

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.

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

No:- CGRF/AZ/AUR/R/ 548 / 2015/ 11

Date :-

To,
01) The Executive Engineer (Administration)
Nodal Office, 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 “ Near Bajaj Hospital, Adalat Road, Aurangabad 431 201 (M.S.) India
(Consumer No. 490019007020 H.T.)

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum, in respect of M/s. Kaygaon Paper Mills Ltd. “ Manisha “ Near Bajaj Hospital, Adalat Road, Aurangabad 431 201 .

You are requested to Redress the grievance or submit your Para wise reply at the time of hearing. The hearing in the matter will be held on **10.02.2015** at 12.00 Hours.

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad

Copy to:-

M/s. Kaygaon Paper Mills Ltd.
“ Manisha “ Near Bajaj Hospital, Adalat Road,
Aurangabad 431 201

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF / AZ / AUR / R / 548 / 2015 / 11

Date of Admission 27.01.2015
Date of Decision 31.03.2015

M/s. Kaygaon Paper Mills Ltd. COMPLAINTANT.
“ Manisha “ Near Bajaj Hospital,
Adalat Road, Aurangabad 431 201.
Consumer No.(490019007020 H.T.)

VERSUS.

1. Superintending Engineer, RESPONDENT
Rural Circle, Nodal Officer,
MSEDCL, Aurangabad.

CORAM:

Shri Dr.Bhaskar .G. Palwe Chairman
Shri S.S. Gaulkar Member/Secretary
Shri Vilaschandra .S.Kabra Member.

Redressal Decision :-

The complainant has applied to the Hon. Forum under Section 6.10
of the Maharashtra State Electricity Regulatory Commission
(Consumer Grievance Redressal Forum and Obdusman) Regulation
2006 in schedule “ A “ on 27.01.2015

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The copies of complaint were sent to Executive Engineer (Admn), Nodal Office, Rural Circle, MSEDCL, Aurangabad to submit their para wise reply on the grievances at the time hearing.

Consumer Grievances Redressal Decision :-

- 1) M/s. Kaygaon Paper Mills Ltd. “ Manisha “ Near Bajaj Hospital, Adalat Road, Dist. Aurangabad, complaint is a consumer of Maharashtra Electricity Distribution Company Limited, Aurangabad (Consumer No. 490019007020 H.T.) The complainant has made a complaint against the respondent i.e. Superintending Engineer, MSEDCL, Rural Circle, Aurangabad. Dr. Babasaheb Ambedkar Road,Aurangabad. The summary of the complaint is as under :-

Complainant has mentioned in his complaint that they are engaged in manufacturing of craft paper and has taken 33 kv supply for his factory. The present contract demand and connected load is 2500 KVA and 3417 KW respectively. The electricity connection to the consumer to the was released in the year 1992 and since then the complainant is a regular payee of all electricity bills issued by respondent company.

The complainant was in receipt of bill dated 09.09.2013 for the month of August 2013 in which respondent has levied AEC charges in addition to regular energy charges. No details of AEC charges were provided along with bill. However the foot note on the bill discloses that additional charges towards FAC and AEC were in the bill as per MERC order and for details clarification Circular No.209.

The complainant has stated that as per directives of the MERC, AEC I & AEC II charges are required to be levied from the bills issued from September 2013 and AEC III and AEC IV are from Oct. 2013.

The complainant has mentioned that in spite of above clear directives respondent levied all charges (AEC I + AEC II + AEC III + AEC IV) from the bills of August 2013 which is clear violation of MERC directives. This clearly discloses that the respondent has collected AEC charges in excess by levying same its scheduled period and therefore the same are required to be refunded along with interest .

Grievances regarding refund of AEC I & AEC II charges :-

The complainant has submitted that the order dated 05.09.2013 passed by MERC (AEC I & AEC II) was challenged before

Appellate Tribunal of Electricity, Delhi (ATE) . The said appeal No. 295 / 2013 was allowed by ATE by its order dated 22.08.2014 and order passed by MERC regarding levy of AEC I & AEC II was demanded back to MERC for taking fresh decision. Therefore the charges levied under head AEC I & AEC II are illegal and are required to be refunded along with interest.

Grievances regarding refund of AEC III & AEC IV charges :-

The complainant has also submitted that as regards to AEC III and AEC IV charges, the same were required to be collected in six equal Installments starting from October 2013, however respondent starting collecting . Same from the month of August 2013 which is also a clear violation of MERC directives. Therefore the excess amount collected for the month of August 2013 and September 2013 are required to be refunded along with interest.

The complainant lastly wish to bring to kind notice and the Hon. Forum that Hon. Ombudsman, Nagpur has passed a common order dated 22.12.2014 in representation No. 68 / 2014, 88 to 96 / 2014 and 122 / 2014. The grievances and the subject matter of the said representation is similar to present grievance filed by the complainant .

The complainant vide his letter dated 13.03.2014 and 10.09.2014 requested the respondent to provide details of AEC Levied and refund the excess amount levied under the head of AEC. However since no cognizance of the complaint was taken by the respondent. The complainant was forced to file the present complaint before your Hon. Forum.

The complainant therefore has prayed as under :-

- 1) The grievance may be admitted and allowed.
- 2) The respondent may be directed to refund amount collected under the head AEC I & AEC II along with the interest at Sec. 62 (6) of the Indian Electricity Act, 2003.
- 3) Respondent may be directed to refund the amount collected under the head of AEC III & AEC IV for the month of August 2013 and Sepetember 2013.
- 4) The Respondent may be directed to pay Rs. 10,000/- towards non-honouring of Appellate Tribunal of Electricity order dated 22.08.2014 in appeal No. 295 / 2013.
- 5) Any other relief as deemed fit by the Hon. Forum.

Submission of Executive Engineer (Admn) Rural Circle, Nodal Officer , MSEDCL, Aurangabad

Respondent vide letter dated 17.03.2015 has submitted that the charges lived (AEC I, AEC II, AEC III, AEC IV) are in accordance with guidelines given in commercial circular No. 209 in which it is specified that all the charges to be recovered in six equal instalments. As per the circular dated 07.09.2013 actual AEC III and AEC IV charged only for six equal instalments.

Therefore APTEL in appeal No. 295 / 2013 vide judgement dated 22.08.2014 has set aside the impugned order (Case No. 95 / 2013 dated 05.09.2013) and recommended the matter to the MERC to opportunity to the parties concern as per the provisions of the Section 64 of the Electricity Act 2003 and hear the matter in a transport manner and pass the final order uninfluenced by its earlier findings, as expeditious by as possible . Respondent has also submitted that in order to avoid the multiple litigations, MSEDCL filed miscellaneous applications in case No. 95 of 2003 before the Hon. Commission for early disposal of matter in view of APTEL's Judgement in appeal No. 295 of 2013 on 03.11.2014. Therefore refund of additional electricity charges is kept pending till further clarification from Hon. MERC . Respondent therefore has requested the Hon. Forum to dismiss the complaint

Opinion of the Honourable Forum.

In view of the oral as well as written submissions made by

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complainant and respondent before the Hon. Consumer Grievances Redressal Forum, and the miscellaneous application in Case No. 95 of 2013 before the Hon. MERC for early disposal of matter in view of APTEL's judgement in appeal No. 295 of 2013 on 03.11.2014, this forum is passing the following order:-

ORDER

- 1) Respondent i.e. MSEDCL shall take action on this matter after the disposal of miscellaneous application in case No. 95 of 2013 by the Hon. Maharashtra Electricity Regulatory Commission in view of the APTEL judgement in appeal No. 295 of 2013.
- 2) No order as to costs.

Sd/-
Dr.Bhaskar.G. Palwe
Chairman

Sd/-
Vilaschandra.S. Kabra
Member

Sd/-
N.R.Gandhale,
Member / Secretary

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
AURANGABAD ZONE AURANGABAD.

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

No. CGRF/ AZ / AUR / R/ 548 / 2015/ 11

Date :-

- To,
01) The Executive Engineer (Administration)
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Aurangabad.
- 2) M/s. Kaygaon Paper Mills Ltd.
“Manisha “ Near Bajaj Hospital,
Adalat Road , Aurangabad
(Consumer No. 490019007020 H. T)

Sub:- Grievance in Case No. CGRF/AZ/AUR/R/ 548/2015 /11.

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.

Encl: As above

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.

Contact details of:

The Electricity Ombudsman,
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni, Nagpur – 440 013
Phone No.(Office) (0712) 20 22 198 (E-mail – cgrfnz@gmail.in)
Secretaryombudsmentnagpur@gmail.com

