

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in / www. merc.gov.in**

Case No. 46 of 2017

Dated: 22 June, 2017

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

In the matter of

Petition of Maharashtra State Electricity Distribution Co. Ltd., for modification of the directives of the Commission dated 01.03.2017 for refund of FAC for the period from April to October, 2016 amounting to Rs.369.54 crore to the Consumers.

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

Appearance:

For the Petitioner:

Shri. Ashish Singh (Adv)

For Consumer Representatives:

Shri. Raghunath Kaparathi (CMIA)
Shri. Chhabiraj Rane (MCCIA)
Shri. Pratap Hogade (MCCIA)

Daily Order

1. Heard the Advocate of the Petitioner and Consumer Representatives.
2. MSEDCL stated that:
 - i. Subsequent to the last hearing, vide its letter dated 6 May, 2017, MSEDCL has communicated to the Commission that it has started refunding the FAC amount to the consumers as directed in the Vetting Report dated 1 March, 2017. It has already refunded 2 out of 7 installments with holding cost to the consumers. Thus, MSEDCL is complying with the Order of the Commission.
 - ii. In these circumstances, MSEDCL is in the process of amending its Petition for covering all relevant issues in a holistic manner. Therefore, instead of proceeding further in the matter, MSEDCL requested time for amending / modifying its Petition.

3. CMIA stated that:

- i. It has filed its written submission dated 21 April, 2017. The Petition has been filed under Regulation 85 (1) and 94 of the MERC (Conduct of Business) Regulations, 2004. Regulation 85(a) relates to review of decision, direction and Orders of the Commission, but MSEDCL in its Petition is seeking modification of the Commission's direction. Hence Regulation 85 (a) is not applicable. Similarly, Regulation 94 is applicable where no Regulations have been framed. As Regulations for FAC have been framed, Regulation 94 is also not applicable.
- ii. MSEDCL's Petition is not maintainable and needs to be dismissed.

4. MCCIA stated that:

- i. Subsequent to filing of the Petition on 18 March, 2017, two hearings have been held. In compliance of the Commission's directives, MSEDCL has started refunding the FAC amount. At this stage, amendment in the Petition may not serve any purpose.
- ii. If desired, MSEDCL may withdraw this Petition with liberty to file a fresh Petition. Amendment / modification of the present Petition should not be allowed.

5. The Commission allows three weeks to MSEDCL for its additional submission or addendum with copy to all Institutional CRs. CRs shall file their Rejoinder, if any, within a week thereafter with copy to MSEDCL.

After filing of the above submissions, the Secretariat of the Commission will communicate the next date of hearing.

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

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