

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

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No,CGRF/AZ/JLN/90/2008/11

Date :-

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

Sub:- Forwarding of grievance in respect of M/S Raj Rerolling
Mill Plot No. C-9 Addl.MIDC, Jalna
(Consumer No. 510019005141)

Dear Sir,

**Please find enclosed herewith a copy of the grievance
application received by the Forum from M/S Raj Rerolling Mill Plot
No. C-9 Addl. MIDC, Jalna**

The consumer has also requested the Forum for passing
interim order for not to disconnect his electricity supply for which the
notice of 15 days disconnection has been served upon him by you.

You are requested to submit your reply on the application of the
consumer.

**The hearing on consumer application for passing interim order
is fixed on 7.3.08 at 15.00 hrs .**

Encl:A/A

Copy to
M/S Raj Rerolling Mill
Plot No. C-9
Addl. MIDC, Jalna

ग्राहक गा-हाणे निवारण मंच
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औरंगाबाद परिमंडळ, औरंगाबाद

Old Power House Premises, Dr.Ambedkar Road,Aurangabad-431001 Phone .No.2336172

No. CGRF/AZ/JLN/90/2008/11/

Dated:

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

Sub:- Forwarding of grievance in respect of M/s Raj Rerolling Mill
Plot No.C-9, Addl. MIDC, Jalna(Con.No.510019005141)

Dear Sir

Find enclosed herewith a copy of the grievance application received by the Forum from M/s Rej Rerolling Mill, Plot No.C-9, Addl. MIDC, Jalna District (Consumer No.510019005141)

You are requested to submit your para wise reply on the grievance within 15 days from the date of receipt of this letter along with related documents.

The hearing of the grievance is fixed on 18/03/2008 at 12.00 Hours.

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

Encl: As above

Copy to:-
M/s Raj Rerolling Mill,
Plot No.C-9, Addl.MIDC, JALNA,

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

(Case No. CGRF/AZ/JLN//90/2008/11).

M/S Raj Rerolling Mill -- Consumer Complainant.
Plot No. C-9 Addl. MIDC (Con.No. 510019005141)
JALNA

V/s

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION
COMPANY LTD. JALNA**

The Distribution Licensee.

Date:- 07.03.2008

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

INTERIM ORDER

The consumer has filed an application in the Forum along with all the disputed bills issued by Distribution Licensee. The consumer has applied for additional load on 15.6.07 and has paid the charges 6.11.07 towards this additional load. The consumer contended that the Distribution Licensee (D.L.) issued him bills which includes the penalty for exceeding the contract demand and also towards additional supply charges. The 15 days notice for disconnection of supply was also issued to him on 16.2.08. The consumer requested the Forum to direct the D.L. not to disconnect his electricity supply by way of passing Interim order.

On hearing both the parties, we observed that the consumer has paid the charges for additional load as intimated by the D.L.on 6.11.07. The D.L. in its reply & also in letter dt.4.3.08 addressed to the consumer stated that the applicable benefit w.e.f. 6.11.07 will be given in forthcoming bills. **The Forum , observed that the bills issued to the consumer includes penal charges for excess contract demand and additional supply charges which are unjustified and incorrect and therefore as per provision No.6.5 of the Regulation ,**

hereby direct the D.L. not to disconnect the electricity supply of the consumer.

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Page 2

This Interim order shall be subject to final decision on the grievance of the consumer, that may be passed.

(V.G. Joshi)
Member/Secretary

(H.A.Kapadia)
Member

(V.A.Hambire)
President

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

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M Circle M.S.E.D.C.L.
Jalna.**
- 2. M/S Raj Rerolling Mill
Plot No. C-9, Addl.MIDC
Jalna.
(Consumer No.510019005141)**

Sub: Grievance incase No. CGRF/AZ/JLN/90/2008/11

**Please find enclosed herewith a copy of the interim order
passed by the Forum in the case mentioned above.**

The next date of hearing is kept on 18.03.08 at 12.00hrs.

Yours Faithfully,

Encl: A/A

ग्राहक गा-हाणे निवारण मंच

महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद

Old Power House Premises, Dr.Ambedkar Road,Aurangabad-431001 Phone .No.2336172

No. CGRF/AZ/JLN/90/2008/11/

Dated:

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

Sub:- Forwarding of grievance in respect of M/s Raj Rerolling Mill
Plot No.C-9, Addl. MIDC, Jalna(Con.No.510019005141)

Dear Sir

Find enclosed herewith a copy of the grievance application
received by the Forum from M/s Rej Rerolling Mill, Plot No.C-9,
Addl. MIDC, Jalna District (Consumer No.510019005141)

You are requested to submit your para wise reply on the grievance
within 15 days from the date of receipt of this letter along with
related documents.

**The hearing of the grievance is fixed on 18/03/2008 at 12.00
Hours.**

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

Encl: As above

Copy to:-
M/s Raj Rerolling Mill,
Plot No.C-9, Addl.MIDC, JALNA,

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

(Case No. CGRF/AZ/JLN/90/ 2008/11)

Date of Filing: 04/ 03/ 2008
Date of Decision: 03/ 05/ 2008

**M/s Raj Rerolling Mill,
Plot No.C-9, Addl.MIDC,
JALNA**

Consumer Complainant.

V/s

**Maharashtra State Electricity Distribution Co.Ltd.
O&M Circle, JALNA.**

Coram: Shri V.A.Hambire President
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 04.03.08 under Regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 04.03.08 to the Nodal officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Circle, Jalna with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on 18.03.08**

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

The consumer complainant is present occupier and user of electricity provided by the Distribution Licensee (hereinafter referred to as D.L.). The H.T. connection of 200 KVA contract demand and 394 KW stands in the name of M/S Raj Rerolling Mills. The consumer contended that he has submitted application for additional load in the month of June 2006, however instead of sanctioning the additional load demand , the Distribution Licensee issued him bills which includes Interest and DP Charges. The consumer further stated in his grievance that he also paid the processing charges of Rs.1200/- on 15.11.2006. and has also paid the deposit amount, as demanded by D.L.. Since his payment towards security deposit in the form of Bank Guarantee was not accepted by the D.L., he has paid the deposit amount by cheque on dated 06.11.2007. The D.L. issued him monthly bills which includes the bill of penal charges for excess demand recorded and also towards the ASC charges which he has paid under protest. The consumer further contended that he has submitted number of letters relating to wrongly penalty levied to him towards excess demand and levy of ASC charges. But the D.L. has not taken any cognizance of his applications. The consumer has also stated in his grievance applications filed in the Forum that in-spite of submitting the XYZ forms, required for change of name purpose, in the Office of D.L. till today the connection has not been changed in his name.

3. The consumer along with his grievance filed a separate application in the Forum stating that he has received 15 days disconnection notice for non-payment of electricity bills for the month of January 2008 and requested the Forum to direct the D.L. not to disconnect electricity supply of his factory by passing an interim order in this regards. The Forum on the request of consumer, kept the hearing on the matter related to passing of interim order on 07.03.2008.

4. On 07.03.2008 consumer complainant Shri Bharat Dembda was present, the Nodal Officer, Shri Rathod, Shri K.V. Khandare, Accounts Officer, were present on behalf of the D.L. Nodal Officer, filed his response on the application of the consumer and stated that the bill for January 2008, issued to the consumer, has already been revised on 21.02.2008 and the same has been paid by the consumer.

“3”

5. On hearing both the parties, Prima-facie , the Forum observed that the bills issued by the D.L. required revision and the notice for disconnection issued by the D.L. does not show correct figures of arrears. The Nodal officer has also in his reply stated that the bill for Jan.2008 has been revised from his side. Looking to the above observations and in the interest of justice, the Forum has passed Interim Order on dated 07.03.2008 directing the D.L. not to disconnect the electricity supply of the consumer till disposal of the grievance by the Forum. The next hearing in the matter was kept on 18.03.2008.
6. On 18.03.2008, consumer representative Shri Bharat Dembda was present. Nodal Officer Shri Rathod, along with Shri K.V. Khandhare, Accounts Officer, were present on behalf of the D.L. The Forum has heard both the parties at length . It is observed that the grievance filed by the consumer involves number of issues related to status of previous consumer, date of application and sanction of additional load, details of bills issued by the D.L., levy of ASC charges , refund of electricity duty. etc. The Nodal Officer and the consumer were asked to file the above details before next hearing in this matter which was kept on 02.04.2008.
7. On 02.04.08, both the parties were present. Nodal officer and consumer filed the documents as directed by the Forum. The copies of the documents filed by each party was given to other for filing their, say if any, on or before 08.04.2008 . The Nodal officer in his reply stated that the present consumer is occupier of the said factory and the matter relating to recovery of amount on account of theft of energy against original consumer is pending with Hon'ble High Court Bench at Aurangabad . The Nodal Officer also stated that he was required to submit an affidavit in the High Court as per direction of his Legal advisor in this matter. The consumer, during the hearing, stated that he has submitted the application for change of name along with required documents to concerned office but the same has not been changed till today. The consumer contended that the representative of the D.L has refused to give any acknowledgement of his application relating to change of name. On hearing both the parties at length , they were asked to file their say on or before 08.04.2008 and matter was kept for decision.

“4”

8. We have gone through the documents filed by the consumer complainant. We have also gone through the response filed by the Nodal Officer. Since there are number of issues on which the consumer complainant has submitted his grievance , On going through the documents and on hearing both the parties. We observed as under
- a) The electricity connection stands in the name of M/s Raj Re-rolling Mills Pvt. Ltd having its address at plot No. C-9, Addl. MIDC Jalna . The electricity connection is released on 11kv HT side with contract demand of 200 KVA and connected load of 394 Kw.
 - b) The consumer has submitted an application on 15.06.2006 to the concerned office of the D.L. requesting for sanction of additional load of 725 KVA (Existing 200 + additional 725 total 925 KVA) and additional load of 529 KW (existing 396 plus additional 529 = Total of 925 KW).
 - c) The D.L. has accorded the sanction for this additional load demand made by the consumer and communicated the same to the consumer by its letter No.SE/JLN/TS/HT/5028 dtd.1.11.2006. The D.L. has asked the consumer to pay Rs.700200/ (Rs. Seven lac two hundred only) which includes amount towards security deposit and cost of agreement bond. The consumer initially tried to make the payment of security deposit by way of Bank Guarantee, however since his bank guarantee was not accepted by the D.L. he has paid the said amount by way of cheque / DD and on this issue there is no dispute raised by any of the party in the Forum.
 - d) The consumer has paid the amount of Rs.7,00,200/ as demanded by the D.L. by cheque and also executed the agreement on 16.11.2007 and submitted all the other required documents to the D.L. which alternatively means that from his side he has completed all the formalities required for release of additional load. The order for release of additional load was issued and communicated to the concerned authority of the D.L. vide its letter SE/JC/JLN/TS/900 on dated 21.02.2008.i.e after nine weeks after completion of required formalities by the consumer.

“5”

- e) We also observed from the copies of the bills submitted in the Forum that the consumer has connected the additional load before sanction and prior permission of the D.L. and also without approval of Electrical Inspector (PWD) Inspection Division, Aurangabad.
- g) As regards to the levy of ASC charges ,we observed that the same is levied on the basis of Benchmark consumption and does not relate to the contract demand.
- f) As regards to refund of electricity duty, we observed that the D.L. has forwarded the details to the Electrical Inspector (PWD) Electrical Department who is the appropriate authority in this matter.

Looking to all above observations we are of the opinion that the consumer has completed all the formalities on 16.11.2007. As per Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensee, period for giving supply and determination of compensation) Regulations 2005. The time limit for provision of supply after receipt of completed application and payment of charges is one month. In other words the D.L. should have released the supply to the consumer before 17.12.2007. The D.L. has released the supply on 21.02.2008 i.e. after lapse of period of nine weeks. The contention of the D.L. that the delay in releasing the supply for additional load is on account of an affidavit required to be submitted in the Hon'able Highs Court, Aurangabad is not accepted by the Forum. The D.L.. has already accorded the sanction for this additional load demand of the consumer, accepted the payment and also executed the agreement and therefore the reasoning submitted for the delay in releasing the power supply is not justified and hence can not be accepted.

We have also noticed that the consumer has connected and utilized the additional load without prior permission and approval of the D.L. and also without making any payment and completing required formalities during the period June 2006 to Nov.2007. The D.L. has failed to restrict the consumer to utilize this unauthorized extension of load . **The penalty levied by the D.L. towards excess recording of contract demand is correct and justified.**

“6”

As regards to the issue relating to change of name , the contention of the consumer can not be accepted as he has failed to produce any proof about his submission of any such application to the D.L.

As regards to the issues regarding refund of electricity duty, from the documents filed in the Forum , it is revealed that D.L. has already forwarded the application of the consumer to the concerned officer of the Public Works Department which has jurisdiction in the matter.

As regards to ASC charges , since the additional load has been released and connected in Feb.2008, the ASC charges shall be levied as per the guidelines laid down by M.E.R.C. through its order in this regards.

In view of above observation , the Forum hereby passed following orders

ORDER

- 1. The penal charges of Rs. 69529.84 for the month of December 2007 and Rs. 98091.61 for the month of January 2008 towards excess recording of contract demand are hereby cancelled.**
- 2. The D.L. shall give credit of above amount in the next bill due to be issued to the consumer.**
- 3. The D.L. shall pay Rs.900/- towards delay in releasing power supply to the consumer as per standard of performance Regulations 2005 laid by MERC. .**

Inform the party and close the case

(H.A.Kapadia)
Member

(V.G Joshi)
Member/Secretary

(V.A.Hambire)
President

2008/90
Page No.6

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/JLN/90/ 2008/ 11/

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Circle, M.S.E.D.C.L.
JALNA.**
- 2. M/s Raj Rerolling Mill,
Plot No.C-9, Addl.MIDC,
JALNA**

Subject :- Grievance Case No.CGRF/AZ/AUR/JLN/90/2008/11

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**

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

M/S Raj Rerolling Mill -- .
Plot No. C-9 Addl. MIDC
JALNA (Con.No. 510019005141) Consumer Complainant
V/s
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION
COMPNAVY LTD. JALNA
The Distribution Licensee.

(Case No. CGRF/AZ/JLN//90/2008/11).

Date:-16.06.08

ERRATA

The Forum has passed an order on 3rd May 2008 in the above matter and Directed the Distribution Licensee to cancel the penal charges towards excess recording of demand . The said order(1) reads as under.

“The penal charges of Rs. 69529.84 for the month of December 2007 and Rs. 98091.61 for the month of January 2008 towards excess recording of demand are hereby cancelled.”

Due to typographical error an amount shown as incentive towards power factor in the bill has been mentioned as penal charges for excess recording of contract demand in the above order. **The same shall be corrected and read as under.**

The penal charges of Rs.359550/ for the month of December 2007 (20.12.07 to 22.01.08) towards excess recording of demand is hereby cancelled. The D.L. shall charge penalty towards excess recording of demand as under.

**For Month Dec.2007 = (Recorded MD – Sanction MD) x Rs. 450/
i.e. (999-925)x 450= Rs. 33300/**

The penal charges of Rs. 89550/ levied in the bill as per above calculation [(1124-925)xRs.450] for the Month of Jan.08 is correct.

Cont:

This shall be treated as an erratum to the Forum's order dt.3.5.08. The order No. 2 & 3 of the said order remains unchanged.

**(H.A.Kapadia)
Member**

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

**(V.A.Hambire)
President**

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/JLN/90/ 2008/ 11/

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Circle, M.S.E.D.C.L.
JALNA.**
- 2. M/s Raj Rerolling Mill,
Plot No.C-9, Addl.MIDC,
JALNA**

ERRATA

(Case No.CGRF/AZ/AUR/JLN/90/2008/11)

Please find enclosed herewith a copy of erratum to the order dt.3.5.08 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

