

CONSUMER GRIEVANCE REDRESSAL FORUM
(Established under the section 42 (5) of the Electricity Act, 2003)
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
JALGAON ZONE

Office of the
Consumer Grievance Redressal Forum
AjanthaChauphuli, Old M.I.D.C.
Jalgaon 425 003

No./ CGRF/JLGZ/DHL Circle/DDE Dn/C.No.28-2016-17/

Date: 03 MAY 2017

(BY R.P.A.D.)

Date of Submission of the case : 08/03/2017
Date of Decision : 02/05/2017

To.

1) M/s Narmada Tex Fab Pvt Ltd.
Survey No.239/3, Tande,
Tal-Shirpur, Dist-Dhule.
(Consumer No. 094448300867)

- 2) Executive Engineer & Nodal Officer,
Maharashtra State Electricity Distribution Co LTD.
Circle office, Dhule.
- 3) Executive Engineer,
Maharashtra State Electricity Distribution Com. Ltd.
Division office, Dondaicha.

Complainant

Distribution Company



DECISION

M/s Narmada Tex Fab Pvt Ltd. Survey No.239, Tande, Tal-Shirpur Dist-Dhule is LT (Tariif category LT-V(B) (ii) consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company) has filed a complaint regarding Grievance against MSEDCL for IC, GC-I charges in the billing month of Mar-2015 and GC-II & TC Charges in the billing Month of Apr-2015. The complainant has filed a representation to the Forum against the order passed by the Internal Grievance Redressal Cell (IGRC) , MSEDCL, Dhule Circle Office. The representation in Schedule "A" is registered at inward no. 28 on Dt. 08.03.2017.

It was decided to admit this case for hearing after consulting the Forum . The matter was fixed for hearing on 07/04/2017 at 2 pm in the CGRF Office, Jalgaon and a notice to that effect was sent to the complainant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office , Dhule for submitting para wise comments to the Forum on the grievance within 15 days under intimation to the consumer. The copy of this notice was also endorsed to the Superintending Engineer, Circle Office , Dhule and Executive Engineer ,Dondaicha Division.

Shri L.D.Thakur. Executive Engineer, Division Office , Dondaicha & Shri R.L.Nemade, Dy. Executive Engineer, Shirpur Sub-Division represented the Distribution Company during the hearing. Shree Shyamsundar Agraval & Shri Shri M.J.Suryavanshi (Director) represented by the complainant.

M/s Narmada Textiles Fab Pvt Ltd, Shirpur, C N. 28-2016-17

Page No 1 of 9

Consumer's Representation in Brief :

1. The aforesaid Power-loom Industrial Unit at Survey No. 239, Tande, Taluka Shirpur, District Dhule, has an L.T. Electricity Connection and is billed as per the **LT-V(B) (ii) : LT - Industry - Power-loom's Tariff**,
2. MERC, vide its Orders Dated 5th September 2013 and 3rd March 2014 in the Case No. 38 of 2014, 54 of 2014 and 95 of 2013, in respect of MSEDCL and MSPGCL, has allowed MSEDCL to recover Additional Energy Charges in form of INTERIM Charges (IC), GENCO Charges-I (GC-I), GENCO Charges-II (GC-II) and TRANSCO Charges (TC) from the consumers, as per the following manner and more particularly described in Commercial Circular No. 221. Copy of the said Circular is annexed herewith and marked as Exhibit "A" for your kind perusal.
 - i. **INTERIM Charges (IC):** MSEDCL has filed a petition No. 38 of 2014 before MERC for seeking final truing up of the years FY 2011-12 and FY 2012-13, approval of carrying costs on delayed allowances, additional energy charges for recovery of trued up amount along with carrying costs and determination of cross subsidy surcharge based on the truing up. Accordingly, MERC has issued an Interim Order in favor of MSEDCL, on 3rd March 2014 in the said matter by allowing interim relief of Rs 5022 Crs and has directed to MSEDCL to recover through 'Interim Charge' for a period of twelve (12) months at the category wise rates specified in the Order. This shall come into force with effect for the energy bills issued from 1 March, 2014 to 28 February, 2015
 - ii. **GENCO Charges-I (GC-I):** MSPGCL's has also filed a petition No. 54 of 2014 before MERC for seeking final true up for FY 2011-12, APR for FY 2012-13 and MYT for FY 2013-14 to 2015-16. Accordingly, MERC has allowed MSEDCL to recover/adjust the variation in energy charge component of the amount billed by MSPGCL to MSEDCL through FAC mechanism and variation in fixed charge component in proportion to Average Billing Rate (ABR) of respective consumer categories. In the said Order, MERC has also allowed to MSPGCL to recover/adjust the difference in revenue recoverable in accordance with the Tariff approved for FY 2013-14 vis-a-vis the Tariff charged during the 11 months of FY 2013-14 i.e., April 2013 to February 2014 in 12 equal monthly installments from March, 2013 onwards.
 - iii. **GENCO Charges-II (GC-II):** In the said Order MERC has directed MSPGCL to recover from MSEDCL the fixed charges of FY 2014-15 from April 2014 to March 2015 in proportion to the ABR of respective consumer categories from the consumers.
 - iv. **TRANSCO Charges (TC):** MSEDCL has also filed a petition No. 95 of 2013 before MERC. Accordingly, MERC has issued an Order in favor of MSEDCL, on 5th September 2013 and directed to MSEDCL to recover Additional Charges of Rs. 192.53 Crs per month due to incremental transmission charges for FY 2013-14 till the time next MYT order is issued. However, now, MERC in its order under ref (I) has stated that the transmission charges for FY 2013-14 was Rs. 465.22 Crs per month and Rs. 424.10 Crs per month for FY 2014-15 and therefore, this revision needs to be considered for charging incremental transmission cost. In line with the above reduction in transmission charges, the additional incremental charges to be recovered from the consumers on a monthly basis are reduced from Rs. 192.53 Crs to Rs. 151.41 Crs. The same will be recovered from the consumers from April 2014 to March 2015 in proportion to ABR of respective consumer categories which is specified under the head TRANSCO Charge for FY 2014-15
3. But, MSEDCL has charged Additional Energy Charges mentioned in the Annexure 'A' which is attached to the Commercial Circular No. 218, instead of above mentioned IC, GC-I, GC-II & TC Charges, to the consumer categories mentioned in the said Commercial Circular No. 218; because of Government of Maharashtra has decided to continue the concession/subsidy which was declared by them, by its Resolution No. 278 Dated 29/03/2014, to the consumer categories mentioned in the appendix attached to the said Resolution.
4. Then after Government of Maharashtra has withdrawal the said concession/subsidy which was earlier declared by them, by its Resolution No. 278 Dated 22/12/2014, from the month of December 2014.

5. For that reason, the amounts of Electricity Bills are increased of all the Electricity Consumers. So that, subsequently Government of Maharashtra has again decided to continue the concession/subsidy which was declared by them, by its Resolution No. 278 Dated 29/03/2014, to the consumer categories mentioned in the appendix attached to the said Resolution, only for the Electricity Billing Month of December 2014 i.e. Electricity Consumption Month of November 2014, by its Resolution No. 70 Dated 22/12/2014.
6. Accordingly MSEDCL has instructed to its all offices that they should not charged Additional Energy Charges in form of IC, GC-I, GC-II and TC to the consumer categories mentioned in the appendix attached to the above mentioned Resolution, for the Electricity Billing Month of December 2014, otherwise it should be refunded, if charged, by its Commercial Circular No. 236. Copy of the said Circular is annexed herewith and marked as Exhibit "B", for your kind perusal.
7. In order to that, the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur has refunded the said IC, GC-I, GC-II and TC Charges, to us, which was Charged by the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur in our Electricity Billing Month of December 2014, which was issued for the Electricity Consumed in the Month of November 2014. No grievance and / or dispute for the same.
8. Then, in order to that MSEDCL has also Charged the said IC, GC-I, GC-II and TC Charges, to us, in the Electricity Billing Month of Jan-15 & Feb-15. No grievance and / or dispute for the same.
9. Then, despite the above mentioned MERC's & Government of Maharashtra's Orders & Circulars issued by your Head office, in this context; the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur had unlawfully charged the said IC and GC-I Charges, to us, which should not be charged as per the above mentioned Orders, in the Electricity Billing Month of Mar-15. Copy of the significant Bill for the month of Mar-15 is annexed herewith.
10. Then again, despite the above mentioned MERC's & Government of Maharashtra's Orders & Circulars issued by your Head office, in this context; the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur had unlawfully charged the said GC-II and TC Charges, to us, which should not be charged as per the above mentioned Orders, in the Electricity Billing Month of Apr-15. Copy of the significant Bill for the month of Apr-15 is annexed herewith.
11. The said act of the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur was and is strictly illegal and unconstitutional.
12. Accordingly the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur had made & prepared excessive Electricity Bills by charging IC & GC-I Charges in the Billing Month of Mar-15 and GC-II & TC Charges in the Billing Month of Apr-15, in our Electricity Bills.
13. Eventually the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur has been collecting the excessive amount from us, by charging IC & GC-I Charges in the Billing Month of Mar-15 and GC-II & TC Charges in the Billing Month of Apr-15, in our Electricity Bills.
14. We submitted an application to the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur, to refund us the amount which was collected by them, under the head namely IC, GC-I, GC-II and TC Charges, on dated 15.11.2016.
15. But no cognizance was taken in this regard. Hence we submitted a Grievance before IGRC (Internal Grievance Redressal Cell), Dhule, for order to refund the amount, collected under the head namely IC & GC-I Charges in the Billing Month of Mar-15 and GC-II & TC Charges in the Billing Month of Apr-15, on dated 22.12.2016.
16. In that context, the Office of the IGRC, Dhule has placed this Grievance for hearing on dated 18.01.2017. We have especially pointed out that the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur, who attended the said hearing has not submitted any reply on the said Grievance, neither written nor oral, at the time of hearing. Accordingly the office of the IGRC has dismissed, our above mentioned Grievance, without mentioning



any reason, on dated 20.02.2017. Copy of the said Order is enclosed herewith for your kind perusal.

17. Hence, we are approaching before your forum, by submitting said Grievance Application, for order to refund us the amount, which was collected by the Office of the Deputy Executive Engineer, Shirpur Sub-Division-2, MSEDCL, Shirpur, under the head namely IC & GC-I Charges in the Billing Month of Mar-15 and GC-II & TC Charges in the Billing Month of Apr-15.
18. In this regard, we are enlighten to you that, the Circle Offices situated at Aurangabad, Nagpur, Dhule, Mumbai, Solapur, including the Office of the Additional Executive Engineer, Sub-Division, (Urban-I), MSEDCL, Jalgaon has not Charged & Billed Additional Energy Charges in form of IC and GC-I Charges in the Electricity Bills for Billing Month of Mar-15, to the HT Industrial Consumers. Copies of the said Bills is annexed herewith
19. in addition to this, we are also enlighten to you that, the Circle Offices situated at Aurangabad, Nagpur, Dhule, Mumbai, Solapur, including the Office of the Additional Executive Engineer, Sub-Division, (Urban-I), MSEDCL, Jalgaon has not Charged & Billed Additional Energy Charges in form of GC-II and TC Charges in the Electricity Bills for Billing Month of Apr-15, to the HT Industrial Consumers. Copies of the said Bills is annexed herewith and marked as Exhibit 'G' collectively for your kind perusal.
20. Moreover, we are also enlighten to you that, the Sub-Divisional Offices situated at Bodwad, Bhusawal Urban, Varangaon, Pahur, Bhusawal E&M, Jamner, Chalisgaon R-I, Chalisgaon-II, Chalisgaon-III, Chalisgaon Urban, Chopda-I, Pachora-I, Pachora-II, Bhadgaon, Raver, & Yawal-II, has not Charged & Billed Additional Energy Charges in form of IC and GC-I Charges in the Electricity Bills for Billing Month of Mar-15, to the LT Industrial Consumers. Copies of the CPL for the same is annexed herewith .
21. The office of the IGRC has given the above mentioned decision, without considering all these Government Resolutions and Orders of Honorable MERC and without mentioning any reason and/or surmise, in this context.

RELIEF SOUGHT :

1. Determine that the order of the IGRC, null and void, in this context.
2. Order to Refund us the said excessive collected amount, collected under the head namely IC & GC-I Charges in the Billing Month of Mar-15 and GC-II & TC Charges in the Billing Month of Apr-15, from us, amounted to Rs. 9,887.16.
3. Order to confer the interest on the said excessive collected amount Rs. 9,887.16 from the date of Collection of the said Amount.
4. Award to Applicant Rs. 10,000/-, as a cost of the said application, which should be payable by the MSEDCL.
5. Take appropriate action against the relevant person/s, who would not take cognizance of our above mentioned Application for Refund.
6. Any other suitable and equitable orders may kindly be passed in favor of the Applicant for the sake of Justice.

Arguments from the Distribution Company.

The Executive Engineer Dondaicha Division office has submitted a written reply to the Forum by letter no. 1016 dated 03/04/2017 which states as under:

- ✓ शिरपुर उवि.२ अंतर्गत औद्योगिक पॉवरलुम (मे नर्मदा टेक्स फॅब प्रा.लि) ग्राहकला परिपत्रक क्र. २२१ मधील अनेकवर -ऐ नुसार २० एच.पी. पेक्षा जास्त लोड वापरणाऱ्या ग्राहकांचे बील माहे नोव्हेंबर -२०१४ च्या बिलात इंटरियम चार्ज, जनक्रे चार्ज-१ व २ ट्रान्सक्रे चार्ज जे लागू करण्यात आले होते ते मुख्य कार्यालयाचे परिपत्रक क्र. २३६ दिनांक २६.१२.२०१४ नुसार माहिती व तंत्रज्ञान विभाग धुळे या विभागाने जानेवारी २०१५ च्या बिलात वजावट करून दिलेली आहे.
- ✓ अंतर्गत तक्रार निवारण केंद्र धुळे येथे सदर बाबत माहिती देण्यात आलेली आहे. तसेच कार्यालयाच्या माहिती नुसार संबंधीत ग्राहकाची विजबिले (सीपीएल) तपासणी नुसार परिपत्रकप्रमाणे विज बिले दिलेली आहे.



1. The Forum had directed the Distribution Company to give comments about applying these charges to the other consumers. Accordingly the Executive Engineer, Dondaicha has submitted following information by letter dated 11/04/2017:

“मे.संकल्प टेक्सटाइल्स, मे.प्रियदर्शिनी गारमेंट्स, मे.नर्मदा टेक्सफॅब व मे.रुबी कोटेक्स प्रा.लि., सर्व शिरपूर दोंडाईचा विभाग जि.धुळे यांच्या तक्रारीत उल्लेख केलेल्या ग्राहकांना लावण्यात आलेला आकार याबाबतचा तपशीलवार तक्ता व संबंधित ग्राहकाची सीपीएल आपल्या माहितीस्तव सोबत जोडली आहे.”

2. The complainant has offered following comments on the letter dated 11/04/17 by the Distribution Company:

- ✓ सदरील प्रतिवेदनासोबत वितरण कंपनीने फक्त अर्जदार ग्राहकाची मुळ तक्रार अर्जासोबत दाखल केलेल्या तक्त्यात (Table) फक्त वीज वापर, वीज वापराचा कालावधी, विज बिल तयार केल्याचा दिनांक, वीज बिल भरण्याचा दिनांक इ. बाबींचा अंतर्भाव करून बाकी काहीच बदल न करता तक्ते सादर / दाखल केले आहेत.
- ✓ ह्या व्यतिरिक्त वितरण कंपनीने सदरील लेखी प्रतिवेदनामार्फत अर्जदार / ग्राहकाने मंचासमोर दाखल केलेल्या गाऱ्हाण्यात मांडलेले कोणतेही मुद्दे खोडून काढलेले नाहीत.
- ✓ तसेच, वितरण कंपनीने सदरील लेखी प्रतिवेदनामार्फत अर्जदार ग्राहकाने मंचासमोर दाखल केलेल्या गाऱ्हाण्यात मांडलेल्या मुद्द्याच्या पुष्टीकरणासाठी अर्जदार / ग्राहकाने जोडलेला कोणताही पुरावा खोटा आणि/किंवा चुकीचा असल्याचे नमूद केलेले नाही.
- ✓ तसेच, वितरण कंपनीने सदरील लेखी प्रतिवेदनामार्फत अर्जदार ग्राहकाने मंचासमोर दाखल केलेल्या गाऱ्हाण्यात जोडलेल्या राज्यातल्या वेगवेगळ्या ठिकाणच्या अन्य उच्चदाब व लघुदाब ग्राहकांची वीज विले चुकीचे असल्याचे नमूद केलेले नाही.
- ✓ या उपरांत, वितरण कंपनीने वर नमूद केल्याप्रमाणे संबंधित वीज विलासंबंधित अतिरिक्त बाबी समाविष्ट करून, अर्जदार ग्राहकाने सादर केलेल्या तक्त्यात नमूद केलेल्या रकमेत कोणताच फेरबदल न करता, नविन तक्ता सादर / दाखल केले असता; अर्जदार ग्राहकाने यासंबंधात मेहरबान मंचाच्या अधिक माहितीसाठी, तसेच वादांकित बाब त्वरित लक्षात येणे कामी, वर नमूद केल्याप्रमाणे वितरण कंपनीने आपल्या लेखी प्रतिवेदनासह जोडलेला तक्ता, वीज वितरण कंपनीने दर्शविलेल्या सर्व बाबींचा अंतर्भाव करून योग्य त्या स्वरूपात (In Proper Format) अर्जदार / ग्राहक, आपल्या मंचासमोर या खुलास्यासोबत / प्रत्युत्तरासोबत सादर / दाखल करित आहे.
- ✓ तसेच, परत मेहरबान मंचाच्या अधिक माहितीसाठी, तसेच वादांकित बाब मंचाच्या त्वरित लक्षात येणे कामी, या राज्यातल्या वेग-वेगळ्या ठिकाणच्या पाच-पाच उच्चदाब व लघुदाब ग्राहकांच्या या काळात वितरण कंपनीने निर्गमित केलेल्या वीजबिलावरून वर नमूद नविन स्वरूपात तक्ता तयार करून या खुलास्यासोबत / प्रत्युत्तरासोबत जोडीत आहे. ज्या ग्राहकांचे या खुलास्यासोबत / प्रत्युत्तरासोबत नमुन्याखातर तक्ता तयार करून जोडला आहे; त्या ग्राहकांची त्या दरम्यान काळाची वीजविले / सी.पी.एल. पूर्वीच अर्जदाराने आपल्या मूळ तक्रार अर्जासोबत जोडलेली आहेत.
- ✓ या सर्व तक्त्याचे अवलोकन केले असता मंचास असे लक्षात येईल कि, अर्जदारा व्यतिरिक्त या सर्व ग्राहकाकडून माहे डिसेंबर-२०१४ मध्ये तयार करण्यात आलेल्या वीज बिलात वितरण कंपनीने IC+GCI+GCII+TC या नावाने आकारलेले शुल्क (Charges) संबंधित ग्राहकास परत केलेले आहेत, तसेच माहे मार्च-२०१५ मध्ये तयार करण्यात आलेल्या वीज बिलात वितरण कंपनीने फक्त GCII व TC या नावाने असलेले शुल्क (Charges) आकारलेले आहेत, तसेच मार्च-२०१५ या महिन्यात वितरण कंपनीने IC व GCI या नावाने असलेले शुल्क (Charges) आकारलेले नाहीत. तसेच माहे एप्रिल-२०१५ मध्ये तयार करण्यात आलेल्या वीज बिलात वितरण कंपनीने कोणत्याही माथळ्याखाली कोणतेही अतिरिक्त वीज शुल्काची (Charges) आकारणी केलेली नाही.
- ✓ थोडक्यात, अर्जदाराच्या म्हणण्यानुसार, अर्जदाराव्यतिरिक्त अन्य ग्राहकांकडून वितरण कंपनीने IC व GCI शुल्क (Charges) हे फक्त दोनच महिने घेतले आहेत तसेच GCII व TC शुल्क (Charges) हे फक्त तीनच महिने घेतले आहेत व हेच बरोबर आहे; याउलट वितरण कंपनीने अर्जदाराकडून IC व GCI शुल्क (Charges) हे तीन महिने घेतले आहेत, तसेच GCII व TC शुल्क (Charges) हे चार महिने घेतले आहे, व हे पूर्णतः चुकीचे व बेकायदेशीर सुद्धा आहे.



Action by IGRC :

1. The complainant submitted the grievance to the Internal Grievance Redressal Cell, Dhule, Circle office on 22/12/2016 .
2. Under letter dated. 20/02/2017,the IGRC took following decision:
 - ✓ From the Facts stated by consumer representative and MSEDCL representative the forum in the concurrence MSEDCL rules and regulation circulars..
 - ✓ IC,GC-I, GC-II, & Transco Charges were charged as per Circular 236 Dt.26.12.2014 and the proper adjustment is given in the bill of Nov-14. Hence the bills are correct and no any charges is recovered unlawfully.

Observations by the Forum:

1. The MERC vide Orders dt. 03/09/2013, 04/09/2013 & 05/09/2013 has permitted MSEDCL to recover Additional Energy Charges (AEC) from all category consumers w.e.f. September 2013 for further period of 6 months on account of validated increased expenditure on various project of MSPGCL & MSETCL In order to reduce the impact of hike in electricity tariff, Government of Maharashtra decided to give concession in electricity rates to the MSEDCL consumers vide GR No. Sankirna/2013/C.No. 278 (Part-1)/ERG-5 dt. 29/01/2014 by offering subsidy. Based on the Government of Maharashtra GR dt. 29/01/2014 as mentioned above , MSEDCL issued a Commercial Circular No. 218 dated 18/02/2014 under which the rise in tariff in September 2013 for Residential (up to 0 to 300 units), Commercial, Industrial and Agricultural consumers is reduced as per Annexure "A" to the circular . These concessions were limited to Energy Charges as per this Annexure.
2. The concessional tariffs was applicable from 1st February 2014 till such time the Government of Maharashtra covered the difference by way of direct subsidy under section 65 of Electricity Act, 2003 and also as envisaged in the Government Resolution.
3. Later Government of Maharashtra issued a GR dt. 22/12/2014 under which the concessional tariff was withdrawn for other than agricultural consumers with effect from December 2014. Accordingly the MSEDCL issued a Commercial Circular no. 236 dated 26/12/2014 . In this circular it mentioned that the concession in tariff shall be applicable to the industrial consumers of the MSEDCL for the month of December 2014 (billed for the consumption in November 2014) in view of the Government of Maharashtra GR dt. 22/12/2014 and GR dt. 29/01/2014 .
4. As per MERC Interim Order dt. 03 March 2014 in Case No. 38 of 2014,, MERC Order dt. 03 March 2014 in the Case No. 54 of 2014 MSEDCL was allowed to recover Interim Charges (IC), GENCO Charge (GC I & II) & TRANSCO Charge(TC) at the rates and period approved by the Commission .
5. In view of the above mentioned MERC orders the Distribution Company has issued a Commercial Circular No. 221 dated 15th March 2014 from the CE (Commercial) ,MSEDCL, Mumbai . As per this circular , the IC, GC and TC charges are not made applicable to the consumer categories mentioned in Commercial Circular No. 218 dt. 18/02/2014 and the GoM concession/subsidy continued to be applicable for categories specified by GoM's Resolution dt. 29/01/2014 . As per this circular :
 - ✓ Interim Charges (IC) and Genco Charges (GC-I) are to be applied for the energy bills **issued from March 2014 to February 2015**
 - ✓ Genco Charges (GC-II) and Transco Charges (TC) are to be applied for the energy bills **issued from April 2014 to March 2015.**
 - ✓ The charges are to be applied as per rates specified in the Annexure 'A' to the circular . The rates for LT-V category are given below:

Applicability	March 2014 to February 2015		April 2014 to March 2015	
Category	Interim Charges (IC)	Genco Charges (GC-I) 2013-14	Genco Charges (GC-II) 2014-15	Transco Charges (TC) 2014-15



	Ps/kWh	Ps/kWh	Ps/kWh	Ps/kWh
LT-V -Industrial				
0-20 KW	59	10	19	21
Above 20 KW	94	16	30	34

6. As per MSEDCL's circular No. 236 dt.26/12/2014 and Government of Maharashtra resolutions, read with the Commercial Circular No. 221 dated 15/03/2014
- ✓ The consumer can not be charged IC, GC and TC for consumption in November -14 .
 - ✓ As the concession ceases to continue after December-14 , the consumers are to be charged IC+GC-I+GC-II+TC for consumption in December -14 , January -15 and February-15 .
 - ✓ The consumers are to be charged GC-II+TC for consumption in March -15
7. As per the Government of Maharashtra शासन निर्णय क्र. संकीर्ण - २०१४ /प्र.क्र.७० (शिक्षना)/उर्जा-५ dt. 22/12/2014 it is clearly directed at para no. 3 as under:
- “ज्या ग्राहकांनी डिसेंबर २०१४ मध्ये देण्यात आलेल्या वीज देयकाची रक्कम भरलेली आहे अशा ग्राहकांनी सवलतीच्या रकमेचे समायोजन पुढील महिन्याच्या वीज देयकात करण्यासही याद्वारे मान्यता देण्यात येत आहे.”
8. As per MSEDCL's Commercial Circular No. 236 dt.26.12.2014 , the directives are as under:
- “शासनाच्या संदर्भ क्र. ५ मधील शासन निर्णयान्वये सर्व क्षेत्रिय कार्यालयांना कळविण्यात येते की, औद्योगिक ग्राहकांच्या डिसेंबर २०१४ मध्ये देण्यात आलेल्या (नोव्हेंबर २०१४ मधील वीज वापरासाठीच्या) वीज देयकाची आकरणी संदर्भिय शासन निर्णय क्र. १ व वाणिज्य परिपत्रक क्र. २१८ दि.१८.२.२०१४ व २२१ दि.१५.०३.२०१४ नुसार करण्यात यावी. डिसेंबर -२०१४ चे वीज बिल यापूर्वीच निर्गमित झालेले असल्यास सदर सवलत पुढील वीज बिलात समायोजित करण्यात यावी.”
9. In the extant case the Distribution Company has not issued bills for consumption in calendar month. The summary of the bills for this consumer based on the details of the CPL for the period Feb-14 to April -15 is given as under:

Bill Month	Consumption Period	Bill Date	Total Cons	Energy Charges	Add. Charges
Feb-14	28.01.2014 to 28.02.2014	06-Mar-14	18018	54054	0
Mar-14	28.02.2014 to 28.03.2014	07-Apr-14	904	2712	0
Apr-14	28.03.2014 to 30.04.2014	12-May-14	24642	73926	0
May-14	30.04.2014 to 30.05.2014	11-June-14	65442	196326	0
Jun-14	30.05.2014 to 30.06.2014	10-Jul-14	27476	82428	0
Jul-14	30.06.2014 to 30.07.2014	07-Aug-14	55496	166488	0
Aug-14	30.07.2014 to 30.08.2014	03-Sep-14	43664	130992	0
Sep-14	30.08.2014 to 25.09.2014	30-Sep-14	51376	154128	0
Oct-14	25.09.2014. to 25.10.2014	01-Nov-14	59962	179886	0
Nov-14	25.10.2014. to 23.11.2014	05-Dec-14	53918	138569	93817
Dec-14	23.11.2014 to 23.12.2014	02-Jan-15	46624	119824	81126
Jan-15	23.12.2014 to 20.01.2015	30-Jan-15	59740	153532	103948
Feb-15	20.01.2015 to 20.02.2015	24-Feb-15	71400	183498	124236
Mar-15	20.02.2015 to 20.03.2015	06-Apr-15	76600	173732	43264
Apr-15	20.03.2015 to 20.04.2015	06-May-15	65772	169034	0.00

- ✓ It is seen in this case that the billing is not for a calendar month . The consumption period overlaps for 2 months. But period of the billing cycle is not under the control of the consumer and a consumer can not be deprived of the entitled relief/concession only because of different billing cycle.
 - ✓ It is seen that no additional charges are applied for the bills of Feb-14 to Nov-14 as per Government of Maharashtra directives.
10. As per MSEDCL's circular No. 236 dt.26.12.2014 and Government of Maharashtra resolutions, read with the Commercial Circular No. 221 dated 15/03/2014
- ✓ the consumer can not be charged IC, GC and TC for consumption in November -14 .

- ✓ As the concession ceases to continue after December-14 , the consumers are to be charged IC+GC-I+GC-II+TC for consumption in December -14 , January -15 and February-15 .
 - ✓ the consumers are to be charged GC-II+TC for consumption in March -15
11. As there may be different base periods for billing . Bill for a month should ideally mean bill for the consumption of that calendar month issued/raised in next month. But when the readings are not exactly taken for the beginning and the end of a month , the consumption is not for the calendar month. As the billing is not as per calendar month in this case , the following comments are offered :

Bill For The Month Of	Cons.	Cons. Period	Addl Charges applied	Applicable IC,GC-I,GC-II and TC
Nov-14	53918	25.10.2014. to 23.11.2014	93817	Applied but refunded Rs. 87250.11 in January 15
Dec-14	46624	23.11.2014 to 23.12.2014	81126	Not applicable for consumption during 23-Nov 14 to 30-Nov-14. Proportionate reduction for 7 days needed
Jan-15	59740	23.12.2014 to 20.01.2015	103948	Applicable
Feb 15	71400	20.01.2015 to 20.02.2015	124236	Applicable
Mar 15	76600	20.02.2015 to 20.03.2015	43264	IC,GC-I,GC-II and TC applicable for Consumption during 20-Feb-15 to 28-Feb-15 Only GC-II and TC applicable for Consumption during 1-Mar 15 to 20-Mar-15
April 15	65772	20.03.2015 to 20.04.2015	0.00	Applicable for consumption during 20-Mar 15 to 31-Mar-15

Hence the Distribution Company needs to re-work the charges under IC, GC-I, GC-II and TC for the bills for December -2014 to April- 2015 based on the estimated consumption in a calendar month as indicated above and compute the amount of refund if any.

12. The complainant has demanded the interest on the refund . But it is however seen from the documents submitted to the Forum that the demand of the refund of February 2015 and March 2015 has been raised first time in November 2016 . The entitlement to interest needs to be considered against the fact that an early submission of representation would have meant less of interest and less burden on the Distribution Company . The Distribution Company is not fully responsible for the delay . The Forum is inclined to take the view that the refund be given with interest at Bank Rate of RBI from December 2016 till the date of refund.
13. The demand of the complainant to award Rs. 10,000/-, as a cost of the said application, can not be considered as the CGRF & EO Rules, 2006 and MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations ,2014 do not provide for any such award.
14. The complainant has demanded to take appropriate action against the relevant person/s, for not taking the cognizance of their application for refund. But the Forum did not find any deliberate or inordinate delay on the part of any employee of Distribution Company . Hence no action is required in this regard.

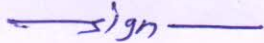


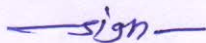
In view of the observations and directions as elaborated in the preceding paragraphs the following order is passed by the Forum for implementation:

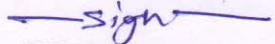
ORDER

1. The Distribution Company should re-work the charges under IC+GC-I, GC-II and TC for the bills for December -2014 to April- 2015 based on the guidelines as indicated by the Forum in para 11 above and refund the excess amount if any in the ensuing bill after the date of this order, with interest at Bank Rate of RBI from December 2016 till the date of refund.
2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order
3. As per regulation 22 of the above mentioned regulations, non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings suo motu or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
4. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.




(RAJAN S. KULKARNI)
MEMBER

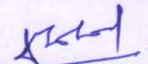

(D.K. MOHOD)
MEMBER-SECRETARY


(SURESH P. WAGH)
CHAIRMAN

Consumer Grievance Redressal Forum Jalgaon Zone

Copy for information and necessary action to:

1. Chief Engineer, Maharashtra State Electricity Distribution Company Ltd., Jalgaon
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd., Dhule.


Member-Secretary/Executive Engineer
MAH. STATE. ELECT. DIS. CO. LIMITED
Consumer Grievance Redressal Forum
Jalgaon Zone Jalgaon