

**RECORD OF PROCEEDINGS**

DATE OF HEARING : October 31, 2007 at 11.00 hrs  
CASE No. : 48 of 2007  
PETITIONERS : Shri Vinayak S. More  
RESPONDENTS : Shri S. B. Wahane  
The Maharashtra State Electricity Distribution Co.  
Ltd. (“MSEDCL”), Bhandup Zonal Office

MATTER : Petition filed by Shri Vinayak S. More seeking inquiry by the Commission for violation by the Respondent of the provisions of MERC (Electricity Supply Code and Other Conditions of Supply, Regulations, 2005.

CORAM Chairman, and Members

Shri Vinayak S. More filed a Petition on July 24, 2007 alleging certain actions undertaken by Shri. S. B. Wahane, Executive Engineer, MSEDCL in direct violation of Electricity Supply Code. It was alleged that the Executive Engineer sanctioned an estimate amount of Rs. 8,10,200/- under the Service Line Charges (“SLC”) for the load demand of 835 kW on LT Networks clearly violating the Electricity Supply Code and causing loss to MSEDCL. It was submitted that the Petition is filed for an impartial and fair inquiry and for recovery of loss caused to the MSEDCL.

2. The Notices of the hearing were issued accordingly to all the parties. At the hearing held on October 31,2007, Shri. Abhishek Khare, Counsel appeared for Shri. S. B. Wahane. Shri Vinayak S. More, the Petitioner appeared in person. Shri Vinayak S. More submitted that Shri. S.B. Wahane being an Executive Engineer had installed the IP transformers of 834 kW capacity wherein the permission was only of 315 kW capacity. The Commission enquired about the maintainability of the Petition. The Petitioner in response to the same submitted that the Petitioner under the Right to Information Act had inquired about the type of matters that could be filed and after knowing the jurisdiction, the Petitioner had come before the Commission.

3. The Commission observed that since the Petitioner is an individual person and has not been affected personally, the Petitioner therefore, could go before the Consumer Grievance Redressal Forum or any other appropriate forum/court if he was aggrieved by any conduct of the Respondent. The Commissioner enquired about the impleadment of Shri. S. B. Wahane as the respondent to the present Petition and the reasons for not impleading MSEDCL as the necessary party to the present petition. It was submitted by the Petitioner that since Shri S. B. Wahane was the person who had installed the transformers, the said respondent was made the party respondent in the petition. The Commission observed that the Petitioner has not suffered himself by the act of the

respondent and therefore in the present matter the Petitioner would need to justify the jurisdiction of the Commission to entertain the present matter.

4. The Commission enquired whether any reply has been filed by the Respondent. Counsel for the Respondent submitted that the Reply is filed and the allegation has been denied by the Respondent. The Commission directed the Respondent to serve the copy of the said reply to the Petitioner. Counsel for Shri S. B. Wahane further submitted that the Petitioner has not made MSEDCL as the necessary party and instead made Shri S. B. Wahane, Executive Engineer, MSEDCL as the party respondent. On the basis of the reply filed, Counsel submitted that the Respondent herein be discharged from the above Petition and that MSEDCL be impleaded as the necessary party to this Petition.

5. The Petitioner enquired about the alternate remedies available to him in case this Commission does not proceed with the case. The Commission observed that once MSEDCL is made the necessary party by amendment of the petition, the present case could be heard further and directed the Petitioner to implead MSEDCL as the necessary party to the Petition and serve the copy of the amended petition upon all the parties within two weeks.

The matter was adjourned for taking necessary steps by the Petitioner.

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**List of Persons present at the hearing held on October 31, 2007**

1. Shri. Vinayak S. More, Petitioner.
2. Shri. Abhisekh Khare, Counsel for the Respondent.
3. Shri. Khan N. A., Chief Engineer, Bhandup, MSEDCL.
4. Shri. R. G. Malame, EE (TRC), MSEDCL.
5. Shri. S. A. Radke, RO, MERC.
6. Shri. M. H. Bapat, RE, MERC.
7. Shri. Saurabh Gupta, RO, MERC.
8. Shri. S. D. Chaudhari, RO, MERC.
9. Shri. Amit Y. Ingale, JE, MERC.
10. Shri. G. V. Patil, MERC.