

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

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

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No,CGRF/AZ/AUR/U//66/2007/35/

Date :-

To,  
The Executive Engineer ( Administration)  
O/O Superintending Engineer,  
M.S.E.D.C.L. O&M Urban Circle,  
Aurangabad.

**Sub:** Postponement of Hearing in Grievance Case  
No.66/2007/35  
(Consumer No. 490010873441)

**Ref:-** Letter No.CGRF/AZ/AUR/U/66/2007/35/258  
**Date. 13.11.2007**

**Dear Sir**

With reference to the above subject, the hearing of the grievance in respect of M/s Diamond Steel Products,,C45,MIDC,Waluj,Aurangabad. (Consumer No.490010873441) is **postponed and the next date of hearing is 11.12.2007 at 13.15 Hours**

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

**Member Secretary**  
**C.G.R.F. Aurangabad**

**Copy to:-**  
**M/s Diamond Steel Products,**  
**C-45 MIDC, Waluj,**  
**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/AUR/U/ 66/ 2007/ 35**

**Date of Filing: 13.11.2007**

**Date of Decision: 12.01.2008**

**M/S Diamond Steel Products**

**Plot No. C-45, MIDC, Waluj**

**Aurangabad. Consumer Complainant.**

**V/s**

**Maharashtra State Electricity Distribution Co.Ltd.**

**Urban Circle, Aurangabad.**

**Coram:**

**Shri V.A.HAMBIRE Chairman**

**Shri H.A.KAPADIA Member**

**Shri V.G.JOSHI Member Secretary**

**Sub: Grievance under the Maharashtra Electricity Regulatory Commission,(Consumer Grievance Redressal Forum and Ombudsman) Regulations 2006.**

- 1. The consumer has filed his grievance in Annexure “ A “ before this Forum on 13.11.2007 under regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 13.11.07 to the Nodal officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Circle , Aurangaabd with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on 04.12.2007**

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2. The grievance of the consumer, in brief, as per consumer, is as stated below..

The consumer is having industrial connection at plot No. C-45, MIDC, Waluj, Aurangabad since 1993 and has been sanctioned load of 20 HP by the Distribution licensee ( hereinafter referred to as D.L.).

The consumer in his grievance stated that during October 2002 to June 2005 he has been charged fixed charges on excess connected load and also penalty on excess connected load by the D.L. . Also he has been charged additional fixed charges on excess connected load since July 2005 to Sept.2006. The consumer has filed his grievance before the Internal Grievance Redressal Cell of the D.L. The grievance of the consumer was dismissed by the I.G.R.C. Aggrieved by the decision passed by the I.G.R.C. , consumer has filed this complaint with the Forum. The consumer has filed details of charges levied on him by the D.L. on account of excess load .

The hearing of 4.12.2007 was postponed as two members of the Forum informed their inability to attend the hearing .The next hearing was fixed on 11.12.2007.

On 11.12.07 consumer's authorized representative Shri P.V. Hulsurkar was present. The Nodal officer Shri S.G.Pawar was present on behalf of D.L. No response was filed by the Nodal officer at the time of hearing. The Nodal officer filed copy of the decision passed by the I.G.R.C. and stated to considered the same as his response. On the grievance filed by the consumer before the Forum. A copy of the IGRC decision was given to the consumer for his say and the next hearing was kept on 18.12.07.

On 18.12.2007, both the parties were present. Consumer filed copy of the application dt.25.8.2005 submitted with the D.L. for enhancement of load from 20 to 27 HP..

The consumer also filed another copy of application for enhancement of load of dt. 13.11.2006. During hearing he stated that he was asked by the D.L. to file another application since his previous application dt. 25.8.05 is not traceable in the office of the D.L. Since the period mentioned in the decision passed by the I.G.R.C. covers different tariff orders and since no copies of the order No. 2/2003 passed by the MERC is filed, the Nodal officer was directed to file the relevant tariff order and copy of the MERC order before next date of hearing i.e. 01.01.2008.

On 01.01.2008, the Nodal officer and the consumer representative were present. The Nodal officer filed copies of two tariff order and copy of the order No. 2/2003 passed by the M.E.R.C. The Nodal officer also filed copies of the CPL for the period January 2003 to August 2007. Both the parties were heard and the matter was kept for decision.

On going through the documents filed by the both the parties, we observed that the consumer is having industrial connection at MIDC Waluj Aurangabad and has been categorized under IP category.( 20-67 HP) . The sanction load of the consumer was 20 HP and during the inspection it was found to be 22.5 HP. The Nodal officer did not file the inspection report to ascertain the correct date of inspection neither the IGRC order dt. 21.8.07 reflects this details . As per complaint filed by the consumer, the fixed charges and penalty for excess load of 2.5 HP was levied from Oct.2002 at the rate of Rs.120/HP. The same was continued till June 2005 . Thereafter only fixed charges were shown in the bills and the penalty was withdrawn.

The Forum further observed that the consumer has applied sanction of additional load from 20 HP to 27 HP vide his application dt. 25.8.2005 .The D.L. has not taken any action on this application submitted by the consumer.

The order passed by the Maharashtra Electricity Regulatory Commission ( order No. 2/2003) ,the commission observed that the assessment for consumption should be done only on the basis of the measurement rather than on a presumptive basis. The higher office of the D.L. has also passed the instruction to their field staff in this regards and insisted to install L.T.MD meters for consumer having load more than 20 KW even though the consumer has not opted the MD base tariff. Also for consumer s having load less than 20 Kw , as in present case, Hon'ble commission has directed the D.L. to review/ monitor the last one year consumption of the consumer and compare it with the normalized maximum limit of energy consumption for the sanctioned load month wise. Incase such consumption is found to be lower than the actual consumption in at least six months out of twelve, then D.L. shall install MD meter at its own cost to assess the actual load drawn by the consumer.

The Hon'ble commission has further directed the D.L. in its order ( Case No. 2/2003 ) to refund the amount collected on account of excess load and power factor penalty within three months period from the date of its order.

The D.L. in this case has charged the additional fixed charges and penalty to the consumer on account of excess load of 2.5 HP from Oct.2002 to July 2005 and additional fixed charges from period July 2005 to Sept.2006. In spite of Hon'ble commission's order in case No. 2/2003, the charges for additional load penalty were levied on the consumer which shows clear violation of the Hon'ble Commission's order. The Nodal officer also did not file any documents relating to the actual demand drawn by the consumer and comparison of actual consumption and normalized consumption in support of levying the said charges to the consumer.

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The decision passed by the I.G.R.C. is hereby cancelled by this Forum and in view of above observation the following order is passed.

**ORDER**

1. **The penal charges levied on the consumer on account of additional load of 2.5 HP during the period Oct.2002 to June 2005 shall be refunded within one month from the date of this order.**
2. **The D.L. shall pay interest as per present approved rates of Reserve Bank of India on the amount so collected till the date of actual payment**

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**

**( V.G.Joshi)**  
**Member Secretary**

**(V.A.Hambire)**  
**Chairman**

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

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

**Case No. CGRF/AZ/AUR/U /66/ 2007/ 35/**

**Date;-**

**To,**

- 1. The Executive Engineer (Adm.)  
O/O Superintending Engineer  
O & M , Urban Circle, M.S.E.D.C.L.  
Aurangabad.**
- 2. M/S Diamond Steel Products,  
Plot No.C-45, MIDC, Waluj,  
Aurangabad.**

**Sub: Grievance incase No. CGRF/AZ/AUR/U/66 /2007/36**  
regarding electricity duty.

**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**

