

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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**In the matter of removal of difficulties under Regulation 96 of the Maharashtra
Electricity Regulatory Commission (Conduct of Business) Regulations, 2004**

Dr. Pramod Deo, Chairman
Shri A. Velayutham, Member
Shri S. B. Kulkarni, Member

ORDER

Dated: June 6, 2008

Whereas Regulation 73 of the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 provides as under:-

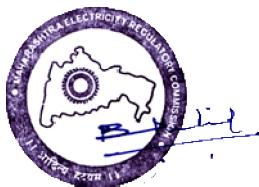
“73. The Commission comprising of the Members hearing a proceeding shall pass orders in such proceedings, and such orders shall be signed by the Members of the Commission hearing such proceeding.”

And whereas, in certain cases before the Commission as described in **Annexure 1** hereto having been fully heard by the Members and Chairman of the Commission, the Orders are yet to be passed in the said Cases.

And whereas, Dr. Pramod Deo, Chairman of the Commission will be demitting office on 08.06.2008, due to his appointment as Chairperson of the Central Electricity Regulatory Commission and therefore, being *functus officio*, on or after 09.06.2008, Dr. Pramod Deo will not be able to sign the Orders in the aforesaid cases.

And whereas Regulation 96 of the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 provides as under:-

“96. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything



not being inconsistent with the provisions of the Act, which appears to be necessary or expedient for the purpose of removing the difficulties.”

And whereas Section 82(4) of the Electricity Act, 2003 provides as under:-

“(4) The State Commission shall consist of not more than three Members, including the Chairperson.”

And whereas it is expedient in the interests of justice and in public interest, that a special order is passed to remove the difficulty faced in giving effect to the aforesaid Regulation 73.

And whereas Section 93 of the Electricity Act, 2003 provides as under:-

“93. No act or proceedings of the Appropriate Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Appropriate Commission.”

And whereas there is nothing inconsistent with the provisions of the Electricity Act, 2003 to pass the present order.

Now therefore, by this special order, the Commission, hereby, taking into account the difficulty faced in giving effect to the aforesaid Regulation 73 due to reasons as aforesaid, in exercise of powers conferred by Regulation 96 of the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, authorises that the orders as described in **Annexure 1** hereto shall be signed by Shri. A. Velayutham, Member, and Shri. S.B. Kulkarni, Member, who have heard the proceedings, and such orders after being so signed shall be deemed to have been validly passed by the Commission. The said two Members are hereby also authorised to rectify clerical mistakes, if any, arising out of any order already passed by the Commission.

Sd/-
(S.B. Kulkarni)
Member

Sd/-
(A. Velayutham)
Member

Sd/-
(Dr. Pramod Deo)
Chairman



(P.B. Patil)
Secretary, MERC

ANNEXURE 1

S. No..	Case No.	Description
1.	24 of 2006	Suo Motu enquiry under section 19 of the Electricity Act, 2003 (“EA 2003”) in the matter of licensee status of Tata Power Company Limited.
2.	18 of 2007	Petition of Balaji Electro Smelters Ltd., seeking clarifications on Load Factor Formula, Incentives on ASC, etc., for continuous HT Industries.
3.	24 of 2007	Petition of Maharashtra Rajya Veej Grahak Sanghatana seeking review of Order dated 17.5.2007 in Case No. 82 of 2006
4.	39 of 2007	Petition of MSEDCL seeking approval of draft Power Purchase Agreement between MSEDCL and MSPGCL
5.	42 of 2007	M/s Hanil Era Textiles Ltd – for raising of illegal bills
6.	45 of 2007	Petition of Lloyd Steel Industries Ltd., seeking clarification for charging Additional Supply charge
7.	72 of 2007	MSEDCL’s APR & ARR Petition (Operative Order dated May 31, 2008 having been passed, the detailed order is yet to be passed)
8.	75 of 2007	Petition of MCCIA, Pune for single point supply
9.	77 of 2007	M/s Hanil Era Textiles Ltd., petition regarding tariff charged and bills raised by Respondents.
10.	89 of 2007	MSEDCL Petition on Tariff for Wind Energy, etc.
11.	5 of 2008	Petition of MSEDCL for approval of Interim Franchisee and determination of Reliability Charges for Pune Urban Circles
12.	6 of 2008	Petition of REL seeking direction under section 23 of EA 2003 seeking equitable allocation of TPC-G capacity for FY 2008-09.
13.	9 of 2008	Petition of MSEDCL seeking approval of agreement for Standby support by MSEDCL to TPC, REL & BEST.
14.	10 of 2008	Petition of MSEDCL for approval of Interim Franchisee and determination of Reliability Charges for Vashi Circle.

