

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 230 of 2015 & IA No. 378 of 2015

Dated: 23rd December, 2015

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

**Mahindra Sanyo Special Steel Pvt. Ltd. Appellant(s)
Versus
Maharashtra Electricity Regulatory Commission & Anr. ... Respondent(s)**

Counsel for the Appellant(s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Vibhor Verdhan
Mr. Devashish Bhaduria

Counsel for the Respondent(s) : Mr. Buddy. A. Ranganadhan
Mr. Raunak Jain

ORDER

Heard.

Admit.

Issue notice of the Appeal to all the respondents returnable within three weeks from today. Reply/counter affidavits be filed by the respondents within four weeks from today. Rejoinder, if any, may be filed by the appellant two weeks thereafter.

Dasti service is permitted.

The main submission of Shri Sanjay Sen, learned Sr. Advocate, appearing for the appellant, who is HT consumer in the State of Maharashtra, is that in spite of repeated directions of this Appellate Tribunal, the Maharashtra Electricity Regulatory Commission has not complied with the directions of this Tribunal regarding voltage-wise determination of tariff. This Tribunal has been repeatedly directing the Maharashtra Commission to determine voltage-wise tariff but the Commission is regularly failing therewith

on the ground that the Maharashtra State Electricity Distribution Company Ltd. has not been providing relevant data for the same.

Let report be called from the State Commission within three weeks from today positively for non-compliance of our directions regarding voltage-wise determination of tariff and tariff for EHV consumers.

It is made clear that if the said DISCOM is unable to provide voltage-wise data, then stringent action be taken by the State Commission such as considering suspension or revocation of license or any other measures as are contemplated under Electricity Act, 2003 irrespective of the fact whether it is a Government or private DISCOM because all DISCOMs are to be treated at par and no leniency can be shown in such kind of matters.

We may further add here that the State Commission is to ensure compliance of the directions of this Tribunal failing which we shall be constrained to initiate stringent action on the State Commission.

At this stage, Mr. Raunak Jain, learned counsel for the State Commission accepts notice on behalf of the State Commission. He be furnished with the copy of the order passed today so as to apprise and enable the Commission to comply with the directions given in the order passed today.

Post this matter for hearing on **9th February, 2016.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

rkt/sh