

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

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

Case No: CGRF /AZ /U/144 / 2008 / 65/

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 EXCEL, Plot No.H- 60
MIDC, Waluj , Aurangabad. (Consumer No. 490011712352.)

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from M/S EXCEL, Plot No. H-60 ,MIDC, Waluj , Aurangabad.

You are requested to submit your parawise reply on the grievance within 15 days from the date of this letter

The hearing of the grievance is fixed on date 04.11.2008 at 11.30 Hrs.

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

Encl As above.

Copy to :

M/S EXCEL,
Plot No.H-60 ,MIDC, Waluj ,
Aurangabad.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

(Case No: CGRF/ AZ / U / 144 / 2008 / 65)

Date of Filing: 20.10.2008

Date of Decision: 20. 12 2008

M/s Excel,
Plot No. H-60, MIDC Walujh,
Aurangabad
(Consumer No. 4900117112352) **Consumer Complainant.**

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

O&m Urban 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 S.S.Patodkar Proprietor, M/s Excel, Waluj ,Aurangabad has filed his grievance in Annexure "A" before this Forum on **20.10.08**, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer 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 04.11.208

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

1. The consumer is running a factory at Plot No.H-60, MIDC, Waluj , Aurangabad. The consumer has applied for load of 65 HP which has been sanctioned by the concerned authority of Distribution Licensee (hereinafter referred as D.L.) on 12.09.2005. As per demand made by the D.L. consumer has paid Rs. 1,70,046/- on 13.09.2005 which includes Service Connection Charges, Security Deposit and ORC charges. The connection was released to the consumer by the D.L. on 21.10.05. The consumer contended that after the release of power supply on payment of above said amount he came to know about the MIDC Interest Free Loan Scheme which was applicable for Industrial Consumers situated in MIDC area of Aurangabad. The consumer further contended that as per the said scheme MIDC has sanction interest free loan to D.L. for providing electricity connection to plot holders in MIDC area. On 21.10.2005 he filed an application with the Superintending Engineer, O&M Urban Circle, Aurangabad for refund of ORC charges of Rs. 1,25,825/-. Since he did not received any response he again filed reminder letters on 12.12.2005, 10.01.2006, and 01.06.2008. The consumer has also approach the Maharashtra State Electricity Regulatory Commission with the request to direct MSEDCL for taking necessary action in this matter. Since no cognizance of his request was taken by Distribution Licensee, he filed this grievance in the Forum and requested the Forum to direct the Distribution Licensee to refund the ORC charges paid by him.
2. On 04.11.2008, i.e. on the date of first hearing, consumer Shri Patodkar was present. Nodal Officer, Shri Rathore was present on behalf of D.L. He filed his reply on the grievance of the consumer and stated that at the time of sanctioning the consumer has given the consent regarding his willingness to pay outright contribution for releasing power supply to his factory. On his consent and after receipt of payment towards ORC amount the connection was release to him on dated 21.10.2005. The Nodal Officer further contended that the consumer has already given his consent for payment of charges under ORC and therefore his request for refund of ORC amount was not considered by the D.L. He therefore requested the Forum to dismissed the grievance filed by the consumer.

During the hearing it is revealed that MIDC interest free loan scheme was in operation for industrial consumers situated in MIDC area of Aurangabad. The Forum therefore directed the Nodal Officer and the consumer complainant to file the particulars of the scheme and all other relevant documents in this matter before the next hearing which was kept on 11.11.2008.

3. On 11.11.2008, since the President and the Member Secretary of the Forum informed about their nonavailibility to conduct the hearing , the hearing was adjourned and fixed on 14.11.2008.

4. On 14.11.2008 consumer and Nodal Officer were present . The Nodal Officer, nor consumer filed any document relating to MIDC interest free loan. Since neither the consumer complainant nor the Nodal Officer filed any documents about the interest free scheme of MIDC during the last two hearings , the Forum once again directed both the parties to file related documents and in particular to the consumer who has filed his grievance to submit the documents in support of his claim for refund of ORC amount and the details of scheme before next hearing which was kept on 18.11.2008.
5. On 18.11.2008 both the parties were present. Consumer complainant did not file any document in support of his claim. The Nodal Officer, filed copies of the letter address to concerned authority of the D.L. by the MIDC authorities. The Nodal Officer further stated that consumer has not applied to MIDC for including his name for providing power supply and therefore his name was not included in the list of consumer to whom power supply was given under MIDC Interest Free Loan Scheme. Since the consumer has not filed any document in support of his claim for refund of ORC amount, nor the Nodal Officer has filed the MIDC Interest Free Loan Scheme, the procedure & criteria for inclusion of name of plot holders etc. , both the parties were once again directed to file the related documents within seven days i.e. before 25.11.08 . The consumer complainant was asked in particular to file the documents to justify his claim of refund of ORC amount .
6. Since the consumer complainant nor Nodal officer filed any documents within stipulated time , the Forum decided to kept the matter for decision on the basis of documents filed before the Forum.
7. On going through the documents filed by both the parties we observed that the consumer has filed an application with the Distribution Licensee for sanctioned of 65 HP load to his factory situated at Plot No.H-6-, MIDC, Waluj, Aurangabad The concerned authority of the D.L. has sanctioned the 65 HP load on 12.09.2005. On going through the Firm Quotation bearing Serial No.7228 dated 12.09.2005 issued in the name of consumer by the D.L., we observed that the consumer has paid total amount of Rs. 1,70,046/- which includes ORC amount of Rs. 1,25,825/-. The firm quotation also reveals that the work involve erection 0.11 KM H.T. line and 1x 63 KVA Distribution Transformer . The consumer has paid total amount of Rs. 170046/ after which the connection for 65 HP was released by the D.L. on 21.1.0.05. We further observed that the consumer, in his letter dt.30.08.05 addressed to Executive Engineer Urban Div.No.1 Aurangabad and given his consent for payment of ORC towards infrastructure i.e. 63 KVA transformer & HT line work and requested to accord the sanction. It is observed that the D.L. on receipt of the consent for payment of ORC amount sanction the 65HP demand of the consumer and released the connection.

The Forum further observed that after giving the consent for payment of ORC amount and after the release of connection , the consumer filed an application with the D.L. for refund of ORC amount paid by him on the grounds that MIDC interest free loan scheme is operative for the MIDC area. The Forum further observed that in spite of repeated directives to the Nodal Officer, no documents about the MIDC Interest Free Loan Scheme , procedure & Criteria of selection of consumers or any such related documents were submitted before the Forum . The consumer, on whom the burden of proof lies, also failed to submit any document in order to justify his claim for refund of ORC amount. The consumer has initially given consent for payment of ORC amount but later on claiming the refund of same In such circumstances the Forum has left with no other alternative but to dismiss the grievance filed by the consumer due to non production of proof & documents in support of his claim of refund of ORC amount.

ORDER

1. The grievance filed by the consumer is stands dismissed

The D.L. & 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.

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.- ४३१ ००१

Case No. CGRF/AZ/AUR/U/144/ 2008/ 65/

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer,
O&M Urban Circle,MSEDCL,
Aurangabad.**
- 2. M/s Excel,,
Plot No. H-60, MIDC Waluj,
Aurangabad.
(Consumer No. 490011712352)**

Sub: Grievance incase No. CGRF/AZ/AUR/U/144 /2008/65

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.

Yours Faithfully,

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Encl: As above

Copy submitted w.r.to:-

The Chief Engineer(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