**Ref.No.P.Com/Acctt./Supplementary Bill/10588                                                                                                                 Dt. 29.04.2006.**

**CIRCULAR NO. 37**

Sub:- Judgment passed by the Hon’ble Appellate Tribunal in respect of Supplementary Bill / Average bill case.

MSEDCL had approached the Appellate Tribunal for Electricity, New Delhi in respect of the Order passed by MERC with regards to amendment / supplementary bill. Similarly, M/s. Reliance Energy Ltd. and M/s. BEST had approached the Appellate Tribunal for Electricity, New Delhi in similar such case.

The Appellate Tribunal has passed a common judgment in respect of the legality and the validity of the Orders passed by MERC in the matter of amendment / supplementary bills. The three appeals were consolidated together and the common judgment was passed on 29 th March 2006. The Hon’ble Appellate Tribunal has set aside the orders passed by the MERC in this respect. The Tribunal has dealt with the jurisdiction issue of MERC without going into the merits of the case. In the same Order, the Appellate Tribunal has referred to the jurisdictional powers of CGRF and Ombudsman. The Tribunal has opined that CGRF and Ombudsman as the right forum to agitate such cases.

In view of the said order from the Appellate Tribunal, the individual billing dispute cases are likely to be referred to CGRF and subsequently to Ombudsman. (In case appeal is preferred by the consumer) This issue needs to be addressed very seriously by the field offices since as per the regulations, MSEDCL does not have the remedy of approaching Ombudsman against the Order of CGRF.

In view of the above mentioned facts, the field offices are directed as under:-

* All the CGRF cases should be dealt at the highest level i.e. the Executive Engineer or the Superintending Engineer. Any important case with a large financial stake, the Chief Engineer may personally deal the case.
* The complete quarterly details of the cases decided by CGRF (in favour of MSEDCL and the analysis thereof) shall be submitted by the respective Member Secretary of the concerned CGRF to the Chief Engineer (Load Management), with a copy to the concerned Executive Director.
* The Superintending Engineer or the Executive Engineer may immediately fix the responsibility in the cases wherein CGRF has decided on the basis of short falls, negligence and improper pleading by individual officers.
* Even in case where CGRF has not dealt with individually lapses, the responsibility shall be fixed by the competent field officer and the same has reported to the Chief Engineer (Load Management) under intimation to respective Executive Director.

It is once again reiterate that the cases before CGRF should be dealt very seriously and all the data, submissions, clarifications shall be given to the CGRF. The cases should be dealt at the highest possible level in any case, not below the rank of Executive Engineer.

**CHIEF ENGINEER (COMMERCIAL)**

**To**
**The Chief Engineers of all O & M Zones,**
**The Superintending Engineers of all O & M Circles,
The Executive Engineers of all O & M Divisions,
The Dy. Executive Engineers of all O & M Divisions,
The Assistant Engineers of all O & M Sub-Divisions,**