

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

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

No,CGRF/AZ/U/104/2008/25

Date

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

Sub:- Forwarding of grievance in respect of M/s Shringar Cinemas,
Fame Multipler, Plot No.1, Town Centre, CIDCO, Chikalthana,
Aurangabad.

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from M/s Shringar Cinemas, Fame Multipler, Plot No.1, Town Centre, CIDCO, Chikalthana, Aurangabad (Consumer No. 490019042940).

You are requested to submit your parawise reply on the grievance within 15 days from the date of this letter

The hearing of the grievance is fixed on date 27.05.2008 at 11.30 Hrs.

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

Encl As above.

Copy to:-
M/s Shringar Cinemas,
Fame Multipler,
Plot No.1, Town Centre, CIDCO,
Chikalthana,
Aurangabad

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

Case No. CGRF/AZ/AUR/R /104/ 2008/25

Date of Filing: 08.05.2008

Date of Decision: 05.07.2008

**M/s Shringar Cinema,
Plot No.1, Town Center,
Cidco, Aurangabad.
(Consumer No. 490019042940)**

**The Consumer
Complainant**

V/s

**Maharashtra State Electricity Distribution Co.Ltd.
Urban Circle, Aurangabad.**

The Distribution Licensee.

Coram:

**Shri V.A.Hambire
Shri H.A.Kapadia
Shri V.G.Joshi**

**President
Member
Member secretary**

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

The consumer complainant **M/s Shrinagr Cinema, plot No.1, Town center, Cidco, Aurangabad** has filed its grievance in Annexure "A" before this Forum on **08.05.08**, under Regulation No. 6.10 of the Regulations 2006. A copy of the grievance was forwarded on 08.05.2008 to the Nodal Officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Circle, Aurangabad with a request to furnish his response within (15) fifteen days from the date of receipt of the letter and the hearing in the matter was fixed on 27.05.2008.

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

1. The consumer has taken 11 kv High tension electricity connection with contract demand of 350 KVA and connected load of 393 KW for its multiplex complex situated at Plot No.1 Town Centre, CIDCO Aurangabad. The said connection was taken in the month of November 2006 and tariff applicable was HT-Industrial-1. The unit rates applicable as per tariff was Rs. 3=40/ per unit. The consumer contended that the **Maharashtra Electricity Regulatory Commission** (hereinafter referred to as MERC) has introduce a new category namely LT-IX for Malls and Multiplex in its tariff order for the year 07-08. The unit rate applicable as per this new tariff was Rs.8.50 per unit . This new tariff was enforced w.e.f. 1st May 2007. Accordingly the Distribution licensee (hereinafter referred as D.L.) issued regular monthly bills to the consumer as per a new tariff rates i.e. Rs.8.50 per unit. The consumer further contended that the said tariff order passed by the M.E.R.C. was challenged by M/S Spencer's India with the Appellate Authority, New Delhi. The Hon'ble Appellate authority stayed the order and directed to revoke newly introduced LT IX category and further directed to issue bills with rates applicable as per parent category.
2. The consumer further contended that in view of above order passed by the Hon'ble Appellate tribunal, the Chief Engineer (Commercial), Mumbai of the D.L. vide its letter dt. 23.01.08 directed all its Field Officers to change the LT IX tariff category to HT Industrial –1 category and to issue monthly bills as per their respective parents category i.e. HT Industrial-1 w.e.f. 1st May 2007. As regards to refund of excess amount collected “it was stated in the said letter that **“ Instructions regarding refund would be provided at later date”** The consumer by its application dt. 13/2/08 & 17/4/08 requested the D.L. for refund of excess amount .However as no heed to his grievance was given , he filed this complaint in the Forum.
3. On the date of first hearing i.e. on 27./ 05/ .2008 , consumer representative Shri Ranjit Laharia was present. Nodal Officer Shri S.G.Pawar, was present on behalf of the Distribution Licensee.

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The Nodal Officer filed his response on the grievance of the consumer and stated that as per Chief Engineer(Commercial) letter dated 23.01.2008, they were directed not to refund excess amount till further instructions. The Nodal Officer further stated that the local authority of the D.L. has written a letter to Chief Engineer(Commercial), Mumbai for seeking necessary advise in this matter. Both the parties requested the Forum to grant 15 days time extension in-order to produce the documents related to further development in this matter . The Forum, granting the request, fixed the next date of hearing on 10.06.208.

4. On 10.06.2008 both parties were present. The Nodal Officer stated that he has not received any reply to his letter address to the Chief Engineer(Commercial) Mumbai. The consumer stated that in the areas of M/S Reliance Energy (Distribution Licensee in Mumbai area) , the excess amount collected on account of this new LT-IX were refunded to the respective consumer. The Nodal Officer stated that an Appeal has been filed in this matter with the Appellate tribunal at New Delhi and the decision in the matter is pending. As both the parties were unable to produce correct & authentic documents., the Forum asked both the parties to file authentic documents before the next hearing which was kept on 24.06.08.
5. On 24.06.2008 both the parties were present. The consumer filed copies of orders passed by MERC in Case No.78/2007, orders passed by the Appellate Tribunal, New Delhi in Appeal No. 146/2007, 16/2008 & Appeal No.29-33/2008. The copy of the documents filed by the consumer were given to the Nodal Officer, for his say. The Nodal Officer stated that he do not wish to file any additional documents in this matter . The matter , therefore was kept for decision.
6. We have gone through the grievance of the consumer, the documents filed by the consumer and copies of the orders passed by MERC and Appellate Tribunal, New Delhi. We have also gone through the letter dated 23.01.2008 issued by the Chief Engineer(Commercial) . On going through above documents we observed that the consumer was initially categories under HT Industrial-1 and was billed as per the tariff applicable to HT Industrial- category. The rates applicable as per this tariff was Rs. 300 per KVA and Rs. 3.40 paisa per unit .

We further observed that the Hon'ble Commission while revising the tariff for the year 2007-08 , has introduce a new tariff namely LT-IX for consumers using electricity for Malls and Multiplex complexes. The rates applicable as per this new tariff was Rs.300 per KVA and Rs.8.50 per unit. The said tariff was enforced w. e. f. 01.05.2007. After introduction of this tariff, M/s Spencer's, the consumer under territory of M/s Reliance Energy has filed an appeal with the Appellate Tribunal, New Delhi, against the MERC order of creating new tariff LT IX and charging Rs.8.50 per unit as against presently charged tariff of Rs.3.40 paisa. The Appellate Tribunal in its order dated 18.02.2008 in Appeal No. 16/2008, passed an order to charge the tariff applicable as per Parents category w.e.f. 01.05.2007 and also directed to adjust the difference of amount in future bills of the Appellant consumer. The Appellate Tribunal in the matter of M/s Runwals Developers Pvt.Ltd.,(Appeal No. 29/2008) V/s MSEDCL and also in Appeal No. 33/2008 in the matter Shoppers Stop Ltd., V/s MSEDCL. has passed order to adjust the excess amount paid by the consumer who were billed as per LT IX Category tariff in their future bills. The Distribution Licensee, as per above orders passed by the Appellate Tribunal, issued bills to the consumer as per Parents Category, i.e. HT Industrial (Rate Rs.3.40 per KWH) from Feb.2008 onwards.

In view of above observations it is quite clear that the matter related to refund of excess amount paid by the consumer due to change category from HT-1 Industrial to LT-IX is not subjudice. as pretended and stated by Nodal officer. The Hon'ble Appellate Tribunal, New Delhi has passed orders and directed the MERC to revoke the New LT IX category and further directed to refund the excess amount through future bills.

The consumer has paid Rs.8.50 per unit as against Rs. 3.40 per unit for the period May 2007 to January 2008. The excess amount paid by the consumer during above period is required to be adjusted in the future bills.

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ORDER

- 1. The D.L, is directed to adjust the excess amount paid by the consumer in his future bill / bills.**

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**

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Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.23361720

No,CGRF/AZ/AUR/U/104/2008/25/

Date :-

To,

- 1) The Executive Engineer (Administration)
O/O Superintending Engineer (O & M)
M.S.E.D.C.L. Urban Circle,
Aurangabad.
- 2) M/sShringar Cinema,
Plot No.1, Town Center,
CIDCO,
Aurangabad.

Subject :- Grievance in Case No.CGRF/AZ/AUR/U/104/2008/25

Please find enclosed herewith a copy of the 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: As above

Contact details of the Electricity Ombudsman,

**The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,Bandra Kurla Complex,
MUMBAI -400 051
TELEPHONE No. 022-26590339**

