

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 126 of 2017

Dated: 12 December, 2017

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

**In the matter of
Petition filed by Shri B. R. Mantri for Review of Order dated 07/07/2017 in Case No.
101 of 2016 in the matter of discontinuing refund of Additional Supply Charges for
application received after 01.01.2016.**

Shri. B. R. MantriPetitioner
Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)Respondent No. 1
Shri. Suresh SanchetiRespondent No. 2

Appearance:

For the Petitioner:	Shri. B. R. Mantri
For the Respondent No. 1	Smt. Deepa Chawan (Adv)
For the Respondent No. 2	Shri. Suresh Sancheti

Daily Order

1. Heard the Petitioner and Advocate of the Respondent.
2. Shri. B. R. Mantri stated that:
 - a. Reply of MSEDCL was received a day before the hearing and hence 2 weeks may be given for filing its Rejoinder.
 - b. MSEDCL vide its Petition in Case No. 101 of 2016 had requested the Commission to allow it to discontinue consideration of applications for refund of ASC received after 1 April, 2016. Although in its Petition MSEDCL had stated that it has refunded ASC to 99 consumers for the period of May, 2007 to May 2008, actually such refund was for the period of October, 2006 to May, 2008.
 - c. Vide letter dated 23 March, 2017, the Petitioner has brought to the notice of the Commission that MSEDCL was wrongly refunding ASC to the selected consumers.

- d. MSEDCL has wrongly linked ASC refund with interruptions faced by consumers instead of additional Load Shedding, if any. Further, MSEDCL has allowed refund only to the consumers who have applied for and not to other consumers on same feeder who would have faced the same load shedding / interruptions.
 - e. The Commission in its impugned Order dated 7 July, 2017 in Case No. 101 of 2016 has allowed MSEDCL's request of not considering any new application for ASC refund. This discriminates against the similarly placed consumers who have not been able to apply for refund of ASC.
 - f. Hence, the Commission is requested to review its impugned Order and direct MSEDCL to publish a Public Notice stipulating a time limit for seeking applications from the eligible consumers for refund of ASC.
3. MSEDCL stated that:
- a. Clarificatory Order dated 24 August, 2007 requires a consumer to apply for refund of ASC with supporting documents. By claiming that MSEDCL should have given ASC refund to the other consumers on the same feeder without their refund application, the Petitioner is trying to review the Order dated 24 August, 2007 which is not permissible after lapse of 10 years.
 - b. The Commission in its impugned Order dated 7 July, 2017 has clearly stated that ASC refund is only related to additional Load Shedding and not with \interruptions. MSEDCL will look into details of 99 consumers to whom ASC refund was given.
 - c. In Case No. 101 of 2016, MSEDCL had upfront stated that it had refunded ASC to 99 consumers and would like to discontinue this practice as period of refund was of 2007 – 2008 and scrutiny and availability of data of that period was an issue. After considering all the issues, the Commission has passed impugned Order dated 7 July, 2017. Once the Order is passed, the Commission becomes functus officio. Petitioner has failed to show any grounds for review of the impugned Order.
4. On objection of MSEDCL, the Petitioner withdrew point '10' of its additional submission tendered during the hearing which is allegation of scam.
 5. The Commission allowed two weeks to the Petitioner for filing its Rejoinder, if any, with copy to MSEDCL and Institutional CRs.

Case is reserved for Order.

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

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