

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No,CGRF/AZ/ U / 246 / 2009 /80 /

Date :-

To,
The Executive Engineer (Administration)
O/O Superintending Engineer ,
O&M Urban Circle , M.S.E.D.C.L.,
Aurangabad.

Sub:- Forwarding of grievance in respect of M/S Good year South Asia
tyres private Limited H-18 MIDC Industrial Area Waluj
Aurangabad. (Consumer No. 490019004683)

Dear Sir,

Please find enclosed herewith a copy of the grievance
application received by the Forum from forwarding of grievance in
respect of M/S Good year South Asia tyres private Limited H-18 MIDC
Industrial Area Waluj Aurangabad.

You are requested to submit your para wise reply on the grievance
at the time of hearing. The hearing in the matter will be held on
30.09.2009 at 16= 00 Hrs. onwards.

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Copy to:
M/S Good year South Asia,
Tyres private Limited,
H-18 MIDC Industrial Area,
Waluj Aurangabad

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/AUR/U /246/ 2009/ 80

Date of Filing : 14.09.09

Date of Decision : 12.11.07

**M/s Goodyear South Asia Tyres Pvt. Ltd.,
H-18, MIDC Industrial Area, Waluj
Aurangabad.**

Consumer Complainant.

V/s

**Maharashtra State Electricity Distribution Co.Ltd.
Urban Circle, Aurangabad.**

Coram: Shri V.A.Hambire President
Shri .P.A. Sagane, Member secretary

Sub: Grievance under the Maharashtra Electricity
Regulatory Commission, (Consumer Grievance
Redressal Forum and Ombudsman) Regulations
2006.

1. The consumer has filed his grievance in Annexure
“A“ before this Forum on **14.09.09** under Regulation No. 6.10 of the
Regulations referred to above. A copy of the grievance was forwarded on
14.09.07 to the Nodal officer and Executive Engineer (Adm) in the office
of the Superintending Engineer, Urban Circle, Aurangabad with a request
to furnish his response on the grievance within a period of fifteen days and
hearing in the matter was fixed on **30.09.09**

2009/80

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1. The consumer has taken H.T. supply for his factory situated at Plot No.H-18, MIDC Industrial area Waluj, Aurangabad. The consumer is paying the electric bill regularly and availing the prompt payment discount time to time. The consumer contended that he has received the electricity bill amounting Rs. 10030090/- for the month of October 2008 bearing S.No. 200810164584024 dated 17/10/2008 issued by the Distribution Licensee (hereinafter referred to as D.L.) on dated 25/10/2008 at 17.45 Hrs, through M/s Speedman Courier Services, engaged by D.L. for this purpose. It is mentioned on the said bill that if bill is paid before 23.10.2008. prompt payment discount Rs.10,09,637 will be given. The consumer have paid the said bill provisionally on dated 27.10.2008 “Under Protest” and lodged the complaint regarding late receipt of bill and requested to adjust the prompt payment discount Rs.109637) in the next month. The consumer further contended that he is always paying the monthly energy bill within 7 days from the generation date of bill and regularly availing the facility of prompt payment discount. But due to late receipt of bill during October 2008, he has been debarred to avail such benefit as a right. He submitted the dated acknowledgement of courier agency. In spite of repeated complaints on dates 25/11/2008, 24/02/2008, 20/04/2008, and 26/08/2009 the prompt payment discount is not refunded by D.L. The consumer therefore requested the Forum to direct D.L. to refund the prompt payment discount of October 2008.

2. On dated 30/09/2008, consumer representative Shri Milind Basole General Manager H.R. Ambilwade and Nodal officer Shri G.S.Rathod was present. The Nodal Officer filed his reply on the grievance and stated that bills were printed on 17/10/2008 and issued to the Courier Agency on 18/10/2008 for distribution to the consumer. The Courier agency distributed the said bill to neighboring company South Asia Braveries instead of Good Year South Asia on 19/10/2008. The South Asia Braveries returned the above bill to courier agency and then handed over to Goodyear South Asia on 25/10/2008. The Nodal Officer states that after receipt of consumer’s complaint on 27/10/2008 he had issued the letter to Courier agency regarding late distribution of bill and imposed the fine of Rs.1014 as per the order condition. Nodal Officer further contended that after receipt of consumer’s complaints and due verification, Superintending Engineer Urban Circle Aurangabad has submitted the proposal to higher authority for refund of prompt payment discount, but said proposal is not approved by the higher authority, as it is not under the purview of Departmental Circular No.202/5.03.2002. The decision is accordingly intimated to the consumer. Nodal Officer is directed to file copy of above circular and rules in this regards before next hearing which was kept on 06/10/2009.

3. On dated 06/10/2009 consumer representatives Shri Milind Basole, Ambilwade and Nodal Officer representative Shri P.R.Taur A.E. was present. Nodal Officer filed the copy of circular No.202 dated 5.3.2002 and MERC (Electricity supply code and other condition of supply) Regulations 2005, Section No.15.5.1 to 15.5.3 regarding payments of bills. The consumer states that it is the prime responsibility of D.L. to issue the bills in schedule time, as such the delay may have been condoned by D.L. instead of rejecting his application. Forum heard both the parties at length and the matter kept for decision.

4. On going through the documents placed before the Forum, we observed that the contract for distribution of H.T.consumer bills and notices was given to M/s Speedman Express Aurangabad by D.L. The consumer was regularly receiving the bills before prompt payment discount date and paying the bills with prompt payment discount. There was no billing dispute between the parties till September 2008. The Courier agency employed by the D.L. has wrongly distributed, the electricity bill for the month of October 2008 to the neighboring industry. The consumer received the bill on dated 25.10.2008 after the prompt payment discount date. The consumer paid the said bill on 27.10.2008 and applied for refund of prompt payment discount Rs.1,09,637. The provisions relating to the payment of electricity bills, as per MERC (Electricity supply code and other condition of supply) Regulations 2005 are as under:

15.5.2 In case the consumer does not receive the bill or, having received the bill, has lost the bill, he shall, before the receipt of the next bill, report the same to the officer designated by the Distribution Licensee to address such cases.

15.5.3. Where the consumer visits the office of the designated officer in person, the designated office shall, after verifying the identity of the consumer, communicate to the consumer, on the spot, the amount of the bill and due date for payment, and arrange to issue a duplicate bill within three days from the date on which the consumer reported the non-receipt or loss of bill, as the case may be : Provided that where the consumer reports the non-receipt or loss of bill over the telephone, the designated officer may also communicate the amount of the bill over the telephone, after completion of suitable identity verification procedure: Provided further that the non-receipt of bill or loss of bill does not excuse the consumer from discharging his obligation to make payment within the due date for payment of electricity charges.

As per the guidelines mentioned in the above regulations it is reveal that the consumer is required to approach to D.L. incase of not receive the bill or has lost the bill and designated officer of D.L. shall arrange to issue a duplicate bill within three days from the date on which the consumer reported the non-receipt of bill or loss of bill. In spite of above clear provisions mentioned, the consumer is not approached to D.L. nor taken any efforts to collect the duplicate bill. The scheduled dates of H.T. bill such as bill generation date, prompt payment date and due date are generally same in every month. As the consumer is availing prompt payment discount in every month he is conversant with these dates. Instead of waiting for bill he could have send his representative and collect the bill from D.L. office and avail the benefit of Rs.1,09,637/-

As per the directives of Hon. Commission the D.L. offer the incentives to consumers for making prompt payment or early payment of their bills. In this case we are of the opinion that for availing this extra benefit of prompt payment discount the consumer is not acted as per the provisions of above regulation. The consumer is therefore not liable to get refund of prompt payment discount.

ORDER

The application of the consumer stands dismissed.

The D.L. and the consumer shall comply with the above order and report compliance to the Forum.

**(P.A. Sagane)
Member/Secretary**

**(V.A.Hambire)
President**

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महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.- ४३१ ००१ फोन नं.(०२४०) २३३६१७२

Case No. CGRF/AZ/AUR/U /246/ 2009/80/

Date:-

To,

1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.
2. M/s Goodyear South Asia Tyres Pvt.Ltd.,
H-18, MIDC Industrial Area, Waluj,
Aurangabad.
(Consumer No. 490019004683)

Sub :- Case No. CGRF/AZ/AUR/U /246/ 2009/80/

Please find enclosed herewith a copy of order passed by the Forum in the case mentioned above.

The consumer, if not satisfied with the decision of the Forum , is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad.

Copy submitted w.r.to:-
The Chief Engineer(AZ) MSEDCL, Aurangabad.

Encl: A/A

Contact Details of Electricity Ombudsman:
The Electricity Ombudsman
Maharashtra Electricity Regulatory Commission
606-608, Keshava Building
Bandra-Kurla Complex, Mumbai 400 051
Tel.No. 022-26590339

