

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005
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Case No. 182 of 2011

In the matter of
Complaint filed by M/s Areeb Rolling Mills Pvt. Ltd., under Section 142 of EA, 2003 against MSEDCL, for non-compliance of the Order dated 14 September, 2011 passed by the CGRF, Kalyan Zone in the matter of refund of RLC & ASC.

Shri V.P. Raja, Chairman

Shri Vijay L. Sonavane, Member

M/s Areeb Rolling Mills Pvt. Ltd.

Flat No.2102, Lady Ratan Towers

'B' Wing, 21st Floor, Gandhi Nagar

D.S.Marg, Worli, Mumbai-400018

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Complainant

Vs.

Maharashtra State Electricity Distribution Co Ltd.

O&M Circle-II, Kalyan,

'Tejashree' Jahangir Maidan, Karnik Road

Kalyan- 421301.

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Opponent

ORDER

Date: 30 July, 2012

M/s Areeb Rolling Mills Pvt. Ltd., filed a complaint, before the Commission on 14 December, 2011, against Maharashtra State Electricity Distribution Company Ltd("MSEDCL") the Opponent under section 142 of Electricity Act, 2003("EA 2003"), alleging non-compliance of the Order dated 14 September, 2011 passed by the Consumer Grievance Redressal Forum(CGFR), Kalyan Zone.

2. The prayers made by the Complainant are as follows:

“Request to refund the Balance Refundable Amount of Rs.1,44,89,802.46 of RLC and ASC which is Contributed by the Petitioner to the Respondent in the nature of Interest – Free Loan

from April 2005 to 06.02.2008 plus the Interest of Rs.54,11,328.84 calculated at the rate of 6% per annum from 06.02.2008 i.e. the date of Permanent Disconnection to 16.12.2011 as per the decision taken by the Hon'ble CGRF Kalyan in the matter of our Grievances No. K/E/525/621 of 2011-12."

3. The facts of the matter submitted in the complaint, are brought out hereunder:

- i) The Complainant is the HT Consumer of Opponent having an industrial unit situated at MIDC Murbad, Dist. Thane. The Opponent had given electricity connection to the Complainant for its industrial purpose vide Consumer No. 01801902129.
- ii) Due to the blast at furnace & fatal accident, the Complainants industry was declared as a sick unit by the District Industry Centre (D.I.C). Hence, Company was closed and its supply was disconnected since 6 February, 2008.
- iii) The Complainant submitted that the Regulatory Liability Charges (RLC) and Additional Supply Charges (ASC) have been recovered by the Opponent from the Complainant during the period of 2003 to 2006.
- iv) The Complainant submitted that the Opponent has obligation to refund the entire amount of RLC and ASC to the PD Consumers along with interest. The Complainant is the PD Consumer of the Opponent from 6 February, 2008 even though Opponent has not refunded the RLC & ASC.
- v) Therefore, Complainant by its applications dated 24 June, 2009, 30 July, 2009, 10 November, 2009, 23 January, 2010, 26 March, 2010, 14 January, 2011, 31 January, 2011 and 5 May, 2011 requested the Opponent to refund the said amount along with interest. But, the Opponent didn't pay any heed to the request of the Complainant and disobeyed the Orders of the Commission.
- vi) Aggrieved by the above, the Complainant approached the IGR Cell but, in vain. Hence, the Complainant filed a representation before the CGRF, Kalyan Zone, on 5 July, 2011 with a request to direct the Opponent to refund the balance Amount of RLC and ASC from 6 February, 2008 along with interest.
- vii) On 14 September, 2011 the CGRF, Kalyan Zone passed the following Order:-
 1. *The grievance application is allowed.*
 2. *Licensee is directed to refund the balance amount of Regulatory Liability Charges (RLC) and Additional Supply Charges(ASC) to the Complainant who is the P.D. Consumer with interest at the rate of Rs. 6% per annum*

from the date of permanent disconnection of supply within three months and Compliance be reported within four months from the date of receipt of this decision.”

4. Being aggrieved by the non-compliance of the CGRF's Order, dated 14 September, 2011 the Complainant filed this Complaint before the Commission under Section 142 of the EA, 2003.
5. During the hearing held on 9 February, 2012, the Opponent submitted that it has filed a Writ Petition vide W.P. No.1064 of 2012 before the Hon'ble Bombay High Court against the impugned Order dated 14 September,2011 passed by the CGRF, Kalyan Zone. (MSEDCL vs M/s Areeb Rolling and Ors.).
6. During the hearing held on 11 April, 2012 in the present matter, the Complainant submitted that the Opponent has refunded the amount of Rs. 18,51,005/- (Eighteen lakhs fifty one thousands and five Rupees).
7. During the hearing held on 4 July, 2012 the Opponent submitted that the Hon'ble Bombay High Court has issued Notice to the Maharashtra Electricity Regulatory Commission. Further, the Hon'ble High Court has specifically directed the MSEDCL that apart from the court service the MSEDCL is at liberty to serve the copy of the Writ Petition to the Commission (i.e. Respondent No. 3) and file an affidavit of service along with the acknowledgement before the next date of hearing.
8. Having heard the parties and after considering all the documents available on record, the Commission is of the view that the Hon'ble Bombay High Court has issued Notice to this Commission on 19 June, 2012, with respect to the Writ Petition No. 1064 of 2012, filed by the Opponent herein challenging the same order dated 14 September, 2011, passed by the CGRF, MSEDCL, Kalyan Zone. Hence, by virtue of the fact that the Hon'ble High Court is seized with the matter and the Commission being a party to the proceedings before it, it would be appropriate to adjourn the matter pending the decision of the Hon'ble Bombay High Court.
9. In view of the above the present Case No. 182 of 2011 is adjourned sine die till the final decision of the Hon'ble Bombay High Court.

Sd/-

(Vijay L. Sonavane)
Member

Sd/-

(V. P. Raja)
Chairman