

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

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

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No,CGRF/AZ/U / 210 / 2009 / 44 /

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 Shri Shahji Shankar Gaudi,  
P-133/2, Jaibajrang Market, Bajaj Nagar, Waluj, MIDC,  
Aurangabad. ( **Consumer No. 490011462895** )

Dear Sir,

**Please find enclosed herewith a copy of the grievance application received by the Forum from Shri Shahji Shankar Gaudi, P-133/2, Jaibajrang Market, Bajaj Nagar, Waluj, MIDC, 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 26.05.2009 at 11=30 Hrs.**

Encl: As above

Member/Secretary  
CGRF(AZ) MSEDCL  
Aurangabad.

**Copy to:-**

Shri Shahji Shankar Gaudi,  
P-133/2, Jaibajrang Market,  
Bajaj Nagar, Waluj, MIDC,  
**Aurangabad.**

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

Case No: CGRF/ AZ / U / 210 / 2009 / 44 )

Date of Filing: 08.05.2009

Date of Decision: 21.06.2009

**Shri Shahaji Shankar Gawali  
Plot No. P-133/2, Jai Bajrang Market  
Bajaj Nagar ,Waluj, MIDC,  
Aurangabad.  
( Consumer No. 490011462895 )**

**Consumer Complainant.**

V/s

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

**The Distribution Licensee.**

**Coram:**

**Shri V.A.Hambire President**

**Shri H.A.Kapadia Member**

**Shri P.A.Sagane Member secretary**

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

The consumer complainant, **Shri Shahaji Shankar Gawali** Plot No. P-133/2, Jai Bajrang Market, Bajaj Nagar ,Waluj, MIDC, Aurangabad has filed his grievance in Annexure "A" before this Forum on 06.04.2009, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered in this office at Sr.No. 205/2009/39 and the same was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Urban Circle, Aurangabad and hearing in the matter was kept on 21.04.09.

Case No: 210 /09/ 44

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The grievances of the consumer, as per consumer, is as stated below.

1. The consumer has taken electricity connection for Commercial purpose for his premises situated at above mentioned address. In the month of August 2005 , the Distribution Licensee (hereinafter referred to as D.L.) issued him an assessment bill under Section 126 of the Electricity Act 2003. As the said assessment bill was not accepted to the consumer he filed an appeal before the Appellate Authority by making 1/3<sup>rd</sup> payment of Rs.41420/- to the D.L. The consumer contended that the Appellate Authority has accepted his appeal and the assessment order has been cancelled. The consumer further stated that after receipt of the said order he filed application for refund of 1/3<sup>rd</sup> amount of Rs.41420/- In spite of his follow up he did not received the amount and therefore he filed his grievance before the Internal Grievance Redressal Committee (hereinafter referred to as IGRC) of the D.L. The IGRC, after hearing , passed an order for refund of Rs.27425=64/ Aggrieved by the decision of the IGRC, consumer file this appeal before this Forum and requested the Forum to direct the D.L. to refund balance amount after deducting the amount as per Appellate Authority order.
2. On 26.5.09, i.e. on the date of first hearing , consumer Shri Gawali present. Nodal officer Shri G.S.Rahtore was present on behalf of D.L. The Nodal officer filed his reply and stated that, the 1/3<sup>rd</sup> amount of Rs.41420/ paid by the consumer was debited to his account .After deducting the assessment amount as per Appellate Authority order which works out to Rs. 6700=42, and after calculating the interest and DPC on the unpaid bills of the consumers, credit of Rs.27425/ is given to the consumer .The consumer accepted the amount of Rs. 6700=42 deduction on account of Appellate Authority's order but strongly objected for any further deductions. The consumer was asked to file his calculations before the next hearing which was kept on 2.6.09.
3. On 2.6.09, both parties were present. Shri Gawali submitted letter stating that as per his calculation Rs.34720/ are due for refund and the same shall be refunded along with interest. Forum heard both parties at length and the matter as kept for decision.
4. On going through the documents filed by both the parties, we observed that the consumer has paid Rs. 41420/ towards 1/3<sup>rd</sup> amount while filing appeal against the assessment bill issued by the D.L. The appeal filed by the consumer was allowed by the Appellate Authority and the assessment order was cancelled. The Appellate Authority, in its impugned order allowed D.L. to collect six month bill considering the average consumption as 250 units/month, the amount of which works out to Rs. 6700=42. The consumer has also given consent for deduction of this amount from Rs.41420/. On questioning the Nodal officer about extra deduction shown in his reply, he stated that as per procedure the amount of Rs.41420/ was credited in the consumer account and as consumer has not paid certain bills within due time, interest was required to be charged and now balance payable amount

works out to Rs.27425.64. On going through the CPL of the consumer and the calculations submitted by the Nodal officer , we observed that D.L. , instead of showing this amount separately or under suspense account , has merged the 1/3<sup>rd</sup> amount paid by the consumer as per provision of section 126 of E.I. Act 2003 in the regular bills of the consumer. We further observed that as the decision in this matter took more than 46 months, the amount so merged in the regular bills gets added with interest and other charges.

In view of above observations and as per order passed by he Hon'ble Appellate Authority in this matter, we are of the view that an amount which works out as per order No.3 of the impugned order shall only be deducted. And balance amount shall be refunded to the consumer . The amount , as per order No.3 , works out to Rs. 6700=42 and therefore after deducting the said amount from Rs.41420/, balance amount is required to be refunded. Further considering the consumption trend of consumer, the balance amount shall be required to refunded and not to be adjusted . The request of the consumer to pay interest on the balance amount cannot be granted as the said amount was paid as per statutory requirement of the section 126 of the E.I. Act 2003.

#### **ORDER**

- 1. The Distribution Licensee is directed to refund Rs. 34719=58 to the consumer within 30 days by cheque.**

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

**Inform the parties and close the case.**

**(H.A.Kapadia)**  
**Member**

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

**(V.A.Hambire)**  
**Chairman**

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**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/U/210/2009/44/**

**Date:-**

**To,**

1. **The Executive Engineer (Adm.)**  
**O/O Superintending Engineer**  
**O & M , Urban Circle, M.S.E.D.C.L.**  
**Aurangabad.**
2. Shri Shahhaji Shankar Gawali,  
Plot No.P-1323/2, Jaibajrang Market,  
Bajajnagar, Waluj, MIDC,  
**Aurangabad**  
**(Consumer No. 490011462895)**

**Sub: Grievance incase No. ( Case No:CGRF/ AZ/ U/210/2009 /44 )**

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.

Encl: A/A

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

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

**Copy submitted with respect to:-**  
**The Chief Engineer(AZ)**  
**MSEDCL, Aurangabad.**

