

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 127 of 2017

Dated: 12 December, 2017

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

**In the matter of
Petition of Shri B. R. Mantri for Review of order dated 13/07/2017 in Case No. 78 of
2016 for violation of Orders in Case No. 95 of 2013 and MA No. 187 of 2014, and for
refund of Additional Energy Charge prematurely levied by MSEDCL.**

Shri. B. R. MantriPetitioner

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)Respondent No. 1
M/s Paul Strips and Tubs Pvt. Ltd.Respondent No. 2

Appearance:

For the Petitioner: Shri. B. R. Mantri

For the Respondent No. 1 Smt. Ashish Singh (Adv)
For the Respondent No. 2 None

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. Petition in Case No. 78 of 2016 was filed by M/s Paul Strips and Tubes Pvt. Ltd. under Section 142 and 149 of the Electricity Act (EA), 2003 for non-compliance of Commission's direction of refund of Additional Energy Charge (AEC) levied in August, 2013.
 - c. The Commission vide its Order dated 5 September, 2013 had allowed MSEDCL to recover AEC charge from its consumers in six equal installments starting from

September, 2013. However, MSEDCL has levied such charges in the month of August, 2013. This was clearly non-compliance of the Commission's Order.

- d. MSEDCL has also not complied with the Commission's MYT Order dated 26 June, 2015 wherein the Commission has directed MSEDCL to refund any pre-mature billing of AEC.
 - e. Petition in Case No. 78 of 2016 was filed for non-compliance of Orders and even after such non-compliance has been proved, instead of taking action under Section 142 and 149 of the EA, 2003, the Commission in its impugned Order dated 13 July, 2017 has dealt with other issues.
 - f. Further, in the impugned Order, the Commission has allowed MSEDCL to levy AEC for the month of February, 2014, if not already done. This direction of the Commission is contradictory to Section 52 of the EA, 2003 which limits any recovery beyond two years.
 - g. Copy of its Consumer Personal Ledger has been submitted for demonstrating that it has been affected by levy of AEC.
3. MSEDCL stated that:
- a. Review Petitioner was not party in original matter of Case No. 78 of 2016. Hence, it needs to prove its locus standi in the matter.
 - b. MSEDCL has implemented the impugned Order dated 13 July, 2017 across the consumer through billing software. Some of the consumers are aggrieved as they have to pay an additional amount as a result of impugned Order.
4. The Commission allowed two weeks to the Petitioner for filing its Rejoinder, if any, with copy to MSEDCL and Institutional CRs. MSEDCL may file its additional submission, if any, within a week thereafter.

Case is reserved for Order.

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

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