

**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**  
Ajantha Chauphuli , Old M.I.D.C.  
Jalgaon 425 003

No. / CGRF /JLGZ/ JLG Circle/JLG Dn/C.No.04-2016-17 / (BY R.P.A.D.) **No 00061** Date: **29 AUG 2016**

Date of Submission of the case : 18/07/2016  
Date of Decision : 26/08 /2016

To.

- 1) Supreme Industries Ltd ,  
Plot No : H-20,MIDC Area, Jalgaon  
At Post Tal, Dist : Jalgaon .-425003  
(Consumer No.110019002260)
- 2) Executive Engineer & Nodal Officer ,  
Maharashtra State Electricity Distribution Co LTD.  
Circle office, Jalgaon.
- 3) Executive Engineer ,  
Maharashtra State Electricity Distribution Com. Ltd.  
Division office, Jalgaon.

Complainant

Distribution Company



**DECISION**

M/s. Supreme Industries Ltd, Jalgaon. H.T Industrial consumer ( hereafter referred as the Complainant) of the Maharashtra State Electricity Distribution Company Ltd. ( hereafter referred as the Distribution Company ) has filed a complaint regarding refund of the amount of Rs.4,44,408 - paid on 02.09.2015 under protest collected by MSEDCL towards IC/GC/TC for the month of December 2014 (for consumption of November-2014).The grievance was submitted to the Internal Grievance Redressal Cell at Jalgaon Circle Office, but not satisfied with the decision of the IGRC. The consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at inward no. 73 on 18/07/2016.

It was decided to admit this case for hearing after consulting the Forum . The matter was fixed for hearing on 12/08/2016 at 11.30 a.m. 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 , Jalgaon 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 , Jalgaon and Executive Engineer , Jalgaon Urban Division.

Shri Sanjay M. Aakode, Superintending Engineer, Jalgaon Circle , Shri Y.J.Jarag, Executive Engineer, & S.D.Darvade, Add. Executive Engineer, Jalgaon Division, Shri N.D.Narayane, Executive Engineer (Adm), Shri R.F Pawar Dy.Executive Engineer, M.L.Bharade, Asst. Programmer & Shri V.B.Thakur, Asst. Auditor (F&A), Jalgaon Circle office, represented the Distribution Company during the hearing. Shri.T.N.Agrawal and Satish Shaha represented on behalf of the complainant .

**Consumer's Representation in Brief :**

1. The complainant is a consumer of MSEDCL having presently Contract demand of 525 KVA and availing power supply through 11 KV HT non –express feeder. The supply was connected on 07.02.2005 . They had availed supply through DF M/s Crompton Greaves Ltd. for industrial category of HT-INC (Non-Continuous).

2. The complainant had received bill for Dec-2014 indicating additional tariff charged on account of IC, GC & TC Rs.1.49/unit, for total units 2,98,261 KWH, additional amount was billed as Rs.4,44,408/- . As per MSEDCL's circular No. 236 dt..26.12.2014, concession in Elect. Tariff was allowed by Govt. of Maharashtra for IC/GC/TC till the bill of Dec-2014 (for consumption of Nov-2014).
3. However the MSEDCL didn't pass the said concession in our bill and recovered these charges i.e. @ Rs. 1.49/unit extra over & above normal tariff rate of Rs.6.33/ unit, details of recovery is given below.

Billing month –yr	Billing Period	Units & Addl.Rate Billed.	Additional billed amount.
Dec-2014	03.11.2014 to 04.12.2014.	2,98,261 KWH Rs.1.49/unit.	Rs.4,44,408/-

4. Complainant had requested MSEDCL several times, but the amount has not been refunded so far, thereafter complainant had lodged grievance with IGRC on dt.29.04.2016. The IGRC passed decision on 10.06.2016, however it was not acceptable to them, hence this grievance lodged with CGRF for redressal.
5. The MSEDCL had illegally billed additional amount Rs. Rs.4,44,408/- in the month of Dec-2014 bill .
6. After lodging the claim with MSEDCL, the CE MSEDCL had granted approval vide note dt.30.03.2015 for refund of IC/GC/TC charges. Even after approval by CE, the SE MSEDCL again referred the case for guidance to CE Commercial vide letter No. 2976 dt.20.08.2015. So far no guidance has been given by CE Commercial to SE MSEDCL, Jalgaon & also decision of CE was not implemented. The IGRC failed to look into decision of CE, Jalgaon zone to implement & resolve our grievance.
7. Further, please also refer letter dt.08.04.2015 of Ex. Engineer, Jalgaon addressed to system Analyst, IT dept. advising refund of the excess amount collected as approved by CE (MSEDCL). Jalgaon in future energy bill.
8. The complainant had paid unwillingly the disputed amount Rs.4,44,408/- under protest on dt. 02.09.2015 to avoid unpleasant action by MSEDCL.
9. It is mentioned that billing date for CGL's consumers starts from 17<sup>th</sup> onwards, as such as per IT dept. they had not considered after bill date from 10<sup>th</sup> Dec-2014 onwards.
10. However the Govt. subsidy was on consumption basis, i.e. for the month of Nov-2014 (billed in Dec-2014). subsidy was granted by GOM. As per the statement of billing period attached & also as per bill copy, it is clear that the billing of Nov-2014 was for consumption period to 03.11.2014 to 07.12.2014 in which all charges IC/GC/TC charges were recovered from us. Consumption period is very much within the specified period of Nov-2014, hence complainant are fully eligible to avail Govt. subsidy for the bill of Dec-2014 issued for the consumption of Nov-2014. It appears that IGRC overlooked consumption period of Nov-2014 which is billed in Dec-2014 & simply relied on the IT programme.
11. Hence, the IGRC failed to provide relief for the eligible consumption period of Nov-2014, complainant therefore appeal the CGRF to look into the grievance & settle the same to our satisfaction.
12. The MSEDCL handed over reply on our Grievance just before start of hearing, hence we could not submit any comments on say dt.11.08.2016. Further the MSEDCL also submitted CE (comm.)'s letter Dt 31.03.2016 addressed to SE Jalgaon which was not provided during hearing conducted by IGRC on Dt. 31.05.2016 . Hence the representative of the complainant requested the Forum during the hearing , not to take on record the above documents as nothing has been mentioned about these documents at the time of hearing conducted by IGRC.

**Consumer's Demands:**

1. To refund the illegal amount collected by MSEDCL Rs.4,44,408/- towards IC/GC/TC for the month of Dec-2014 (for consumption of Nov-2014).
2. To Pay the interest charges as per section 62 (6) of Elect Act, 2003 to be worked out at bank rate till refund above of amount is made to us.
3. To initiate action under SOP regulation -2005 against the concerned officials for not implementing decision of GOM.
4. Compensation for mental agony, man hrs for follow up, travelling exp.etc.Rs.25,000/-



**Action by IGRC :**

1. The complainant submitted the grievance to the Internal Grievance Redressal Cell, Jalgaon Circle office on 29/04/2016 .
2. Under letter dated 09/06/2016 ,the IGRC took following decision:
  - ✓ महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित यांनी योग्य बिले दिल्यामुळे मागणी मान्य करण्यात येत नाही.
  - ✓ वरील निर्देशासह सदरची तक्रार निकली वळण्यात येत आहे.

**Arguments from the Distribution Company.**

The Superintending Engineer , Jalgaon Circle has submitted a written reply to the Forum by letter no. 4114 dated 11/08/2016 which states as under:

१. मेसर्स सुप्रीम इंडस्ट्रीज लिमिटेड, ग्राहक क्रमांक :११००१९००२२६० सदर ग्राहकस दि.०१.११.२००४ पासून विद्युत पुरवठा करण्यात आलेला असून सदर पुरवठा ११ के.व्ही. उच्च दाब वाहिनी वर जोडलेला असून सदर ग्राहकचा जोडणी विद्युत भार हा ५२५ केव्हीए असा आहे.
२. दिनांक ०१.०१.२०११ पासून ते ११.०८.२०१५ या कालावधीमध्ये महावितरण कंपनीने जळगाव विभाग देखभाल, बिलींग, वसुली व इतर संबंधीत करीता नेमलेल्या डिस्ट्रीब्युशन प्रॅन्चाईसी नावे मेसर्स ब्रॅम्पटन ग्रिडज लि. यांचेकडे सोपविण्यात आलेला होता.
३. या ग्राहकस वाणिज्य परिपत्रक क्र. २२१ दि.१५.०३.२०१४ नुसार IC+GC+TC चार्जसची आकरणी १२ महिन्यात म्हणजेच १ मार्च २०१४ ते २८ फेब्रु २०१५ करणे सुचित करण्यात आले होते. परंतु बिलींग आलेखानुसार सदर ग्राहकस ही आकरणी फक्त डिसें २०१४ ते जाने २०१५ करीता आकरलेली दिसते. आपल्या अधिक माहिती करीता सोबत सदर ग्राहकचा बिलींग आलेख जोडत आहोत.
४. विद्युत देयकत लावण्यात येणाऱ्या चार्जसची सबसीडी महाराष्ट्र शासनाकडून महावितरण कंपनीस दिली जात असे परंतु वाणिज्य परिपत्रक क्रमांक २३६ दिनांक २६.१२.२०१४ नुसार शासन निर्णय क्र. संकिण -२०१३ /प्र.क्र.२७८ (भाग-१)/ ऊर्जा-५ दिनांक २९.०१.२०१४ नुसार विद्युत देयकत देण्यात येणारी सवलत डिसें २०१४ पासून रद्द करण्यात आलेली आहे. वाणिज्य परिपत्रक क्र. २३६ मधील परिच्छेद क्र-५ नुसार देण्यात आलेली सवलत महावितरण कंपनीच्या औद्योगिक ग्राहकांना एक महिन्यासाठी म्हणजेच डिसें २०१४ (नोव्हें-२०१४ मधील विज वापरासाठीच्या विज देयककरीता) करीता लागू करण्याचा निर्णय घेण्यात आला आहे.
५. मुख्य कार्यालय मुंबई यांचेकडून प्राप्त झालेले संगणकीय प्रोग्रॅम अमेंडमेंट नुसार ज्या ग्राहकांचे रीडिंग नोव्हें २०१४ मध्ये घेतलेले असून बिलींग प्रोग्रॅम १ डिसें २०१४ पासून सुरू झाला त्याच ग्राहकांना सिस्टीम मधुन नोव्हें २०१४ बिल डिसें २०१४ च्या विलात सवलत देण्यात आलेली आहे.
६. CGL च्या ग्राहकांना बिलींग प्रोग्रॅम हा प्रत्येक महिन्याच्या १७ तारखेपासून सुरू होत असल्याने सदर ग्राहकांना माहे नोव्हें २०१४ च्या विद्युत देयकत IC+GC+TC चार्जसची आकरणी करण्यात आलेली नाही. तसेच संदर्भ HO/IT/HT यांच्या

**Billing version 1.15.51 purpose of amendment point 3. Which is as follow-**

“20 % subsidy is applicable to Industrial and Powerloom consumers for the bill month Nov-2014 and having bill date from 10-Dec-2014 onwards. Programs are given herewith to pass these adjustments. Adjustment type ‘27’ is used for 20 % subsidy, adjustments”

“If consumer paid the bill of Nov-2014 excluding 20% subsidy, he is eligible to avail Prompt Payment Discount and Load Factor incentive. Program are modified the same. **Day end should be processed with this amendment only”.**

“The MSEDCL had illegally billed additional amount Rs. 18,26,891/- in the month of DEC-2014 bill. After loading our claim with MSEDCL , the CE MSEDCL had granted approval vide note dated 30.03.2015 for refund of IC/GC/TC charges. Even after approval by CE, the SE MSEDCL again referred our case for guidance to CE Commercial to vide letter No. 2976 dated 20.08.2015. So far no guidance has been given by CE Commercial to SE MSEDCL, Jalgaon and also decision of CE was not implemented. The IGRC failed to look into decision of CE, Jalgaon Zone to implement and resolve our grievance”

परंतु संदर्भ क्रमांक ६ नुसार मा. मुख्य अभियंता (वाणिज्य) यांनी स्पष्टपणे नमुद केलेल्या प्रमाणे “It is clear that concession in electricity rate as per GOM is given uniformly throughout state for HT Industrial Consumers for billing month from Jan 2014 to Nov 2014”.



