

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF / AZ / U/ 516 / 2014 / 37

Date of Admission 22.07.2014

Date of Decision 23.09.2014

Hotel Athithi
Plot No. 03, Town Centre,
Cidco, Aurangabad.
Consumer No.(190019040870)

COMPLAINANT.

VERSUS.

1. Chief Engineer (AZ) ,
Zone Office, MSEDCL,
Mill Corner, AURANGABAD. RESPONDENT No. 1
2. Superintending Engineer,
Urban Circle, MSEDCL,
Aurangabad. RESPONDENT No. 2
3. The Dy .General Manager (Planning)
GTL Ltd., MIDC, Chikalthana,
Aurangabad. RESPONDENT No. 3

CORAM:

Shri Dr.Bhaskar .G. Palwe Chairman
Shri S.S. Gaulkar Member/Secretary
Shri Vilaschandra .S.Kabra Member.

Redressal Decision :-

The complainant is a consumer of the respondent No. 3 having consumer No. 190019040870 (commercial) . It is a Hotel having the address i.e. at Plot No. 03, Town Centre, Cidco, Aurangabad

The summary of the complaint is as under :-

The complainant has challenged the legality , validity and correctness of the of the energy / electricity bills issued by the representative of the respondents for the month of June 2009 wherein along with electricity bill for the month of May 2009, an amount of Rs. 4,45,055/- is shown as debit bill adjustment due to tariff change for June 2008 to April 2009 . The complainant further submits that Respondent No. 2 vide his letter dated 30 th May 2009 has informed regarding the revision of tariff for June 2008 to April 2009. Therefore the bill raised by the Respondent No. 2 authorities is arbitrary illegal and unjust. As per letter dated 5 th May 2009 Respondent No. 2 has specifically indicated that tariff will be changed from the month of April 2009. Respondent cannot change the bill as per the revised tariff giving retrospective effect of the earlier one year and this has caused great injustice and inconvenience to the complainant .

The complainant had approached before the District Consumer Disputes Redressal Forum, Aurangabad. However the Hon. Forum has rejected the complaint filed on the ground that the complaint is not a consumer in view of the provisions of section 2 (I) (D) (ii) of the consumer Protection Act, 1986 and therefore complainant had filed complaint before the Consumer

Grievances Redressal Cell, Aurangabad. The complaint was not decided by the Consumer Grievances Redressal Cell . Therefore complainant has filed writ petition No. 131 / 2012 before the Hon. High Court Bench at Aurangabad. The Hon. High Court has passed an order dated 13.06.2014 to approach Consumer Grievances Redressal Forum, in accordance with Indian Electricity Act 2003 and Regulations framed there under.

The complainant has prayed as under :-

- 1) The complaint may be allowed.
- 2) The supplementary bill dated 06.06.2009 with effect from June 2008 to March 2009 showing the amounts Rs. 4,45,055=45 due to tariff change issued by the respondent authorities may kindly be set aside ,
- 3) The copy of the complaint was given to the respondents vide letter dated 22.07.2014. The hearing of the complaint was conducted on 05.08.2014 and finally on 23.09.2014 .

The respondent No. 3 M/s. GTL has submitted to Hon. Forum vide letter dated 05.08.2014 that they have taken the charge from M.S.E.D.C.L. from May 2011 onwards. Therefore the Nodal Office of the M.S.E.D.C.L, Aurangabad needs to clarify the disputed bill of Rs. 4,45,055=45 issued on 16.06.2009 towards debit bill adjustment .

- 4) The representative of Respondent No. 1 , Executive Engineer (Admn) Nodal Office, M.S.E.D.C.L, Aurangabad in his say vide letter dated 25.08.2014 has denied the contention of the complainant . The supplementary bill is issued only in accordance with the tariff categories as laid down by the Maharashtra Electricity Regulatory Commission in Case No. 72 of 2007 i.e. tariff order for 2008 and applicable from 01.06.2008 . In

the order issued by the MERC the tariff category as HT commercial was introduced and the supply which was not used for industrial purpose or residential purpose was ordered to be categorized as commercial purpose. During the checking electricity connections of Hotel Atithi, Aurangabad by the flying squad offices it came to the notice that the electric supply was used for the Hotel and Still the consumer is per HT – VI tariff . Therefore as come to the notice as per categorization of consumers given in the tariff order in case No. 72 / 2007 applicable from 01.06.2008 and also given commercial circular No. 80 & 81 the correct tariff was applied to the said consumer and it was in this event the supplementary bill was issued to the complainant for payment of Rs. 4,45,055=45 for difference tariff from HT – VI to HT – II commercial .

Respondent No. 2 as distribution company i.e. M.S.E.D.C.L. is duly authorized by the legal frame work to recover charges for the electricity supplied to the complainant in accordance with the tariff categorization laid down by the tariff regulatory authority.

Observations of the Consumer Grievances Redressal Forum

On going through the documents submitted by both complainant and the Representatives of respondents before the Forum and oral say during the hearing, Respondent i.e. M.S.E.D.C.L. is authorized to recovery the charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Maharashtra Electricity Regulatory Commission (Electricity supply code and other condition of supply) Regulations, 2005 vide Section 3.4.1 of the above regulation . Hence this forum proceeds to

hold that , this complaint is not maintainable. This forum therefore proceeds to pass the following order :-

ORDER

- 1) The complaint is dismissed.
- 2) No order as to costs.

Sd/-
Dr.Bhaskar.G. Palwe
Chairman

Sd/-
Vilaschandra.S. Kabra
Member

Sd/-
S.S. Gaulkar
Member / Secretary