarded for painting, dredging, coal handling, coal freight, shipping cost etc. from FY 2003-04

Shri Ashok Kulkarni ...Petitioner

V/s.

The Tata Power Company Ltd. (TPC) ...Respondent No. 1
BEST Undertaking (BEST) ...Respondent No. 2
Reliance Infrastructure Ltd. (RInfra) ...Respondent No. 3

Appearance

For the Petitioner : Mr. Pranav Desai (Adv.)
Ms. Gaurangi Patil (Adv.)

For the Respondent No. 1 : Smt. Vaidehi Naik (Adv.)

For the Respondent No. 2 : Shri S. S. Adlinge (Rep.)

For the Respondent No. 3 : Shri Ghanshyam Thakkar (Rep.)

Authorized Consumer Representative : Shri Ashok Pendse, TBIA

Daily Order

Heard the Advocates for the Petitioner and Respondent, TPC.

The Advocate for the Petitioner stated that, based on certain newspaper reports, the present Petition has been filed seeking investigation of the books of accounts of TPC under Section 128 of the Electricity Act, 2003, in respect of various contracts awarded for painting, dredging, coal handling, coal freight, coal shipping etc. from FY 2003-04.

The Commission raised the issue of propriety of the Petition claiming to be based solely on newspaper reports, to which Advocate of the Petitioner could not respond.

The Commission further observed that, even though Petitioner's Advocate claimed that the Petition is based on newspaper reports, the Petition has referred to the Commission's Order dated 3 October, 2006 in Case No. 12 of 2005 and 56 of 2005 contending that same issue was raised during that proceeding. However, in subsequent Tariff proceedings also, i.e. Business Plan Petition and Multi Year Tariff Petition of TPC-G, similar objections were raised, and the Tariff Orders were challenged before the higher Courts. The Petitioner has not mentioned these Tariff Orders, and challenges in the Petition, for reasons best known to it.

The Advocate for the Petitioner stated that he would seek instructions from his client for making further submissions on the issue.

The Advocate for the Respondent No. 1, TPC stated that it has filed preliminary reply on the maintainability of the Petition on 19 June, 2017 and detailed reply would be submitted at a later stage. The Commission stated that this approach of TPC is not acceptable since such partial submissions result in unnecessary delay, and TPC had no ground to believe that only preliminary submissions would be acceptable.

The Petitioner is directed to refer to the relevant Orders issued by the Commission and other Courts and their findings on the related issues, and make its further submissions in that context by way of an addendum within two weeks, with copies to the Parties and Institutional Consumer Representatives. Responses shall be filed within two weeks thereafter.

Next date of the hearing shall be communicated by the Secretariat of the Commission.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member