

NOTICE

Subject: Petition filed by Shri Hiren Jayendra Nagda under Sections 61 and 62 of Electricity Act, 2003 under Regulations 94, 95, 97 R/w 96 MERC (Conduct of Business) Regulations, 2004, and under Regulations 22,24 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 for removal of difficulty in implementation of Regulation 12.2.

- **Case No. 360 of 2018**

Shri Hiren Jayendra Nagda has filed a Petition on 10.12.2018 under Sections 61 and 62 of Electricity Act, 2003 under Regulations 94, 95, 97 R/w 96 MERC (Conduct of Business) Regulations, 2004, and under Regulations 22,24 of MERC (Electricity Supply Code & Other Conditions of supply) Regulations, 2005 for removal of difficulty in implementation of Regulation 12.2.

The main prayers of the Petitioner are as under-

1. *To Condone the delay in filing this petition.*
2. *We request the Hon'ble Commission to reexamine the decision to introduce the Leading power factor penalty in Maharashtra.*
3. *According to MSEDCL's MTR the power factor penalty is applicable only to HT Consumers therefore we request the Hon'ble commission to remove the Penalty on LT consumers*
4. *The proposed power factor penalty is upto 0.80 according to the Tariff so we request the Hon'ble commission to ask MSEDCL to maintain their System Power factor to 0.80 as below that they cannot charge the power factor penalty to the consumers.*
5. *Leading power factor also should be provided penalties and incentives similar to lagging power factor for HT consumers.*
6. *Maximum Ceiling rate of 5 % in power factor penalty.*
7. *Until MSEDCL reprograms /recalibrates/replaces all the affected meters in the state till then please adopt the old method for Calculation of Power factor as recorded by the meter. Only when the MSEDCL confirms the above reprogramming/recalibration/replacement should the new method be implemented.*
8. *Sufficient Awareness Program to educate the Consumers regarding the new Methodology and Calculations should be undertaken across the state until then please put a stay on Implementation of new Methodology of power factor calculation.*
9. *All meters shall be periodically tested as per the Hon'ble Commissions Standard of Performance.*
10. *If the power factor is leading and above 1.2 will the connected Capacitor become a load & Consumption will be recorded in the meter or not.*

11. *The Hon'ble commission should grant reasonable and sufficient time to all consumers to take steps to install equipment's after considering the availability thereof in Indian Market for corrective action in relation to Lead RKVAh.*

12. *Also while penalizing the consumer the supply co's should also be penalized for not following the Standard of Performance of the Hon'ble Commission.*

13. *Here we have attached a picture of a meter where there is only one tubelight in the unit and the unit is Empty. Still the power factor shown in the meter is 0.666 PF. We request the commission to prescribe a threshold limit. (System) Power Factor has to be defined where as per MSEDCL's Commercial Circular No. 9 dated 21/09/2005 & MSEDCL's Commercial Circular No. 45 dated 09/10/2006. The threshold system power factor from the supply companies end should be 0.90 PF.*

14. *Request the Hon'ble Commission to arrange an Audit of Supply Companies for checking the threshold (system) power factor and if isn't maintained do penalize the supply companies in the same way it penalizes the consumer. Since the financial condition of the industry is very bad. Since demonetization even to pay the bills the consumer is begging and borrowing money from whomsoever he can get.*

15. *The order of case no. 329/2018 states that the refund for the consumers debited will start from April 2019 and will be spread over some months. Now the question here is a consumer who isn't able to pay his bills for 2 months gets his supply disconnected. Since here the consumers is affected and we have come in the Temple of Justice and your order is affecting entire state; I plead and implore and beg the Hon'ble Commission to refund the debited amount immediately unconditionally to the consumers since many are in financial difficulties. Certain bills have seen a rise of approximately 400% from previous bills. How can the consumer cope up with such a hefty raise and also pay the bills.*

16. *To grant any other & further relief as may deem fit in the interest of justice.*

2. I am directed to communicate that the hearing in the matter scheduled on Wednesday, 20 February, 2019 at 10.00 hrs is Postponed and rescheduled on **Thursday, 21 February, 2019 at 10.00 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to serve a copy of its above mentioned Petition (both in soft and hard Copy) immediately to the Respondent before the scheduled date of hearing.

4. The Respondent is directed to submit the say immediately on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition, with a copy to the Petitioner.

5. 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/-
(Anilkumar Ukey)
Dy. Director (Legal)

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Petitioner

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Respondent