

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in / www.merc.gov.in

Maharashtra Electricity Regulatory Commission (Procedure for filing appeal before the Appellate Authority) (First Amendment) Regulations, 2018

STATEMENT OF REASONS

Date: 23 July, 2018

1. MERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2004 stipulates the procedure for filing appeal before the Appellate Authority. Sr.No.9, 10 and 11 in the Schedule of the principal Regulations i.e “Form of Appeal (Regulation 3(2))” reads as follows:

“....9. Date of the requisition made by the Consumer for payment of 1/3 amount after intimating in writing to the Licensee for preferring an Appeal for Assessed Bill

10. Date of requisition given to the Consumer by the Licensee for payment of 1/3 amount.

11. Date of receipt of requisition by the Consumer issued by Licensee for payment of said 1/3 amount....”(Emphasis added)

The point IV of the Schedule read as follows:

“IV. The appellant has paid an amount equal to one third of the assessed amount being Rs. _____ by way of cash/demand draft bearing No. _____ dated _____ to the licensee as per Section 127(2) of the Electricity Act 2003. The documentary evidence of such deposit has been enclosed along with the appeal” (Emphasis added)

2. The amendment to the Electricity Act, 2003 was notified on 28 May, 2007. In the Electricity (Amendment) Act, 2007, Section 127 of the principle Act, in sub-section (2), the words “one-third of the assessed amount” is substituted with the words “half of the assessed amount”.

Hence, it become necessary to amend the MERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2004 by replacing the word “**one third**” with “**half**” in the Form of Appeal as per the Electricity (Amendment) Act, 2007.

3. Accordingly, a Public Notice inviting suggestions and objections on the MERC (Procedure for filing appeal before the Appellate Authority) (First Amendment) Regulations, 2018 was published in four daily newspapers (The Times of India and Indian Express in English, and Maharashtra Times and Lokmat in Marathi) on 14 June, 2018, and the draft Regulations were made available on the Commission’s websites along with an Explanatory Memorandum. The last date for receipt of comments was 6 July, 2018.
4. In response, no suggestions and objections have been received. Hence, the Commission concludes that no substantive change is required in the draft Regulations, and they are finalised accordingly.

Sd/-
(I. M. Bohari)
Member

Sd/-
(Mukesh Khullar)
Member

Sd/-
(Anand B Kulkarni)
Chairperson