

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

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

No,CGRF/AZ/R/147/2008/68/

Date :-

To,  
The Executive Engineer ( Administration)  
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" Behind AXIS Bank, Adalat Road, Aurangabad. (Consumer No. 490019007020 ).

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from M/s Kaygaon Paper Mills Ltd., "Manisha" Behind AXIS Bank, Adalat Road, Aurangabad.

You are requested to submit your parawise reply on the grievance within 15 days from the date of this letter. **The hearing is fixed on 18.11.2007 at 11.00 Hours**

You are also requested to be present along with the concerned in charge at the time of hearing.

Member Secretary  
CGRF, (AZ) MSEDCL,  
Aurangabad.

Encl: As above.

Copy to:-

M/s Kaygaon Paper Mills Ltd.,  
"Manisha" Behind AXIS Bank,  
Adalat Road, Dist.Aurangabad.  
For information and take a note of hearing date and time.

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

( Case No: CGRF/ AZ / R / 147 / 2008 / 68 )

**Date of Filing:** 01.11.2008

**Date of Decision:** 01.01.2009

**M/S Kaygaon Paper Mills Ltd.  
Adalat Road, Aurangabad  
( Consumer No. 490019007020 )**

**Consumer Complainant.**

V/s

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.  
LTD. Rural 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 M/S Kaygaon Paper Mills Ltd. Gut No.184, Village Kaygaon, Tal.Gangapur,Aurangabad has filed his grievance in Annexure "A" before this Forum on **01.11.08**, 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 18.11.08

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

1. The consumer has taken high tension electricity supply from the Distribution Licensee (hereinafter referred to as D.L.) for his factory situated at village Kaygaon, Tq.Gangapur, Dist. Aurangabad and is paying his monthly electricity bills regularly. The consumer contended that in spite of the orders passed by the Hon'ble Maharashtra Electricity Regulatory Commission (hereinafter referred to as “the Commission”) in case No.72/2007 dt.20.06.2008 and its letter of dt.21.02.2008, the D.L. has not refunded the ASC and IASC charges wrongly collected from him during the period October 2006 to April 2007. The consumer further contended that he has filed an application to the Chief Engineer (Commercial) Mumbai, who has asked him to contact the local MSEDCL Rural Circle office for refund of the said amount. Since no cognizance of his application for refund of ASC & IASC charges were taken by the D.L., he has filed this grievance in the Forum and requested the Forum to direct the D.L. to refund the excess amount as per order passed by the commission.
2. On 18.11.2008, i.e. on the date of first hearing, consumer representative Shri A.M.Bhamre was present. Nodal Officer's authorized representative Shri D.G. Kardile, Accounts Officer and Shri S.K.Choudhary were present on behalf of D.L. He filed application for adjournment of hearing and stated that the issue of ASC & IASC charges, being policy matter, is to be decided at their head office level. The request of the Nodal Officer's representative was granted by the Forum and the next hearing in the matter was fixed on 05.12.2008.
3. On 05.12.2008, Shri Prakash Rathi, Director of Kaygaon Paper Mill was present. Nodal Officer Shri J.G.Jaiswal was present along with Asst. Engineer Shri A.R.Patil on behalf of D.L. Nodal Officer filed his reply on the grievance of the consumer and stated that as the matter of refund of ASC & IASC charges pertain to all the consumers of D.L. in Maharashtra, the issue has been referred to their head office for deciding methodology of refund of the said amount. He further stated that D.L. has received the order from Hon'ble Commission (Case No. 72/2007) for refund of ASC & IASC charges to the tune of 500 Crore wrongly collected from different category of consumers. Nodal Officer was directed to produce the guidelines received in this matter from their head office and all other related documents before next hearing which was kept on 22.12.2008.

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4. On 22.12.2008, President and one member of the Forum conveyed their inability to attend the hearing. The hearing was therefore postponed and next hearing was kept on 30.12.2008.
5. On 30.12.2008, consumer and Nodal Officer were present. Nodal Officer filed copy of the order in case No.70 of 2008 dt.10.12.2008 passed by the Hon'ble Commission and stated that the commission has directed the D.L. to file separate petition for approval of refund methodology of ASC & IASC charges. The copy of the same was handed over to the consumer for filing his say, if any, before 01.01.2009 and the matter was kept for decision.
6. We have gone through the grievance filed by the consumer, reply filed by the Nodal Officer. We have also gone through the order No.72 of 2007 dt.20.06.2008 and order No.70 of 2008 dt.10.12.2008 passed by the Hon'ble Commission. On going through the above documents placed before us we observed that the D.L. has collected excess amount towards costly power charges from various category of consumers under the head of ASC & IASC charges. The commission in the matter of MSEDCL petition for approval of Annual Performance Review for FY 2007-2008 and tariff for FY 2008-2009 (case No.72/2007) has directed the D.L. to refund the excess amount collected under the head of ASC & IASC charges. . The consumer has filed his grievance in the Forum on the basis of the above said order passed by the Hon'ble Commission. We further observed that the said order of refund of ASC & IASC amount passed by the Hon'ble Commission pertains to all category of consumers and as the exact quantum of amount to be refunded to the consumer complainant is not known and no guidelines or methodology has been clarified in the said order. On going through the order No.70 of 2008 dt.10.12.2008, passed by the Hon'ble Commission., we observed that the commission has directed the D.L. to file separate petition before it indicating the category wise refund, total amount to be refunded and amount required to be added to the ARR of the subsequent year on account of this excess amount of ASC /IASC charges wrongly collected .

In view of above observation, even though it is admitted fact that the D.L. has collected ASC & IASC charges in excess and the same are to be refunded to the consumers of respective category , however since the refund methodology is yet to be decided by the Hon'ble commission , the consumer complainant will have to wait till the issue is decided by the appropriate authority.

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As the issue of refund of excess amount of ASC & IASC charges is before the Hon'ble Commission, we hereby dismiss the grievance filed by the consumer. The consumer is free to file his grievance before this Forum, if the excess amount is not refunded within stipulated time limit mentioned in the order that would be pass by the Hon'ble Commission against the petition filed by the D.L.

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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**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/AUR/R /147/ 2008/ 68**

**Date:-**

**To,**

- 1. The Executive Engineer (Adm.)  
O/O Superintending Engineer  
O & M , Rural Circle, M.S.E.D.C.L.  
Aurangabad.**
- 2. M/S Kaygaon Paper Mills Ltd.,  
Manisha, Behind AXI Bank, Adalat Road,  
Aurangabad.  
(Consumer No.490019007020)**

**Sub: Grievance incase No. CGRF/AZ/AUR/R/147/2008/68**

**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,

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**

