

RECORD OF PROCEEDINGS

DATE OF HEARING : September 26, 2007 at 12.30 hrs
CASE No. : 43 of 2007
PETITIONERS : Pune Municipal Corporation-Water
Supply Department- (“**the Petitioners**”)
RESPONDENTS : Maharashtra State Electricity Distribution Company
Limited (“**MSEDCL**”)
MATTER : Petition filed seeking exemption from imposition of
Reliability Charge and Additional Supply Charge
 (“**ASC**”), and refund/adjustments for such amounts
earlier charged
CORAM : Chairman and Members

The Petitioners filed a Petition on April 13, 2007 seeking exemption from imposition of Reliability Charge and Additional Supply Charge (“**ASC**”), and refund/adjustments for such amounts which were charged earlier. The Commission scheduled the hearing in the matter for September 26, 2007 in the presence of four consumer representatives authorized on a standing basis under the Electricity Act, 2003 (“**EA 2003**”). Notices were issued accordingly.

2. At the hearing held in the matter on September 26, 2007, Shri. S. P. Bhanage, the Petitioners, submitted that the present proceedings have been initiated under Regulation 85(a) of the MERC (Conduct of Business) Regulations, 2004 (“**CBR**”). The Commission enquired of the Petitioners as to how the present proceedings are maintainable in terms of the cited regulation.

3. Smt. Deepa Chawan, Counsel for MSEDCL, submitted that it is not clear as to how the present proceedings are maintainable under Regulation 85(a) of the CBR.

4. The Commission observed that tariff Order is issued pursuant to series of public hearings. The Pune Municipal Corporation (“**PMC**”) was given adequate opportunity to make submissions during the public hearings in Case No. 65 of 2006 (in the matter of determination of the ARR of MSEDCL for the Control Period from FY 2007-08 to FY 2009-10 and Tariff for FY 2007-08). Shri. Bhanage submitted that MSEDCL had not officially effected service of public notice at the office of the Petitioners, so far as the public hearings in Case No. 65 of 2006 is concerned. The Commission observed that MSEDCL is not required under law to cause any such official service upon the Petitioners. It is required for the Petitioners to be diligent in this regard once the said notice is published in leading newspapers.

5. Dr. Ashok Pendse, Mumbai Grahak Panchayat, submitted that the present Petition is not maintainable under Regulation 85(a) of the CBR. Dr. Pendse submitted newspaper publication is conclusive service and refuted the stand taken by the Petitioners that they were not officially informed of the proceedings under Case No. 65 of 2006. It was further submitted that refund of amounts charged towards ASC and reliability charges, and exemption thereof, would create adverse deficit for MSEDCL, and an issue would thereafter arise as to which entity shall be responsible to bear the said deficit amounts.

6. Per contra, Shri. Bhanage submitted that the Petitioners are supplying water to various slum areas in PMC without charging energy charges in most cases, or charging the same at subsidized rates. To ensure the supply of water (an essential commodity) without any hindrance, and to maintain the entire infrastructure required for pumping and distributing water, appropriate funding is essential for the Petitioners. The imposition of ASC and reliability charges adversely affects the potential of the Petitioners to ensure the free distribution of water.

7. Smt. Chawan submitted that the imposition of ASC and reliability charges by MSEDCL on the Petitioners have been in accordance with applicable tariff Orders. Counsel reiterated that reliefs as sought for under the present petition may only be considered after the maintainability of the same, in terms of Regulation 85(a) of the CBR is established.

The hearing in the matter was adjourned thereafter for two weeks for the Petitioners to file appropriate submissions on the maintainability of the present petition.

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List of Persons present at the hearing on September 26, 2007

1. Shri. S. P. Bhanage, Asst. Engineer, PMC-Water Supply Department.
2. Shri Belhe, Jr. Clerk, PMC-Water Supply Department.
3. Smt. Deepa Chawan, Counsel for MSEDCL.
4. Shri. R. B. Goenka, VIA.
5. Shri. A. J. Deshpande, SE (TRC), MSEDCL.
6. Dr. Ashok Pendse, MGP.
7. Shri. S. L. Pant, TBIA.
8. Shri. R. G. Malame, EE (TRC), MSEDCL.
9. Shri. P. D. Sawant, PA to SE (TRC), MSEDCL.