

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

(Case No. CGRF / AZ /AUR /U / **312 / 2010 / 39**)

Date of Filing: **18. 11. 2010**
Date of Decision: **04. 01. 2011**

M/S Dhoot Compack Limited,
A-13, M.I.D.C., Industrial Area,
Chikalhana,
Aurangabad.
(Consumer No. 490019001391)

Consumer Complainant.

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPNAY LTD.
URBAN 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 Compack Limited, A-13, M.I.D.C., Industrial Area, Chikalhana, 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. 312/2010/39 and 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 07.12.2010.

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 Urban 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. 26,700/- . 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. 87,037/- The consumer vide his letter dated 12.05.2010 requested Superintending Engineer, Urban 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 Urban Circle, Aurangabad on 04.08.2010. The IGRC Urban Circle, Aurangabad had not taken the hearing on the consumer's grievance nor issued any order within the stipulated period . 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 S.K. Akolkar, was present on behalf of consumer and the Nodal Officer was absent. 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. He requested the Forum to pass an order to withdraw the wrongly assessed ASD bill, and to refunded the excess security deposit paid by him. The matter was adjourned and posted on 21.12.2010.

03) On 21.12.2010 Nodal Officer was absent and consumer representative was present.. The Nodal Officer submitted the brief reply on the grievance and states that as per the MERC Regulation No.11 the security deposit shall be calculated based on average billing to the consumer for the last twelve months. The average bill from April 2009 to March 2010 (twelve months) comes to 134251 units and bill will be Rs. 7,27,240/- .Considering the security deposit available with MSEDCL Rs. 7,00,540/- the demand of ASD Rs. 26,700/- is made. 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 . Here in this case the average consumption is calculated as 134251 units which amounts to Rs. 2,27,240/- The Nodal Officer did not submitted the pointwise reply on the grievance raised by the consumer nor attended the hearing. The Nodal Officer has submitted the brief reply which does not indicates how the amount of Rs. 7,27,240/- is calculated as a security deposit payable to the consumer and tariff applied. 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 access 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 bills. 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.**

