

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 / 248 / 2009 /82 /

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 B.C.L. Springs Plot  
No. F-13, MIDC Industrial Area Chikalthana, Aurangabad  
(Consumer No. 490019004683)

Dear Sir,

Please find enclosed herewith a copy of the grievance  
application received by the Forum from forwarding of grievance in  
respect of M/S B.C.L. Springs Plot No. F-13, MIDC Industrial Area  
Chikalthana, 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 -----  
at 11=30 Hrs .onwards

Encl: As above

Member/Secretary  
CGRF(AZ) MSEDCL  
Aurangabad.

Copy to:  
M/S M/S B.C.L. Springs  
Plot No. F-13, MIDC Industrial Area  
Chikalthana, Aurangabad

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

( Case No. CGRF / AZ /AUR /U / 248 / 2009 / 82 )

M/s B.C.L.Springs,  
**Plot No.F-13, MIDC Industrial Area,**  
**Chikalthana.**

Aurangabad.

(Consumer No. 490019002672)

**Consumer Complainant.**

V/s

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION**  
**COMPANY LTD. Urban Circle, Aurangabad.**

**The Distribution Licensee.**

**Date:- 27.10.2009**

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

**INTERIM ORDER**

The consumer has filed his grievance in the Forum regarding wrong bills issued by the Distribution Licensee and also requested the Forum to pass an interim order directing the Distribution Licensee not to disconnect electricity supply of his industry on account of wrong bills issued by the D.L..

The grievance of the consumer was admitted as per Regulation No. 6.5 of Maharashtra Electricity Regulatory Commission. The hearing on the application of the consumer for passing interim order was kept on 27.10.2009.

Case No: 248/2009

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On the date of hearing, i.e. on 27.10.09, consumer representative Shri A.L.Waghchawre, Maintenance Manager & Shri H.A.Kapadia, Consumer Representative was present. Nodal Officer Representative Shri P.R. Gaur, Assistant Engineer, Urban Circle, Aurangabad was present. On hearing the consumer we observe that since the date of connection the consumer is paying the bills regularly. The consumer received the bill of September 2009. with arrears amounting to Rs. 23,86,817=26. The above arrears was shown against the ASC adjustment as per Appellate Tribunal order dated 12.05.2008. The details of the arrears bill and period of assessment is not shown in bill. The consumer contended that the Hon'ble Appellate Tribunal have pass the order in the matter of M/s Eurotex Industries and Exports Limited Kolhapur which is not applicable to him. The consumer requested to D.L. to issue the separate current bill and clarification of the arrears bill of Rs.23,86,817=26. But instead of issuing the separate bill to the consumer, fifteen days disconnection notice issued by the D.L.

The Forum accepted the submission of the consumer.

The Forum hereby direct the D.L. not to disconnect the electricity supply of the consumer till the disposal of the grievance of the consumer and issue the provisional current bill for payment .

Next hearing in the matter is kept on 10.11.2009.

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

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

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

**Case No. CGRF/AZ/AUR/U /248/ 2009/ 82**

**Date of Filing: 14.10.2009**

**Date of Decision: 11.12.2009**

**M/s B.C.L.Springs,**

**Plot No. F-13, MIDC,Industrial Area, Chikalthana**

**Aurangabad.**

**(Consumer No. 490019002672)**

**Consumer Complainant**

**V/s**

**Maharashtra State Electricity Distribution Co.Ltd.**

**Urban Circle, Aurangabad.**

<b>Coram:</b>	<b>Shri V.A.Hambire</b>	<b>President</b>
	<b>Shri V.S.Kabra,</b>	<b>Member</b>
	<b>Shri P.A.Sagane,</b>	<b>Member secretary</b>

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

The consumer has filed his grievance in Annexure  
“ A “ before this Forum on **14.10.2009** under Regulation No. 6.10 of the  
Regulations referred to above. A copy of the grievance was forwarded on  
14.10.2009 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 on the grievance within a period of fifteen days and hearing in the matter  
was fixed on **27.10.2009**

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

01. The consumer had taken H.T.(11kv) supply from MSEDCL (hereinafter called as D.L.) since July 1986 Service connection No.49001902672. He had enhanced the contract demand 403 KVA to 620 KVA and connected load 251 KW to 795 KW. After making requisite payment additional load and C.D was released during March 2005.The consumer states that as per the MERC order the D.L. has started levying ASC and IASC charges in the monthly bill. The commission in it's tariff order dated 27.04.2007, for the period 2007-2008 and by its subsequent clarificatory order has given Matrix for fixing BMC. The consumer received the bill for the month of September 2009 for Rs.32,89,865=78 which includes an amount Rs.23,86,817=26 as arrears towards "ASC ADJUSTMENT" as per Appellate Tribunal for Electricity order dated 12.05.2008.

02. On receipt of above bill consumer contacted D.L. for seeking explanation and clarification about the bill. He further requested to D.L. to accept the current amount till the clarification of above ASC arrears, but his request was not considered. Finally, he submitted the complaint before this Forum and requested to direct the D.L. to accept current bill of September 2009 and pass an interim order directing D.L. not to disconnect electricity supply till disposal of his grievance.

03. On dated 27.10.2009 Nodal Officer representative Shri P.R. Taur, Shri Munde A.A. and consumer's representative Shri A.L.Wagchawre and Shri H.A.Kapadiya was present, consumer states that he had received the bill of September 2009 with arrears Rs.23,86,817=26 against the ASC charges as per the Appellate Tribunal dated 12.05.2008. He told that the arrears bill should be given separately with the details of calculations and clarification. As per his request letter separate bill was not given to him. D.L. has issued the 15 days disconnection notice. Nodal Officer submitted his reply and states that ASC arrears amount is calculated for the period May 2007 to June 2008 as per the order of Hon'ble Appellate Tribunal for Electricity and it is correctly calculated. Forum directed Nodal Officer to accept the current bill for September 2009 provisionally, and passed an interim order not to disconnect the electricity supply till the disposal of this case. Matter fixed on dated 10.11.2009 .

04. On 10.11.2009 Nodal Officer Shri I.G.Borade, Shri P.R.Taur and consumer representative Shri H.A.Kapadiya was present. Nodal Officer submitted his reply with the statement of sample calculations of ASC and stated that the ASC is changed as per order of Appellate Tribunal and it is correct.

05. The consumer submitted his reply and states that D.L. has not correctly calculated the ASC. The sample month September 2005 is taken as bench mark month which is not correct, as only 21 days consumption is recorded in that month. Consumer submitted the chart of recorded KVA and KWH units consumption from March 2005 to May 2006, and contended that he has reached highest energy

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consumption ratio and highest KWH consumption in the month of January 2006, the said billing month January .2006 required to be considered as reference period for deciding ASC charges. The consumer further submits that as per the interim order passed by the Forum D.L. has issued separate bill for September 2009 , but charged the DPC and interest amount Rs.65,797=00 which should be refunded with interest. Heard both the sides in length and matter kept for decision.

06. Facts on record and proceeding during the hearing show that the concept of Additional supply charge was introduced from October 2006, in the revised tariff. The Commission has continued with the approach of allocating costly power to only those category which are getting the benefit of reduced load shedding. The expenditure on costly power is to be recovered through the levy of Additional supply charges (ASC) from the specified categories. The Commission has given the Matrix for fixing the bench mark of ASC charges in the tariff order dated 27.04.2007. for the year 2007-2008.

07. “The clause 7.4(g) of the original MERC order dated 18.05.2007 specifying the fixing of bench mark units to calculate ASC of consumer’s is reproduced below:-“

***In case of consumer whose sanction load/contract demand had been duly increased after the billing period of December 2005, the reference period may be taken as the billing period after six months of the increased in sanction load/contract demand*** **OR**

***The billing period of the month in which the third occasion of the consumer utilizing at least 75 % of the increased sanction load/contract demand after increasing the contract demand is recorded, whichever is earlier.***

08. The above order is modified and interpreted correctly by the Hon’ble Appellate Tribunal vide order dated 12.05.2008 reads as under:

***“ In the case of consumers whose sanctioned load/contract demand had been duly increased after the billing month of December 2005, the reference period may be taken as billing period after six months of the increased in sanction load/contract demand.*** **OR**

***The billing period after six months in which the consumer has utilized at least same ratio of energy consumption as percentage of increase contract demand that has been recorded prior to the increase in sanction load/contract demand.***

09. The MERC order and the modified order passed by Appellate Tribunal Makes it clear that if any consumer increases his contract demand, in order to establish KWH consumption either six month time may be given or the billing month after six months in which consumer has reached at least same ratio of energy consumption, month shall be considered as reference period.

10. In this case the D.L .has considered the reference period of September 2005 for deciding ASC which is billing month after six months of the increase in load/contract demand. It is on the record that consumers meter reading for the month of September 2005 is taken for period 31.08.2005 to 21.09.2005 i.e. 21 days consumption is recorded only which is 115200 KWH units .

11. "As per the MERC (Electricity Supply Code and other conditions of supply) Regulations 2005 the definition of month is reproduced as "Month" in relation to billing of charges, means the English calendar month or any period of thirty days" . In the present case the consumption of 21 days is considered for fixing of bench mark of ASC which is not as per the Appellate Tribunal for Electricity order dated 12.05.2008.

12 The consumer is aggrieved with the decision of D.L. to consider BMC to 115200 units which is the consumption of billing month September 2005. It is on the record that consumer's meter reading is taken on or around 21th of every month. Perusal of bill for October 2005 shows that the consumption of 21.09.2005 to 25.10.2005 is billed for the billing month of October 2005. The consumer's contract demand/load was increased from 403 KVA to 620 KVA on 11.03.2005. Sixth month after increase in the contract demand ends on 12.09.2005. Billing period after six months of increasing the contract demand, would therefore obviously mean the billing period after 12.09.2005. In conclusion, it has to be the billing month of October 2005 (21.09.2005 to 25.10.2005) and not September 2005.(31.08.2005 to 21.09.2005) as assumed by the D.L. In this case consumption of October 2005 is 203870 units.

It is seen from the record that the average per month consumption before increase in contract demand/load is 172393 units considering 12 month period March 2004 to February 2005. As such the BMC (115200) cannot be less than the average consumption before increase in the contract demand which is 172393 units. In the present case, consumer has utilized at least the same ratio of energy consumption as percentage of increased contract demand in the billing month of October 2005. Such type of order is also passed by Hon'ble Electricity Ombudsman in case No. 92 of 2009 dated 16<sup>th</sup> September 2009(In the matter of excess Additional supply charges due to incorrect bench mark consumption)

13. In view of aforesaid observations, we are of the opinion that the consumption of October 2005 i.e. 203870 units should be taken as bench mark consumption (BMC) for purpose of levy of ASC for period May 2007 to June 2008.

**ORDER**

**M.S.E.D.C.L. is directed -----**

- 01. To revise the ASC by taking BMC as 203870 units of October 2005.**
- 02. To refund of DPC and Interest amount Rs.65797=00.**

The D.L. & the consumer shall comply with the above order and report compliance to the Forum within 30 days.

**( V.S. Kabra)**  
**Member**

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

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

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

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

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**Case No.CGRF/AZ/U/248 / 2009 / 82/**

**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 BC.L.Springs,  
Plot NO.F-13, MIDC, Chikalthana Area,  
Aurangabad**

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**Sub: Grievance incase No. ( Case No:CGRF/ AZ/ U/248/2009 /82 )**

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Please find enclosed herewith a copy of order passed by the Forum in the case mentioned above. Please note that as per the Regulations laid down by M.E.R.C. , the decision passed by the majority member is enforceable.

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.

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

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