

No. PR-3/COS/ 27922

Date:16.09.2011

COMMERCIAL CIRCULAR NO.143

Sub: Directives for converting Single point supply consumers to Franchisee through MOU Route .

Ref: 1) APTEL's Judgment in appeal No.155 of 2010 & 156 of 2010 dtd.11.07.2011
2) MERC Order in case no.75 of 2007 dtd.01.06.2010

Considering the difficulties involved in releasing individual connections to the consumers in various complexes and multi storey buildings, especially if consumers are required to be connected at HT level, Commission by its order dtd.01.06.2010 directed that within one year from the date of this order, all distribution licensees in the State should enter into Franchise agreement with single point consumers through MOU Route.

Further the commission also cleared that the above directive does not dilute the rights of individual owners or occupiers of the premises. This means that even if the franchisee model is adopted for single point supply to a premise, then also an independent connection may be given to a owner or occupier of a unit in the said premises.

Thereafter, in APTEL's Judgment dtd.11th July 2011 APTEL directed Commission to enforce its order within six months from APTEL's order.

In view of above it is essential to convert all the consumers connected at single point supply to either franchisee through MOU Route or individual connections in relevant category as per guidelines issued. In this regard all the field officers are directed to issue notices to all such consumers which are connected at single point supply to choose suitable option of either operating franchisee through MOU Route or availing individual connections in relevant category. Notice period shall be **one month**. For those consumers , which does not reply any of their option within one month action as per section 126 of Electricity Act 2003 should be initiated.

The actions to be taken are as below-

- 1) Issue of notices to all single point H.T consumers to opt either to operate franchisee through Mou route or take individual connections under relevant category.
- 2) If the consumer replies with suitable option for franchisee through MOU route then after due scrutiny, proposal to be forwarded to the Head office. Also, assessment u/s 126 till date of application (option) received in SE office should be recovered.

- 3) If the consumer does not reply within stipulated time, disconnect the supply forthwith and also continue action under section 126 for recovery of dues from consumer.
- 4) As far as section 126 is concerned ,the provision to be followed as per Electricity Act,2003 & the cases where consumer has still not deposited the amount & preferred an appeal,100% recovery be ensured, failing which MSEDCL will have to disconnect the supply.
- 5) With regards to deemed licensee (SEZ), MSEDCL does not have any contract for supply to deemed licensee, hence we may be constrained to open their lines (in absence of formal /contractual arrangement that SEZ has to enter into contract with MSEDCL).SEZ to be informed accordingly.

The format of Notice to be issued to all the consumers which are having supply at single point is enclosed herewith.


13/09
Chief Engineer (Commercial)

Copy: As per mailing List



Maharashtra State Electricity Distribution Co. Ltd.

Maharashtra State Electricity Distribution Co. Ltd.

Office of the Chief Engineer (Commercial)

Prakashgad, Plot No.G-9, Bandra (East), Mumbai – 400 051

☎ (P) 26474753, (O) 26474211 / 26472131, Fax- 26472366, Website: www.mahadiscom.in,

E- mail: cecomm@mahadiscom.in

Ref.No.

To:

M/s: .

Sub: Release of connection through Franchisee Agreement for Commercial Complexes, S.E.Z., I.T. Parks, Industrial Parks, Mixed loads, etc. or to take individual connections under relevant category.

- Ref:**
- 1) APTEL's Judgment in appeal No.155of 2010 & 156 Of 2010 Dtd. 11th July 2011
 - 2) MERC Order in case No.75 of 2007 dtd.01st June 2010
 - 3) MERC Order in case No.62 of 2009 dtd.24th May 2010

Dear Sir,

Without prejudice to the action already taken or contemplated.

With reference to above subject, the Hon'ble MERC vide their Tariff Orders have directed that:

"Consumers classified under HT-VI Commercial category will have to take supply

- A) *By availing individual connections under relevant category*
Or
- B) *Operate through Franchisee route.*

In view of above, it is to inform you that, the Corporate Office, MSEDCL have approved the Franchisee route for availing Single Point Supply and considering the APTEL's order dt.11.07.2011. and MERC order dt.01.06.2010.

It is observed that, you are one of the esteemed consumers of MSEDCL availing Single Point Supply for your Commercial Complex / S.E.Z. / I.T. Parks / Industrial Parks / Mixed Loads, etc.

In order to comply the directives of MERC, it is requested that you may avail the connection as per the options 'A' or 'B' (if eligible) above. The same may be informed

to this office within **one month** of receipt of this letter, failing which ,MSEDCL will constrained to disconnect the supply, forthwith.

This letter is issued without prejudice to the action (under section of the E.A.) already taken or contemplated. **It may please be noted that if you do not inform your option within one month, it would be presumed that you do not want to opt any of the options. In that event, for the legality u/s 126 on the action as contemplated under E.A. 2003 would be taken apart from immediate disconnection.**

Please treat this as most important and co-operate with MSEDCL.

Thanking you,

Yours faithfully,

Superintending Engineer
..... O&M Circle

Copy s.w.rs.to:

- 1) The E.D. (Commercial), MSEDCL, Mumbai.
- 2) The Regional E.D. I / II / III, MSEDCL, Kalyan/Pune/Nagpur.
- 3) The Chief Engineer (O&M Zone), MSEDCL,