

**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](mailto:mercindia@merc.gov.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in) / [www.merc.gov.in](http://www.merc.gov.in)

**Case No. 54 of 2017**

**Date: 04 July, 2017**

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

**In the matter of**  
**Petition of M/s. Jawahar Shetkari Sahakari Soot Girni Ltd. for non-compliance of the**  
**CGRF, Jalgaon Zone's Orders dated 31.01.2017 in Case No. 15 to 18 of 2016.**

M/s. Jawahar Shetkari Sahakari Soot Girni Ltd. ....Petitioner

V/s.

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

**Appearance:**

For the Petitioner: ...Shri.Satish S Shah

...Shri.T N Agarwal

For the Respondent: ....Shri.Ashish Singh (Adv.)

**Daily Order**

Heard the Representative of the Petitioner and the Advocate of MSEDCL.

1. Representative of the Petitioner stated as follows :
  - a) He re-iterated the submissions in the Petition. MSEDCL has still not complied with the Orders dated 31 January, 2017 passed by the CGRF, Jalgaon Zone in Case Nos. 15 to 18 of 2016 with regard to excess charged FAC and 2 % voltage surcharge. MSEDCL was directed to give effect to these Orders in the ensuing bills.
  - b) Even 5 months after the CGRF Orders, MSEDCL has still not complied with them.
  - c) Even though the CGRF Orders record that non-compliance of its orders/directions shall be deemed to be a contravention of the provisions of MERC (CGRF and Electricity Ombudsman) Regulations, 2006 and the Commission can initiate

proceedings suo motu or on a complaint filed by any person to impose penalty or prosecution under Sections 142 and 149 of the E A, 2003, MSEDCL has not complied with the CGRF Orders.

- d) The Commission may direct MSEDCL to implement the CGRF Orders immediately and refund the excess amount along with interest as directed in the CGRF Orders.
  - e) The Commission may initiate punishment under Sections 142 and 149 of the EA, 2003 for contravention / non-implementation of the CGRF Orders.
  - f) The Commission may direct MSEDCL to pay the Petitioner compensation of Rs. 50,000/- towards cost incurred for filing the Petition, attending hearing, man-hour cost, travelling expenses and mental agony.
  - g) Instead of complying with the CGRF Orders, MSEDCL has filed Writ Petitions ( WP No. 6859 to 6862 of 2017) in the Bombay High Court, Aurangabad Bench, which are still not admitted by the High Court.
2. Representative of the Petitioner submitted a copy of the Interim Order of the High Court dated 3 July, 2017 and stated that the matter is fixed for hearing on 13 July, 2017. He further stated that the High Court has ruled as follows:

*“ ...5. Till then, no further action upon the order of CGRF be taken, provided that the petitioners deposit half of the amount as directed by CGRF in this court on or before 12<sup>th</sup> July, 2017.”*

3. To a query of the Commission, the Advocate of MSEDCL replied that it is in the process of depositing half of the amount in the Court before 12 July, 2017.
4. The Commission asked what stopped MSEDCL from complying with the CGRF Orders, and under what provisions of law was the legal advice given by the Legal Department of MSEDCL tenable in this regard. Advocate of MSEDCL requested that the affidavit submitted by MSEDCL response to the Petition be treated as withdrawn, which was rejected by the Commission.
5. The Commission expressed its displeasure on the casual approach of MSEDCL of not implementing the CGRF and EO Orders within the stipulated time as required by law, and also on the inconsistencies in the decisions of different field offices. The Commission also noted that the field offices are not even following the Circulars of the Head Office regarding compliance of such Orders.
6. As the matter is in effect stayed by the High Court, the Commission closed the matter with liberty to the Petitioner to approach the Commission subsequent to the outcome of the Writ Petition, if required.

**The Case is reserved for Order.**

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

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