

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. 152 of 2011

**Petition of M/s. Vel Induction Heaters & others alleging that Reliance Energy and Tata power company have contravened the provisions of Section 45(5) of the Electricity Act, 2003 by arbitrarily levying two part tariff and categorizing low tension consumer in contravention of Section 62(3) of EA 2003.**

**Shri. V.P. Raja, Chairman  
Shri. V.L. Sonavane, Member**

1) M/s Vel Induction Heaters  
2) M/s Vel Electronics  
3) Yamuna Engineering  
4) M/s Vel Engineering Services

....Petitioners

Versus

1) Reliance Infrastructure Ltd.  
2) Tata Power Company Ltd.

...Respondents

For the Petitioner: 1) Mr. Ponvel N. (Adv.)  
2) Mr. N Ponarathnam (Rep.)

For the Respondent: 1) Ms. Anjali Chandurkar (Adv.)  
2) Mr. Ameya Naik (Adv.)

**ORDER**

**Dated: January 5, 2012**

M/s. Vel Induction Heaters & Others, the Petitioners, have filed the present Petition alleging that Reliance Energy and Tata Power Company have contravened the provisions of Section 45(5) of the Electricity Act, 2003 (“EA 2003”) by arbitrarily

levying a two-part tariff and categorizing low tension consumers in contravention of section 62(3) of EA 2003. The Petitioner has prayed as follows:

“

a) *Penalise Respondent -1 u/s 146 for has violated the provisions in section 12 from 28.04.08 to 20.08.08 distributing in the name of Reliance Infrastructure Ltd without the authorization of MERC.*

b) *Penalise Respondent -1 u/s 146 for has violated the provisions in section 12 from 2003 to 28.04.08 in the name of Reliance Energy Ltd without the authorization of MERC.*

c) *Penalise Respondent -1 u/s 142 & 146 for not complying with the ruling of MERC in the Order 121 of 2008 dated 15.6.2009 that demand charges can be levied only if agreed for a demand by an agreement.*

*“.....Two- part tariff has been stipulated for all consumer categories for all distribution licensee. As regards levy of Demand Charges, the same is applicable only for the consumers who have entered into a Contract Demand with the distribution licensee, irrespective of whether the connections have been released on the basis of Sanctioned Load or Contract Demand.”.*

d) *Penalise Respondent -2 u/s 146 for the contravention made by them by levying demand charges to Petition no.1 & Petition no.3 without agreement for demand charges contravening the ruling of MERC in case no113 dated which rules as “.....As regards levy of demand Charges, the same is applicable only for the consumers who have entered into a Contract Demand with the distribution licensee, irrespective of whether the connections have been released on the basis of Sanctioned Load or Contract Demand”*

2. During the hearing held on 30.11.2011 the representative of the Petitioner sought permission to withdraw the present Petition and to file a fresh Petition before the Commission, by removing the issues which are not within the jurisdiction of the Commission.

3. As the Petitioner has sought to withdraw the present Petition, the Petition stands dismissed as withdrawn.

Sd/-  
(V. L. Sonavane)  
Member

Sd/-  
(V. P. Raja)  
Chairman