

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

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No,CGRF/AZ/R/69/2007/38/

Date :-

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

**Sub :- Forwarding of grievance in respect of
M/s Kaygaon Paper Mills Ltd., “Manisha” Behind
AXIS Bank, Adalat Road, Aurangabad.
(Consumer No. 490019007020).**

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from **M/s Kaygaon Paper Mills Ltd., “Manisha” Behind AXIS Bank, Adalat Road, Aurangabad. (Consumer No. 490019007020)**

You are requested to submit your parawise reply on the grievance within 15 days from the date of this letter. The hearing is fixed on 11.12.2007 at 12.00 Hours

You are also requested to be present along with the concerned in charge at the time of hearing.

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

Encl: As above.

Copy to:-

**M/s Kaygaon Paper Mills Ltd.,
“Manisha” Behind AXIS Bank,
Adalat Road, Dist.Aurangabad.**

For information and take a note of hearing date and time.

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

Case No. CGRF/AZ/AUR/R /69/ 2007/38

Date of Filing: 20.11.2007

Date of Decision: 15.01.2008

M/s Kaygaon Paper Mills Ltd.

Manisha, Behind AXIS Bank

Adalat Road, Aurangabad.

(Through its Director Shri Akshay Omprakash Rathi)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.

Rural Circle, Aurangabad.

Coram:	Shri V.A.Hambire	President
	Shri H.A.Kapadia	Member
	Shri V.G.Joshi	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 20.11.07 under Regulation No. 6.10 of
the Regulations referred to above. A copy of the grievance
was forwarded on 21.11.07 to the Nodal officer and
Executive Engineer (Adm) in the office of the
Superintending Engineer, Rural 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
11.12.07**

2007/38

page 1

“2”

2. The grievance of the consumer, in brief, as per consumer, is as stated below..

The consumer is having Industrial 33 Kv HT connection for his factory situated at Village Kaygaon Aurangabad-Ahmednagar road and the consumer number allotted to him by the Distribution Licensee (hereinafter referred to as D.L.) is 490019008557. The consumer in his grievance stated that the Maharashtra Electricity Regulatory Commission in its order (Case No. 26/2007) has directed the Distribution Licensee (hereinafter referred to as D.L.) for refund of Regulatory Liability Charges (R.L.C.) collected by them at the rate of 27.85 paisa / Kwh from Sept.07 to March 08. The consumer further contended that he has already requested the D.L. to refund of R.L.C. amount, however as no action was taken by the D.L. , he filed this grievance in the Forum .

3. On the date of hearing i.e. on 11.12.07, the authorized representative of consumer Shri A.M.. Bhamre was present . Shri J.G.Jaiswal Nodal Officer along with Shri Kardile, Accounts Officer and Shri M.B. Shashtri, Asst. Accounts Officer were present on behalf of D.L. The Nodal officer filed a letter in the Forum stating that since no directives from their head office regarding refund of RLC charges are received and hence the refund of RLC amount is being delayed. He further stated that on receipt of directives , the R.L.C. amount will be refunded to the consumer. The Nodal officer was directed not to file vague reply and was asked to submit specific reply on the grievance of the consumer before the next hearing . The hearing was fixed on 26.12.07.
4. On 26.12.07, consumer representative & Nodal officer were present. Nodal Officer filed the copy of the letter received from his head office stating that the case regarding refund of R.L.C. amount is pending with the Appellate Tribunal. The Nodal Officer was asked to file copy of the petition pending with Appellate Tribunal and its status before next hearing which was fixed on 15.01.2008.

5. On 15.01.2008, Shri A.M. Bhamre , authorized representative of the consumer was present. Shri Kardile, Accounts officer , authorized by Nodal representative was present. He filed copy of petition filed in the Appellate Tribunal (Case No. 57 & 80 of 2007) . Since the authorized representative of Nodal officer has not filed present status of the case, he was asked to file the same before 15.1.08 and no more documents were required in the presence mater , the case was kept for decision.
6. We have gone through the grievance of the consumer, copies of the orders passed by the Hon'ble Commission , filed by the consumer . We have also gone through the response filed by the Nodal, the copy of the petition filed by him with the Appellate Tribunal. At the outset we would like to observe that Hon'ble Commission in its order (Case No. 26 of 2007 and Case No.65 of 2006) has directed the D.L. for refund of RLC amount collected by them from various category of consumers. In the said order the Hon'ble commission has also directed the D.L. about the manner in which the refund is to be made to the consumers of various categories. The complainant falls under category of Industrial consumer and as per Hon'ble Commission direction the RLC charges collected are to be refunded at the rate of 27.85 paisa per unit. The said amount is to be refunded monthly starting from Sept.07 to March 2008.
7. We further observed that in spite of Hon'ble Commission's order , the amount of RLC was not refunded by the D.L. Two petitions were filed with the Hon'ble Commission , one by the Chamber of Marathwada Industries Association and Agriculture ,Aurangabad (case No. 57 of 2007) and other by M/S Ispat Industries Ltd. Mumbai (Case No. 80 of 2007) for non compliance of the order passed by the Hon'ble commission. On both this matter the Hon'ble Commission has passed the order on dt. 2.1.08, by ruling out the request made by the D.L. of keeping the matter under abeyance on the ground that the petition has been filed by the D.L. with the Appellate Tribunal. The Hon'ble Commission has further observed that as per principal of Judicial discipline any order passed by the Commission is required to be carried out unless and until such order is stayed , set aside or modified by the Hon'ble Tribunal to which appeal lies.

“4”

8. The Hon'ble commission has already laid down ratio in the policy matter about refund of RLC amount collected by the D.L. from various category of consumers in the state of Maharashtra.. The present case is identical to the said case and therefore the view taken by the Hon'ble Commission is directly applicable in the present matter. Hence we pass the following order.

ORDER

1. **The Distribution Licensee shall refund / adjust the Regulatory Liability Charges (R.L.C.) amount collected from the consumer in such manner as directed by the Hon'ble Commission in its order (case No. No. 26 of 2007 and case No.65 of 2006) within the stipulated period mentioned therein.**

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(V.A.Hambire)
Chairman

ग्राहक गा-हाणे निवारण मंच

महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Case No. CGRF/AZ/AUR/R /69/ 2007/ 38

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 Kaygaon Paper Mills Ltd.,
Manisha, Behind AXI Bank, Adalat Road,
Aurangabad.
(Consumer No.490019007020) (RLC Refund)

Sub: Grievance incase No. CGRF/AZ/AUR/R/69/2007/38
regarding electricity duty.

**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.

Yours Faithfully,

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

