

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.

Shri V.P. Raja, Chairman

Shri S.B. Kulkarni, Member

Shri Vijay L. Sonavane, Member

ORDER

Dated: September 12, 2010

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

“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 proceedings.”

And whereas, in certain Cases before the Commission as described in Annexure-I 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, Shri S.B. Kulkarni, Member of the Commission will be demitting office on 12th September, 2010, due to completion of his term of office as Member of the Commission.



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:

“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 Regulations 96 of the Maharashtra Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, authorises that the Orders as described in Annexure-I hereto shall be signed by Shri V.L. Sonavane, Member and Shri V.P. Raja, Chairman 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/-

(V.L. Sonavane)
Member

Sd/-

(S.B. Kulkarni)
Member

Sd/-

(V.P. Raja)
Chairman

(K.N. Khawarey)
Secretary, MERC



ANNEXURE – I to Order dated 12.9.2010

S.No.	Name of the Petitioner	Case No.	In the matter of
01	Maharashtra State Electricity Distribution Co Ltd.	10 of 2007	Petition for revocation of MPECS Licence
02	Shri Nathu Gangadhar Rambhad	17 of 2009	Petition seeking directions to MSEDCL / MSPGCL and Secretary, GoM on the methodology of repairs to Distribution Transformers
03	Smt Meena Kishinchand Tunya	27 of 2009	Complaint under Section 142 of the EA, 2003 against MSEDCL for non-compliance of Order passed by CGRF Kalyan
04	Shri Naim s/o late Abdul Jaleel Mohamed Momin	59 of 2009	Complain under Section 142 and 146 of the EA, 2003 for non-compliance of the Order dated 26.5.2009 passed by CGRF, Bhandup Zone
05	Shree Marathwada Paper Mills Pvt Ltd	108 of 2009	Petition for non-compliance of the Ombudsman's Order dated 8.12.2009
06	Bombay Dyeing & Manufacturing Co Ltd	114 of 2009	Petition for non-compliance of the CGRF Order.
07	Maharashtra State Electricity Distribution Co Ltd.	5 of 2010	Petition for continuation of Pen Zero Load Shedding Model and Recovery of Reliability Charge.
08	Suo Motu	13 of 2010	Subsequent to GoM's Memorandum regarding supply of electricity from the generating stations of the Tata Power Company Ltd to Reliance Infrastructure Ltd for distribution to its consumers.
09	Shri Nathu Gangdhr Rambhad	17 of 2010	Petition seeking directions to the Respondent to declare the repaired failed transformers of which the colour of windings is blackened / charred as failure due to overloads and hence outside the purview of guarantee period clauses of the Order.
10	Maharashtra State Electricity Distribution Co Ltd.	25 of 2010	Petition for withdrawal of Load Shedding in Gadchiroli District.

