

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

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Case No. 121 of 2008

IN THE MATTER OF

**Reliance Infrastructure Ltd. Distribution Business' (RInfra-D) Petition for
Truing Up for FY 2007-08, Annual Performance Review for FY 2008-09 and
Tariff Determination for FY 2009-10**

Shri V. P. Raja, Chairman

Shri A. Velayutham, Member

Shri S. B. Kulkarni, Member

ORDER

Dated: July 15, 2009

The Commission, in exercise of the powers vested in it under Section 61 and Section 62 of the Electricity Act, 2003 (EA 2003) and all other powers enabling it in this behalf, and after taking into consideration all the submissions made by RInfra-D, all the suggestions and objections of the public, responses of RInfra-D, issues raised during the Public Hearing, and all other relevant material, and after review of Annual Performance for FY 2008-09, determined the ARR and Tariff for RInfra-D for FY 2009-10 vide its Order dated June 15, 2009 in Case No. 121 of 2008.

Subsequently, the Government of Maharashtra (GoM), issued a letter ref: REL2009/CR 227/NRG-1, dated June 25, 2009 to the Commission inter-alia, stating as under:

“Whereas and in the circumstances referred to above, Government of Maharashtra is of the opinion that Government should seek advise from the Maharashtra Electricity Regulatory Commission and in order to protect the interest of common consumer from getting unreasonably burdened. &



Therefore, under the powers delegated under section 108 read with section 86(2), Government hereby directs Maharashtra Electricity Regulatory Commission to investigate as to whether M/s Reliance Infrastructure Ltd. has discharged its duties as envisaged in the Act in the most economical manner so as to not to result in unnecessary avoidable burden on the consumers of that area and take further action as may be considered necessary. The said investigation shall be carried out considering the above points and any other relevant point in that context.

...

The Government of Maharashtra also directs Maharashtra Electricity Regulatory Commission to take emergent steps as it may deem fit, relating to policy of Government of Maharashtra of protecting consumers interest in a monopoly situation, as may be necessary to ensure that no unreasonable and unjustified bills are collected in the intervening period in which this investigation is in progress.” (Emphasis added)

Accordingly, as directed and called upon by the GOM and considering the special circumstances, and the direction to the Commission to undertake a detailed investigation on metering, power purchase expenses and transactions undertaken by RInfra-D, as well as capital expenditure schemes, the tariff increase as approved by the Commission in the above-said Order for the following consumer categories and sub-categories is hereby stayed till the Commission issues further orders :

- LT I Residential
- LT II Commercial (A) and (B)
- LT III Industry below 20 kW
- LT V Advertisement & Hoardings
- LT VII Temporary Others
- HT I Industry

It is clarified that the tariff of only such categories and sub-categories, where the tariffs have been increased vis-à-vis the tariff prevalent in the previous year (after including FAC and Additional FAC), has been stayed till the Commission issues further Orders in this regard. For these categories, the tariff as determined in the previous Tariff Order, i.e., Order dated June 4, 2008 in Case No. 66 of 2007 will be



applicable. The tariff for the other consumer categories and sub-categories, where the tariffs have been reduced vis-à-vis the tariff prevalent in the previous year (after including FAC and Additional FAC), will continue to be charged as determined in the Order dated June 15, 2009 in Case No. 121 of 2008.

Sd/-

(S. B. Kulkarni)
Member

Sd/-

(A. Velayutham)
Member

Sd/-

(V.P. Raja)
Chairman



SD/-
(P.B. Patil)
Secretary, MERC