

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 103 of 2017 and 104 of 2017

Date: 3 October, 2017

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

In the matter of
Petition of M/s. Tuljabhawani Cold Storage regarding non-compliance of CGRF,
Baramati Zone's Order dated 6 April, 2017 in Case No. 6 of 2017 by Maharashtra State
Electricity Distribution Co. Ltd.

(Case No. 103 of 2017)

M/s. Tuljabhawani Cold StoragePetitioner

V/s

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

And

In the matter of
Petition of M/s. Tuljabhawani Cold Storage Pvt. Ltd. regarding non-compliance of
CGRF, Baramati Zone's Order dated 6 April, 2017 in Case No. 5 of 2017 by
Maharashtra State Electricity Distribution Co. Ltd.

(Case No. 104 of 2017)

M/s. Tuljabhawani Cold Storage Pvt. Ltd.Petitioner

V/s

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

Appearance:

For the Petitioners: ...Shri Dhananjay Gaikwad (Rep.)

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

Daily Order

1. The Parties were informed that the Commission has resolved that the matters will be heard and decided by a two Member Bench.
2. The Commission heard the Representative of the Petitioners and Advocate for the Respondent.
3. The issues in both these Cases being identical, the Commission heard them together with the consent of the parties.
4. Representative of the Petitioners stated as follows:
 - i. The Petitions seek directions under Section 142 of the Electricity Act, 2003 on account of MSEDCL's non-compliance of the Orders dated 6 April, 2017 in Case Nos. 5 and 6 of 2017 passed by the CGRF, Baramati Zone.
 - ii. CGRF, Baramati Zone had directed MSEDCL to apply Agricultural Tariff with effect from 1st June 2015 and to refund the differential amount to the Petitioners along with interest. This Order was not implemented by MSEDCL inspite of follow up by the Petitioners.
 - iii. The Petitioners approached the Electricity Ombudsman with the limited prayer of extending the applicability of the Agricultural Tariff from 1st September, 2009 instead of from 1st June, 2015.
 - iv. In his Orders dated 18th August 2017 in Representation Nos. 58 and 59 of 2017, the Ombudsman held that the Tariff category of the Petitioners should be revised with effect from 1st July 2013 and 1st August, 2013, respectively. He also directed that the differential amount be refunded within two months along with interest.
 - v. Till August, 2017, no action has been taken by MSEDCL on the revision in Tariff category and on refunding the differential amount in accordance with the CGRF Orders. Only in the last week of September, 2017 was an email received from MSEDCL informing that necessary action in this regard shall be taken from September, 2017 onwards.
 - vi. The Petitioner has received bill for September, 2017 which shows credit adjustment of Rs. 91 lakh. However, only Rs. 80 lakh have been deducted from the final bill. No calculations have been submitted and the Petitioner is not satisfied with the amount refunded by MSEDCL.
 - vii. Further, MSEDCL has refunded the differential amount based on the CGRF Orders, but the Orders of Electricity Ombudsman dated 18 August 2017, which are the subsequent Orders, should have been implemented by MSEDCL.

viii. Due to delay in implementation of CGRF Orders, the Petitioners have incurred the financial loss which should be recovered from concerned officers of MSEDCL.

5. Advocate of MSEDCL stated that

i. Before filing the present Petitions, the Petitioners had approached the Electricity Ombudsman challenging the Orders dated 6 April 2017 passed by CGRF, Baramati Zone on 12 June, 2017. This fact has not been disclosed by the Petitioners.

ii. The Petitioners themselves have challenged the CGRF Orders, and hence no question arises about MSEDCL's compliance of the CGRF Orders.

6. To a query of the Commission as to how MSEDCL suddenly proceeded with implementation of the Orders of CGRF in the last week of September, 2017 after a considerable lapse of time, MSEDCL stated that it has filed Writ Petition before the Bombay High Court, against the CGRF Orders and were expecting a stay during the hearing held on 26 September 2017. However, no stay was granted. Therefore, MSEDCL proceeded with compliance of the CGRF Orders.

7. The Commission observed that, although the CGRF Orders were challenged by the Petitioners themselves, MSEDCL could have implemented these Orders. The Commission directed MSEDCL to implement the Orders dated 18 August 2017 passed by Electricity Ombudsman in Representation No. 58 of 2017 and 59 of 2017 within two weeks and to share the refund calculation with the Petitioners.

The Case is reserved for Order.

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

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