

Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Baramati Zone, Bhigwan Road, Urja Bhavan, Baramati.

Date: 21.5.14

In the matter of

Case No. 10/2014-15

Date:- 16/04/2014

M/s.Paul Strips & Tubes Pvt. Ltd.,  
E-19, Additional MIDC Jejuri,  
Tal. Purandar, Dist.-Pune.

Complainant  
(Here in after referred As Consumer)

V/S

M.S. Electricity Distribution Co. Ltd. -  
Executive Engineer, Baramati Circle

Opponent  
(Here in after referred As Licensee)

Quorum

|                  |                       |
|------------------|-----------------------|
| Chair person     | Mr. S.D. Madake       |
| Member Secretary | Mr. V.M.Bhattad       |
| Member           | Mr. Suryankant Pathak |

1. M/s.Paul Strips & Tubes Pvt. Ltd. Situated at E-19, Additional Jejuri MIDC, Tal-Purandar, Dist.Pune is HT Industrial consumer of MSEDCL since 26<sup>th</sup> March 2008 vide No.187239042820.
2. According to consumer M.S.E.D.C.L.charged Additional Energy charges vide circular No.209 dated 7.9.2013. It is alleged that no prior information regarding the said increase in tariff was communicated to consumer.
3. According to consumer retrospective increase in electricity charges is against the principles of natural justice. It is contended that arbitrary and illegal action on the part of utility should be withdrawn and the amount recovered be refunded with interest at the rate of 18%.

*Smdale*

*Gitan*

*[Signature]*

4. According to consumer the goods were sold based on the cost of energy as it was applicable before the Circular No.29 issued by M.S.E.D.C.L. consumer requested for refund of the amount recovered with interest.
5. As the officials of M.S.E.D.C.L. failed to take cognizance of the request of consumer the complaint in X-form dated 18.2.2014 was filed before Internal Grievance Redressal Forum, Baramati.
6. The Chairman IGRC heard the matter on 19<sup>th</sup> March-2014 and finally decided the matter on 19<sup>th</sup> March-2014 holding that additional electricity charges applied were in pursuance of the order of MERC and Circular No.209 of M.S.E.D.C.L.
7. Being dissatisfied by the order of IGRC, consumer moved before this forum by filling complaint in 'A' Form. The main prayer is for refund the amount of AEC for the month of Aug.2013 and Sept.2013 with interest.
8. The M.S.E.D.C.L. filed say on 3<sup>rd</sup> May 2014 and submitted that the order passed by IGRC dated 19<sup>th</sup> March-2014 is just and proper in pursuance the order of MERC and Circular of M.S.E.D.C.L.
9. The following points arise for your consideration?
  - i) Whether M.S.E.D.C.L. is liable to refund the Additional Energy charges to consumer with interest at the rate of 18%.
  - ii) What Order?
10. Our findings are :
  - i) In the negative
  - ii) As per final order

## REASONS

11. We have considered the submission of both sides and perused the documents produced on record. It is an admitted fact that complainant is consumer of M.S.E.D.C.L. since 26.3.2008. There was no any dispute regarding the energy bills during the period between March-2008 till the date of filing of the complaint regarding AEC.
12. As per MERC (Electricity supply code and other condition of supply) Regulation 2005 Clause 3.4 the distribution licensee is authorized to recover charges for

*Smdell*

*Gutan*

*f*

electricity supplied in accordance with such tariff as may be fixed from time to time by commission. The H'ble MERC issued suo-moto order on the 5<sup>th</sup> Sept.2013 In Case No.95 of 2013 and allowed M.S.E.D.C.L. to recover accumulated under recovery of Rs.2037.78 Crores occurred till the month of Aug.2013 for the period of six months w.e.f. Sept.2013 till the month of Feb-2014 as AEC.

13. We have perused the energy bills issued on bill date 9<sup>th</sup> Sept.2013 and also bill date 5.10.2013. We are of considered view that M.S.E.D.C.L. has issued the electricity bill including AEC from Sept.2013 as per the order passed by Hon.ble MERC.
14. As the bills regarding Additional Energy charges are claimed as per the order of Hon'ble MERC, we hold that there is no illegality or violation of the principles of natural justice.
15. In the result we pass the following order :

## ORDER

1. Complaint is dismissed.
2. No order as to cost.

*S.D. Madake*  
Mr. S.D. Madake  
(Chairperson)

*V.M. Bhattad*  
Mr. V.M. Bhattad  
(Member Secretary)

*Suryankant Pathak*  
Mr. Suryankant Pathak  
(Member)

Date: 21/05/2014