

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD

( Case No. CGRF / AZ /AUR /R / **311 / 2010 / 38** )

Date of Filing: **18. 11. 2010**

Date of Decision: **04. 01. 2011**

M/s Dhoot Polyfabric Pvt.Ltd.,  
15, KM Stone, Gut No.100,  
Pharola Aurangabad, Paithan Road,  
Aurangabad.  
(Consumer No. 493159040580)

**Consumer Complainant.**

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPNAY LTD.  
RURAL CIRCLE, AURANGABAD.

**The Distribution Licensee.**

**Shri V.B.Mantri** **President**

**Shri V.S.Kabra** **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 Dhoot Polyfabric Pvt.Ltd., 15, KM Stone, Gut No.100, Pharola Aurangabad, Paithan Road, Aurangabad, has filed this grievance in Annexure "A" before this Forum on **18.11.2010**, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered in this office at Sr.No. 311/2010/38 and was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Rural Circle, Aurangabad and hearing in the matter was kept on 07.12.2010.

Case No. 311/ 2010 /  
Page No. 01/03

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

01) The consumer had taken H.T. electricity supply on 33kv line for his factory situated at above-mentioned address from MSEDCL Rural Circle, Aurangabad. (hereafter called as D.L.) and paying the bill regularly. The consumer contended that he had received the bill for additional security deposit amounting Rs. 20,600/- . The consumer in its grievance also contended that the D.L. has wrongly demanded additional security deposit from him and considering the last twelve months bills he had paid excess security deposit amount Rs. 54,476/-. The consumer vide his letter dated 12.05.2010 requested Superintending Engineer, Rural Circle, MSEDCL, Aurangabad to withdraw the bill of additional security deposit as it is wrongly calculated and refund the excess amount of S.D. paid by him. The consumer also filed the complaint at Internal Grievance Redressal Cell Rural Circle, Aurangabad on 08.07.2010. The IGRC intimated the date of hearing but hearing was not taken on the schedule date due to the absence of Chairperson nor the decision was given within the stipulated period on the grievance. The consumer requested the Forum to direct the D.L. to calculate the amount of ASD as per MERC Regulation's 11.2 and instruct to refund the excess amount paid by him towards security deposit.

02) On 07.12.2010 Shri D.M.Bhandarkar was present on behalf of consumer and Shri A.R.Patil Assistant Engineer, Rural Circle Aurangabad was present as the Nodal Officer. The Nodal Officer filed his reply giving the details of calculation of ASD demanded and states that as per the MERC Regulations 11.2 the amount of security deposit is calculated on the basis of average unit consumption of last twelve months and ASD demanded from the consumer is correct. The consumer states that as per the MERC Regulations ASD should be calculated on the average of the billing amount to the consumer for the last twelve months. The consumer also quoted the judgement given by this Forum in case No.233, dated 31.07.2009. The Nodal Officer submitted that , previous judgement of the Forum can not be applied to the present case., on which the consumer has placed resistance. He added that he is going to submit parawise reply to that effect .The hearing of the matter is therefore adjourned to 21.12.2010. The Nodal Officer is instructed to procure circular No. PR-3/COS/25055, dated 07.08.2010.

03) On 21.12.2010 Nodal Officer and consumer representative was present.. The Nodal Officer submitted parawise reply on the grievance and states that the average of the last twelve months bills amount should not be taken for assessment of ASD as there are many deductions of incentive amount such as RLC, ASC, TOD EC, Power Factor Incentive, deducted from the energy bill. Heard both the parties in length and matter kept for decision.

04) On going through the documents placed before us, we observed that the D.L. has issued the demand of ASD on the basis of average of consumption recorded during last twelve months i.e. April 2009 to March 2010 and not as per the bill amount of that period . The MERC Regulations No.11 in this regards, clearly provides that D.L. is authorized to collect additional security deposit from the consumer based on average of his last twelve months bills amount. The Regulations also provides that if the Security Deposit amount paid by the consumer is in excess of 10 % of average consumption of last twelve months, same is not required to be refunded.

05) The perusal of the bills issued during April 2009 to March 2010 it reveals that there are some credits issued such as RLC, ASC, TOD EC , Power Factor incentive through the energy bill. As such the consumer 's contention regarding the assessment of ASD on the basis of average of his last twelve months payable bill amounts will not be correct and justified as per above Regulations.

In view of the above observations we are of the opinion that ASD should be calculated as per the average of last twelve months actual billed amount, excluding the deductions of incentives and refunds.

## **order**

**The D.L. is directed to assess additional security deposit as per the average of actual billed amount, excluding deductions of incentives and refunds.**

**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.B.Mantri)**  
Chairperson.