

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. 69 of 2009

In the matter of
Petition filed by Bombay Oxygen Corporation Ltd., Mumbai, complaining against
MSEDCL for wrongful charging of Additional Supply Charge and other charges.

Shri V. P. Raja, Chairman
Shri S. B. Kulkarni, Member
Shri V. L. Sonavane, Member

Bombay Oxygen Corporation Ltd. Complainant
Vs
Maharashtra State Electricity Distribution Company Ltd. Opponent

ORDER

Dated: 03 February, 2010

Bombay Oxygen Corporation Ltd., filed a complaint on 13th November 2009 against the Maharashtra State Electricity Distribution Company Limited. The complaint has been filed under Section 142 and Section 45 of Electricity Act 2003. The allegation in the complaint is that MSEDCL has unjustifiably charged the complainant Additional Supply Charge (ASC).

2. The prayers of the Complainant are as follows:

“

- A. *This Hon'ble Commission may be pleased to hold that the Respondents are not entitled to claim/ demand Additional Supply Charges of Rs. 47,03,711/- and interest penalties, fines and any other charges against the power bill of September -2009, on the basis of Tribunal Order dt. 12-5-2008 and the unexplained amount of Rs. 27,31,958/- and interested penalties, fines and any other charges against the power bill of October- 2009, from the Complainant herein.*



- B. *It may be further held by this Hon'ble Commission that Complainants are not liable or could be made liable to pay the amount towards Additional Service Charges as more particularly mentioned in the bill for the month of Sept. '09.*
- C. *This Hon'ble Commission be further pleased to hold that the Respondents are not entitled to levy, fine penalties, interest or any other charges on the Complainants.*
- D. *Pending the hearing and final disposal of the petition, Respondents their officers, servants, agents and/or person/s claiming through or under them be restrained by a temporary order of injunction of this Hon'ble Commission from disconnecting the Complainants' power supply and/or taking any coercive action of recovery of amount of Rs. 47,03,711/- and interest penalties, fines and any other charges against the power bill of September-2009 or any other action purportedly in pursuance of Tribunal Order dt.12.05.2008 and also the unexplained amount of Rs. 27,31,958/- and interest penalties, fines and any other charges against the power bill of October-2009.*
- E. *Ad-interim and interim reliefs in terms of prayer A & D above.*
- F. *For cost of this petition.*
- G. *For such further and other reliefs as the nature and circumstances of the case may require. ”*
3. An admissibility hearing in the matter was held on December 14, 2009.
4. Shri Neeraj Omar, Company Secretary, Bombay Oxygen Corporation Ltd., appeared for the Complainant, and, Shri P. S. Morey, S.E., MSEDCL alongwith Shri P. D. Pathale, Jr. Engr, Vashi Circle, appeared on behalf of the Opponent. The Complainant requested for an adjournment.
5. Subsequently, the Complainant vide its letter dated 31st December, 2009 and further vide affidavit dated 12th January 2010, sought to withdraw the present complaint on the ground that the disputes / differences between the Complainant and the Opponent have been amicably sorted out.

In view of the above, the present complaint as filed stands dismissed as withdrawn.

Sd/-
(V. L. Sonavane)
Member

Sd/-
(S. B. Kulkarni)
Member

Sd/-
(V. P. Raja)
Chairman



(P.B. Patil)
Registrar, MERC