

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/U/108/2008/29/

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 Bharat D.Nilawar,
Shop No.4, Plot No.15, Jabinda Residency, Dashmesh Nagar,
Aurangabad. (Consumer No. 490012240900).

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum from M/s Bharat D.Nilawar, Shop No.4, Plot No.15, Jabinda Residency, Dashmesh Nagar, Aurangabad. (Consumer No. 490012240900).

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 01.07.2008 at 11.30 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 Bharat D. Nilawar,
Shop No.4, Plot No.15, Jabinda Residency,
Dashmesh Nagar,
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 / U / 108 / 2008 / 29)

Date of Filing: 16.06.2008

Date of Decision: 29.07.2008

Shri Bharat D.Nilawar
Shop No. 4 , Jabinda Residency
Dashmeshnagar, Aurangabad.

(Consumer No. 490012240900)

The Consumer Complainant.

Vs

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

The Distribution Licensee.

Coram:

Shri V.A.Hambire
Shri H.A.Kapadia
Shri V.G.Joshi

President
Member
Member secretary

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

The consumer complainant , Shri Bharat D.Nilawar, Shop No. 4, Jabinda Residency, Dashmeshnagar, Aurangabad.has filed his grievance in Annexure "A" before this Forum on **16.06.08** , under Regulation No. 6.10 of the Regulations 2006. A copy of the grievance was forwarded on 23.06.2008 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 within (15) fifteen days from the date of receipt of the letter and the hearing in the matter was fixed on 01.07.2008.

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The grievance of the consumer, as per consumer, is as stated below:

1. The consumer has taken electricity supply for running Internet cafe and DTP center at the above mentioned address. The Distribution Licensee (hereinafter referred to as D.L.) issued him bills as per rates applicable for commercial tariff. The consumer contended that as per ITES policy of Govt. Of Maharashtra, his business activity shall be treated as Industrial activity and therefore the electricity bills shall be issued as per rates applicable for Industrial tariff. The consumer has filed application with the D.L. for issuing of bills as per Industrial tariff on 19.10.2007, however as no cognizance was taken by the D.L., he filed this grievance in the Forum and requested the Forum to direct the D.L. to issue him bills as per Industrial tariff.
2. On the date of first hearing i.e. on 01.07.08, consumer Shri B.D. Nilawar was present. Nodal officer filed application through Shri Borade Asst. Engineer, Circle office for grant of extension of time for filing his say. The request of the Nodal officer was granted and the hearing in the matter was kept on 8.7.08 .
3. On 8.7.08, both the parties were present. Nodal officer once again, through Shri Borade Asst.Engineer, filed application for extension of time limit on the ground that he is under transferred and new Nodal officer has still not joined the office . Forum reluctantly granted the time extension and kept the next hearing on 15.7.08.
4. On 15.7.08, the consumer Shri Bharar Nilawar present , Nodal officer Shri Rathore along with Shri Borade, Asst.Engineer, were present on behalf of the D.L. Nodal Officer filed reply on the grievance of the consumer and stated that as per Govt. Circular the consumer is categorize as IT Industrial unit, however as the consumer is having P.C.O. the bills were issued as per rates applicable to Commercial tariff. Nodal Officer was directed to confirmed whether any electrical connection is required or given to P.C.O. and to submit the inspection report before next date of hearing i.e. on 22.07.2008.

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5. On 22.07.2008 , both the parties were present. Nodal Officer filed spot inspection report of dated 22.07.2008 and stated that the consumer is utilizing the electricity for Internet Café and there is no P.C.O. in the consumers premises.
6. On hearing both the parties and on going through the records placed before the Forum, we observed that in order to promote IT Industry, the Government of Maharashtra has published I.T. and ITES policy 2003. The Government has published a Resolution bearing No. ITP-2003/CR-3311/IND-7,dated 12.07.2003 in which it is mentioned that the consumers who are using electricity for IT & ITES activities shall be billed as per Industrial Tariff. The Government has also published the list of activities which are covered under IT & ITES . As per said list the activities like Cyber Café / Cyber Kiosks etc. are included in the above list.
7. We further observed that the consumer has registered his activities of Internet Café, data processing , Job work etc. as Small Scale Industry with Director of Industries Govt. of Maharashtra.
8. On going through the inspection report dated 22.07.2008,filed by the Nodal Officer, we observed that consumer has taken electricity connection for Internet Café activity which is included in the list of activities mentioned in the above said Govt. Resolution.

In view of above observations we are of the opinion that the consumer shall be billed as per rates applicable for Industrial Tariff. All the bills issued to the consumer as per Commercial Tariff is therefore required to be revise from the date of connection i.e. from 28.10.2005 to 4th June 2008 ,as the period of validity of the policy(Five years) ends on 4.6.08. . However as different rates for LT Industrial category was applicable as per MERC tariff order during the above period , the rates prevailing to that period for IT Industries / LT Industrial tariff shall be taken into consideration while revising the bill.

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“4”

Hence the following order.

ORDER

1. All the bills of the consumer shall be revised as per LT Industrial tariff from the date of connection up to 4th June 2008. and revised bill shall be issued to the consumer within 30 days.

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

Inform both the parties and close the case.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(V.A.Hambire)
Chairman

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Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.23361720

No,CGRF/AZ/AUR/U/108/2008/29/

Date :-

To,

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

- 2) Shri Bharat D.Nilawar,
Shop No.4, Plot no.15, Jabinda Residency,
Dashmesh Nagar,
Aurangabad.

Subject :- Grievance in Case No.CGRF/AZ/AUR/U/108/2008/29

Please find enclosed herewith a copy of the 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: As above

Contact details of the Electricity Ombudsman,

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,Bandra Kurla Complex,
MUMBAI -400 051
TELEPHONE No. (022) - 26590339

