

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

Appeal No. 105 of 2007

Dated: October 10, 2007

Present: **Hon'ble Mr. Justice Anil Dev Singh, Chairperson**
Hon'ble Mr. A.A. Khan, Technical Member

Torrent Power Ltd.
Torrent House, Off Ashram Road
Ahmedabad-380009

-Appellant(s)

V/s.

1. Maharashtra Electricity Regulatory Commission
World Trade Centre, Centre No.1,
13th Floor Cuffe Parade,
Mumbai – 400005

2 Maharashtra State Electricity Distribution Co., Ltd.,
Prakashgad, Anant Kanekar Marg,
Bandra (E), Mumbai – 400051

-Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran with
Ms. Swapna Seshadri

Counsel for the Respondent(s) : Mrs. Deepa Chawan, Mr. Kiran Gandhi &
Mr. H.S. Jaggi for Resp. No.2

ORDER

The Commission, on February 20, 2007, in case No. 78 of 2006, in the matter of MSEDCL passed the following order:

*".....
(xviii) As regards the region specific claims like Bhiwandi and other regions which sought a reduction in the load shedding on the basis of improvement of distribution loss and collection efficiency, MSEDCL is directed to consider the same and if there is any improvement or deterioration in performance of any region in a quarter, then the same should be given effect in the load shedding protocol over the next quarter. MSEDCL should undertake this performance monitoring on a quarterly basis and give effect to the same accordingly'.*

As per the record, it appears that the order has not been complied with by the MSEDCL and it has not considered the claim of the appellant, even though there is an improvement in the reduction of distribution loss in the Bhiwandi area. Obviously, the direction of the Commission has been violated. Therefore, the appellant had a right to go before the Commission and point out that its order has not been implemented. In fact, any affected person including the appellant has a right to complain before the Commission in respect of violation of its directions and the infringement of the Electricity Act, 2003, and Rules and Regulations framed thereunder. It appears that perhaps the appellant did not specifically point out at the hearing that the respondent-MSEDCL had violated the order of the Commission.

In the circumstances, therefore, we hold that the Commission should hear the appellant. Accordingly, the impugned order of the Commission is set aside to the extent indicated above.

The second respondent should also look into the grievances of the appellant and try to remove them in accordance with law.

Appeal disposed of.

(A.A. Khan)
Technical Member

(Anil Dev Singh)
Chairperson