

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AKOLA.**

*“Vidyut Bhavan”,
Ratanlal Plots,
Akola: 444 001
Tel.No.2434476*

January 31,2014.

Complaint No.95,98,100/2013

**In the matter of grievance about contravention of MERC order in recovery of AEC
charges.**

Quorum :

Shri T.M.Mantri,	Chairman
Shri A.S.Gade,	Member
Shri P.B.Pawar,	Secretary

1)Shri Bajaj Enterprises,Yavatmal

... Complainant in Complaint 95/2013

2)M/s Balaji Electroselters, Yavatmal

... Complainant in Complaint 98/2013

3)Priyadarshini Sah.Soot Girni,Yavatmal

... Complainant in Complaint 100/2013

...VS...

The Superintending Engineer, MSEDCL, Yavatmal

... Respondent

Appearances:

Complainant Representative: Shri Ashish Chandarana,Akola

Respondent Representative: Shri Joshi, Jr.Manager (F&A)YAVATMAL

1. These are the similar type of complaints involving similar and identical grievances in respect of inclusion of AEC charges in the bill of August,13 by referring to order of MERC dt.05th Sept.13. According to the complainant the N.A. has contravened the said orders. The complainants case is that on 5th Sept.13 MERC has permitted licensee to recover AEC charges i.e. AEC 1 &2 from

billing month of Sept.13 and other amounts of Rs.106.44 Crores and Rs.628.90 Crs. to be collected as AEC 3 & 4 from the consumers within six months from Oct.13 through pre-existing fac mechanism. According to the complainant the N.A. has contravened the order of MERC by recovering all these AEC 1 to 4 from billing of month August,13 i.e. even prior to the order in question.

2. It is alleged that the said recovery is not uniform and in some part of state it is not recovered whereby the N.A. is causing hardships to the complainants. It is in contravention to the provisions of Indian Electricity Act, hence sought the reliefs prayed for. Along-with complaint copies of bunch of documents came to be filed.

3. After receipt of notice by the N.A. from the Forum for submitting reply, time was sought and it was lastly granted. The reply thereafter came to be filed, belatedly, objecting the complaint stating that neither the provisions have been violated nor the orders of the Hon.ble Commission, but the N.A. has always complied with the orders and present complaint is frivolous. Reference has been made to the orders passed by the Hon.ble Commission dt. 3rd Sept. 13 and impact of the said order, so also reference has been made to order passed by Hon.ble Commission on 4th Sept.13 along-with impact thereof and stating the manner in which these orders are being implemented. Similarly reference of order dt. 5th Sept.13 by the Hon.ble Commission is made alongwith its impact with further averments that a per the said order the N.A. has acted. It is stated that as directed by the Hon.ble Commission the charges are required to be paid to MSPGCL and MSETCL respectively by Oct.13 and the Hon.ble Commission has allowed recovery thereof from the consumers so as to avoid future tariff shock. Reference has been made to certain observations of order dt. 5th Sept. 13 of the

commission. It is stated that total amount of Rs.5342 Crs. is to be recovered by the licensee from consumers by way of additional energy charges (AEC 1 to 4) and fuel adjustment charges . The N.A. is recovering the same as per directions of the Hon.ble Commission. The claim made by the complainant is baseless and without merit. The licensee has started to recover the charges from the month of Sept.13. The complainant is not entitle for any relief. Lastly it is stated that similar issue is pending before Hon.ble MERC in various case Nos 110 to 115 etc. Alongwith reply copies of documents came to be filed.

4. The matter was then posted for arguments. Heard Mr.A.C.Chandarana, the learned representative of the complainant and Shri Joshi, Manager (F&A) and Shri Bommi, Jr.Law Officer for N.A. As per submissions made by the learned representatives of the parties the matters have been heard together as the controversy and points in issue are same and identical. During course of submissions it has been submitted that on the controversy involving in the matter some of the cases are already pending before the Hon.ble MERC such as Case No.110 to 115/13, & 122 to 127/13 and so on. It has been revealed during course of arguments that the subject matters before the Hon.ble Commission in the cases are also pertaining to non-implementation of orders passed by Hon.ble MERC referred to above. When this forum has made query with the learned representatives of the parties in respect of effect of pending of those cases, time has been sought and later on it was informed that the matters are pending before the MERC on 8th Jan.14 and later on it was informed that these matters have been kept on other day. On the next day of hearing the learned representative for the complainant has submitted that he will consult the complainants and will file appropriate pursis in the matter in view of pendency of the matters before Hon.ble MERC pertaining to the contravention of orders

in question, hence the matters have been kept pending. The complainants representative has submitted in writing dt.24.1.14 copy of which was sent by E-mail to this forum and later on the signed copy (Hard Copy) was received, subsequently. As it has been mentioned in the said pursis that in view of pendency of the grievance pertaining to contravention of orders in respect of illegal recovery of charges by N.A. before the Hon.ble MERC and it is expected that the said matters shall be decided shortly, hence these complaints may be disposed off as the complainants are not willing to contest the matters in view of decision awaited from the Hon.ble Commission, which will be binding on parties. In view such submissions the present matters needs to be disposed off and hence the forum proceeds to pass following order.

ORDER

- 1 The complaint 95,98 and 100/2013 filed by the respective complainants are hereby disposed off in view of submissions made by the complainants that they are not willing to contest matter and are awaiting order of Hon.ble MERC in the controversy.

- 2 In the circumstances parties to bear their respective costs.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman