

NOTICE

Subject: Intervention Application filed by Shri Suresh Sancheti in Case No. 101 of 2016 Petition of MSEDCL under Regulations 35, 81 and 91 read with 96 of MERC (Conduct of Business) Regulations, 2004 for allowing MSEDCL to discontinue payment of any further claims of industrial consumers towards refund of ASC for applications received after 01st April 2016.

- **Misc. Application No 03 of 2017 in Case No. 101 of 2016**

The Applicant Shri Suresh Sancheti has submitted an Intervention Application under affidavit on 22.12.2016, in Case No. 101 of 2016 Petition of MSEDCL under Regulations 35, 81 and 91 read with 96 of MERC (Conduct of Business) Regulations, 2004 for allowing MSEDCL to discontinue payment of any further claims of industrial consumers towards refund of ASC for applications received after 01st April 2016.

The main prayers of the Petitioner are as under-

- a) *The Intervention Application may please be admitted and taken on record;*
- b) *The Hon'ble Commission may please call the entire record (like application of Consumers, Notes processed for consideration of higher authorities, data of load shedding Considered for allowing refund of ASC) leading to refund of ASC and may please ascertain whether such refund is permissible;*
- c) *In case the Hon'ble Commission concludes that these consumers were eligible for refund of ASC since these consumers have suffered additional load shedding, over & above the prevailing principles & protocol of load shedding, then the Hon'ble Commission may direct the Petitioner MSEDCL to identify all such similarly placed consumers who had been subjected to additional load shedding during May 2007 to May 2008 and may further direct the Petitioner MSEDCL to refund ASC to all these consumers;*
- d) *In the alternaive, if the Hon'ble Commission decides that the Petitioner MSEDCL has wrongly refunded the ASC to few select consumers, then the Hon'ble Commission should initiate suo moto Contempt Proceedings; since such illegal refund of ASC also amounts to willful breach of the provisions of the Orders passed by the Hon'ble Commission from time to time and Hon'ble Commission may consider to disallow equivalent quantum of revenue to the Petition MSEDCL.*

- e) *The Honorable Commission may look in to the reason for MSEDCL to approach with the present petition whether it is trying to take shelter under Hon'ble Commission order to wash its dirty linen in public & still try to prove that action on part of MSEDCL was perfectly legal. This approach can also be linked to continuous change of stand taken by MSEDCL with different authorities including filing of special leave petition in the Supreme Court of Indian in the matter of Change in Tariff Category from Continuous to Non continuous, passing on the benefit to selected few Consumers & depriving other innocent consumers of the same. The present petition of MSEDCL squarely fir into the old proverb which says that,.....*
- f) *The Hon'ble Commission may permit the Intervenor to amend /alter/ modify the Intervention Application, if required an may also permit the Intervenor to make additional submissions, if required.*

2. I am directed to communicate that a hearing in the matter will be held in the presence of authorised consumer representatives on **Tuesday, 28 February, 2017 at 11.30 hrs** in the office of the Commission at 13th Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

4. The Applicant is directed to serve a copy of its above Petition (both in soft and hard copy) to the Original Petitioners and the authorized Institutional Consumer Representatives before the scheduled date of hearing.

5. The Original Petitioner is directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition, with a copy to the Petitioner and the authorized Institutional Consumer Representatives.

6. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible, and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

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Original Petitioner

Cc: **Institutional Consumer Representatives:-**

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