

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No.55 of 2017

Date: 4 July, 2017

CORAM: Shri. Azeez M. Khan, Member

Shri. Deepak Lad, Member

In the matter of

Petition of M/s. Balbir Alloys Pvt. Ltd against MSEDCL for non-compliance of the Commission's Order in Case No. 95 of 2013 and M.A. 187 of 2014 dated 26.06.2015 regarding refund of excess collected amount due to premature billing.

M/s. Balbir Alloys Pvt.Ltd.

.....Petitioner

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

..... Respondent

Appearance:

For the Petitioner:

...Shri.B.R.Mantri (Rep.)

For the Respondent:

...Shri.Ashish Singh (Adv.)

Daily Order

1. Heard the Representative of the Petitioner and the Advocate of MSEDCL.
2. Representative of the Petitioner stated as follows:
 - a) He re-iterated the submissions as stated in the Petition. He stated that the Petition has been filed for non-compliance of Commission's Order dated 26 June, 2015 in Case No. 95 of 2013 and M.A. 187 of 2014 regarding levy of Additional Energy Charge (AEC). In that Order, the Commission has directed MSEDCL to take a review of the refunds made by it on account of premature billing of AEC and to make any remaining refund to the consumers in the next billing cycle. AEC was recoverable from September, 2013, but MSEDCL has levied it on the Petitioner from August, 2013.

- b) MSEDCL has not implemented this Order and hence it has violated the Commission's directions.
- c) Vide its letter dated 23 September, 2013, MSEDCL in its compliance report submitted to the Commission in Case No 110 of 2013 had mentioned that it had levied the Additional Energy Charges from September, 2013. However, MSEDCL had actually recovered it from August, 2013. Hence the compliance report submitted by MSEDCL is not as per facts.
3. The Commission asked MSEDCL why the Petitioner is still not refunded AEC levied in August, 2013. In reply, MSEDCL stated that since the issue raised in the present Petition is identical to Case No.78 of 2016 of M/S. Paul Strips and Tubes Pvt. Ltd., MSEDCL has not filed Reply in this Case and that it will act as per the Final Order in Case No. 78 of 2016.
4. The Commission asked MSEDCL why the Petitioner and similar consumers have been treated differently with regard to refund of AEC since the process of refund of AEC was applicable to all consumers.
5. The Commission also asked MSEDCL about the status of refund of AEC to the consumers in Kalyan Zone. MSEDCL replied that not a single consumer in Kalyan Zone is refunded AEC levied in August, 2013.
6. The Commission expressed its displeasure on the casual approach of MSEDCL for its failure to submit Reply to the Petition and also on the contrary submissions of MSEDCL in Case No. 110 of 2013. In view of this, the Commission directed MSEDCL to submit under affidavit within 2 weeks the factual position of all the entitled consumers and status of refund of AEC to such consumers, and on what basis MSEDCL had submitted in Case No. 110 of 2013 that it had refunded AEC levied in August, 2013 to all such 1198 consumers in the billing month of February, 2014.

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

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

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