

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 154 of 2017

Date: 8 January, 2018

CORAM

Shri. Anand B. Kulkarni, Chairperson

In the matter of

Petition of M/s. RSR Mohota Spinning and Weaving Mills Ltd. under the Sections 142, 146 and 149 of the Electricity Act, 2003 against MSEDCL regarding non-compliance of the Electricity Ombudsman Nagpur's Order dated 26.08.2017 in Case No. 25 of 2017 in the matter of refund of 2% voltage surcharge illegally collected by MSEDCL.

M/s. RSR Mohota Spinning & Weaving Mills Ltd. ... Petitioner

V/s

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

Appearance:

For the Respondent: ...Shri. S.V.Barhate. (Rep.)

Daily Order

1. Heard the Representative of MSEDCL.
2. The Petitioner was not present during the hearing.
3. Representative of MSEDCL stated as below:
 - a. MSEDCL has filed a Writ Petition No. 7900/2017 before the Bombay High Court, Nagpur Bench, challenging the Electricity Ombudsman, Nagpur's Order dated 26 August, 2017.

b. The High Court, on 26 December, 2017, has passed an interim Order as follows:

“....

2. Learned counsel Shri. S.V. Purohit for the petitioner seeks leave to suitably amend the prayer clause of the petition seeking relief by way of interim Stay to Notice dated 8.11.2017.

3. Leave as prayed for is granted.

4. Amendment be carried out forthwith.

5. Issue Notices to the respondents, returnable after six weeks.

6. In the meanwhile, there shall be Stay to Notice dated 8.11.2017 passed by MERC.”

c. Thus, the High Court has granted a stay to notice dated 8 November, 2017 and the matter is listed on 9 February, 2018.

4. The Commission observes that in view of the stay granted by the Bombay High Court, Nagpur Bench, no useful purpose would be served by continuing with these proceedings. Therefore, the Commission disposes of the matter with liberty to the Petitioner to approach the Commission afresh if he so desires depending on the outcome of the Writ Petition before the High Court.

The Case is reserved for Order.

**Sd/-
(Anand B. Kulkarni)
Chairperson**