

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**Date: 27 April 2021**

**CORAM: Sanjay Kumar, Chairperson  
I. M. Bohari, Member  
Mukesh Khullar, Member**

**Case No. 21 of 2021**

**Petition filed by Maharshi Udyog (MU) under Section 142 of the Electricity Act, 2003 against Maharashtra State Electricity Distribution Company Ltd (MSEDCL) being aggrieved by willful dis- obedience of the direction of the Commission passed in the Order in Case No.339 of 2018 dated 04 January 2019**

**&**

**Case No.22 of 2021**

**Petition filed by Maharshi Udyog against Maharashtra State Electricity Distribution Company Ltd (MSEDCL) Seeking Order/ Directing the Respondents to pay Principal & Late Payment Surcharge.**

M/s Maharshi Udyog (MU) : Petitioner  
M/s Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : Respondent

**Appearance:**

For the Petitioner : Shri. V.N.Bohra (Adv.)  
For the Respondent : Shri. Ashish Singh (Adv)  
Smt. Shailaja Sawant, GM PP

**Daily Order**

1. Heard the Advocates of the Petitioner and Respondent.
2. While narrating facts in Case No.21 of 2021, Advocate of Petitioner stated that MSEDCL has deliberately not complied with the Commission's Order in Case No.339 of 2018 dated 01 January 2019.

Advocate of MSEDCL stated that payment of Rs.16,71,781/- towards Late Payment Surcharge (LPS) has been made yesterday i.e. on 26 April 2021.

Advocate of the Petitioner submitted that he is not aware of any payment made by MSEDCL but pointed out that as per Order in Case No.339 of 2018, such payment was to be made along with penal interest of 1.25% per month. In this regard, MSEDCL stated that it has not paid such penal interest and informed that on the similar issue of penal interest of 1.25%, it has filed an appeal which is pending before the APTEL. He also admitted that no stay has been granted in that matter.

The Commission observed that non-compliance is evident in the matter and to avoid any adverse action, MSEDCL, apart from submitting the detail reasons for not complying with the Order of the Commission, should immediately comply with the said Order.

3. In Case No.22 of 2021, Advocate of the Petitioner submitted that it is case of delay in payment of principal and LPS for energy injected into the grid in terms of PPA for the period subsequent to that covered in Case No. 21 of 2021. Advocate of MSEDCL stated that there is a difference in the amount claimed by the Petitioner and in MSEDCL's calculations, which needs to be reconciled by the parties. He further sought two weeks' time to reconcile the amounts after meeting with the Petitioner or its representatives.
4. Having heard the parties, the Commission expresses its displeasure towards MSEDCL's approach of not fully complying with the Order dated 01 January 2019 by citing the reason of pending appeal before the APTEL. It could adjust the paid amount in future bills of the petitioners if it succeeds in its appeal. Further, the Commission notes that in Case No. 22 of 2021, MSEDCL should have at least paid the undisputed amount to the Petitioner as per the provisions of the PPA, without waiting for reconciliation which could have been done subsequently.
5. Accordingly, the Commission directs as follows:
  - (a) MSEDCL shall comply with Order dated 1 January 2019 in its entirety including payment of penal interest directed therein.
  - (b) MSEDCL shall submit detailed justification for delay in compliance of Order dated 1 January 2019.
  - (c) MSEDCL shall forthwith pay the undisputed amount in Case No. 22 of 2021 to the Petitioner and take up reconciliation with Petitioner within one week from the date of this order to settle the balance amount.

**Compliance of above directives be filed by 4 May 2021 and next hearing in these matters is scheduled on 11 May 2021.**

Sd/-  
**(Mukesh Khullar)**  
Member

Sd/-  
**(I. M. Bohari)**  
Member

Sd/-  
**(Sanjay Kumar)**  
Chairperson