

**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  
Website: www.mercindia.org.in / www.merc.gov.in**

**Case No. 130 of 2017**

**Dated: 12 December, 2017**

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

**In the matter of  
Petition of Shri Suresh Sancheti 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. Suresh Sancheti .....Petitioner

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

**Appearance:**

For the Petitioner:

Shri. B. R. Mantri

For the Respondent

Smt. Deepa Chawan (Adv)

**Daily Order**

1. Heard the Petitioner and Advocate of the Respondent.
2. Shri. Suresh Sancheti stated that:
  - a. MSEDCL has misinterpreted the Clarificatory Order dated 24 August, 2007. That clarification was related to base year consumption. If any consumer had faced additional outage or planned shutdown which resulted in lowering its base consumption, in that case, through clarificatory Order, the Commission allowed such consumer to approach MSEDCL with documentary proof for restatement of its base consumption. Nowhere in that Order was it mentioned that ASC should be refunded if consumer faced additional Load Shedding or interruptions.
  - b. MSEDCL has misled the Commission by linking interruptions to the ASC refund. Interruptions and Load Shedding are distinct from each other. ASC was related to Load Shedding.

- c. Though MSEDCL has refunded ASC to selected consumers for the period of 2007-2008, in that period consumers have never faced any additional Load Shedding. Hence, ASC refund made by MSEDCL to 99 consumers is based on interruptions which are against the concept of ASC and hence needs to be recovered from these consumers. Also, action should be taken against concerned MSEDCL Officials. If the refunds are based on additional Load shedding, all other Consumers on that feeder should be refunded, and there cannot be discrimination.
  - d. Consumer should get amount legitimately due to it. If there are genuine cases, the consumer should get appropriate relief.
3. MSEDCL stated that:
- a. Petitioner has argued the case diametrically opposite to its prayer 'c' which sought that the benefit of ASC refund given to 99 consumers be extended to other similarly placed consumers.
  - 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 the interruptions which are to be dealt with as per provisions of Supply Code and SoP Regulations. MSEDCL will look into the 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 the 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. Petitioner has failed to show any grounds for review of the impugned Order.
4. On objection of MSEDCL, the Petitioner withdraw prayer 'h' in its Petition being derogating in nature.

**Case is reserved for Order.**

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

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