

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.05-2016-17 / (BY R.P.A.D.) **No 0 0 0 6 2** Date: **2 9 AUG 2016**

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

To.

1) Supreme Industries Ltd ,
D101-102,MIDC Area,Jalgaon
At Post Tal,Dist : Jalgaon .-425003
(Consumer No. 110019002360)

- 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.26,86,107/- collected by MSEDCL (including DPC & Int.) 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. 72 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, 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 consumer of MSEDCL having presently Contract Demand of 2600 KVA and availing power supply through 33 KV HT 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-IC (Continuous).

2. The complainant had received bill for Dec-2014 indicating additional tariff charged on account of IC, GC & TC Rs.1.58/unit, for total units 11,58,261 KWH, additional amount was billed as Rs.18,26,891/- + ED - PF. 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 the bill and recovered these charges i.e. @ Rs.1.58/unit extra over & above normal tariff rate of Rs.7.01/unit, details of recovery is given below.

Billing month-Yr	Billing period:	Units & Addl. Rate billed.	Additional billed amount
Dec-2014	04.11.2014 to 07.12.2014	11,56,261 KWH Rs.1.58/unit	Rs.18,26,891/-+ ED- PF

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.18,26,891/- in the month of Dec-2014 bill. 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.
6. 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.
7. The amount was appearing as arrear in monthly electricity bills, hence the CE Comm. office was not able to issue monthly NOC for short term open access. Under such circumstances, they had to pay forcefully arrears with DPC & int. etc amount accrued to Rs.26,86,107 - on dt.27.08.2015. The letter of confirmation dt.08.09.2015 submitted to SE, Jalgaon is attached.
8. It is mentioned that billing date for CGL's consumers starts from 17th onwards, as such as per IT dept. they had not considered after bill date from 10th Dec-2014 onwards.
9. 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.
10. 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.
11. 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.26,86,107/- (including DPC & Int.) 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 waive off DPC & interest arrears billed on the illegal amount collected.



4. To initiate action under SOP regulations-2005 against the concerned officials for not implementing decision of GOM.
5. Compensation for mental agony, man hrs for follow up, travelling exp. etc. Rs.50,000/-

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 निव्वली वढण्यात येत आहे.

Arguments from the Distribution Company.

The Superintending Engineer , Jalgaon Circle has submitted a written reply to the Forum by letter no. 4115 dated 11/08/2016 which states as under:

१. मेसर्स सुप्रीम इंडस्ट्रीज लिमिटेड, ग्राहक क्रमांक :११००१९००२३६० सदर ग्राहकस दि.०७.०२.२००५ पासुन विद्युत पुरवठा करण्यात आलेला असुन सदर पुरवठा ३३ के.व्ही. उच्च दाब वाहिनी (३३ के.व्ही.एक्सप्रेस फिडर) वर जोडलेला असुन सदर ग्राहकचा जोडणी विद्युत भार हा २६०० केव्हीए असा आहे.
२. दिनांक ०१.०१.२०११ पासुन ते ११.०८.२०१५ या कालावधीमध्ये महावितरण कंपनीने जळगाव विभाग देखभाल, बिलींग, वसुली व इतर संबंधीत क्रीता नेमलेल्या डिस्ट्रीब्युशन फ्रॅन्चाईसी नावे मेसर्स ब्रॅम्पटन ग्रिडज लि. यांचेकडे सोपविण्यात आलेला होता.
३. या ग्राहकस वाणिज्य परिपत्रक क्र. २२१ दि.१५.०३.२०१४ नुसार IC+GC+TC चार्जेसची 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 क्रीता आकरलेली दिसते. अधिक माहिती क्रीता सोबत सदर ग्राहकचा बिलींग आलेख जोडत आहोत.
४. विद्युत देयकत लावण्यात येणाऱ्या चार्जेसची सबसीडी महाराष्ट्र शासनाकडून महावितरण कंपनीस दिली जात असे परंतु वाणिज्य परिपत्रक क्रमांक २३६ दिनांक २६.१२.२०१४ नुसार शासन निर्णय क्र. संकीर्ण -२०१३ /प्र.क्र.२७८ (भाग-१)/ ऊर्जा-५ दिनांक २९.०१.२०१४ नुसार विद्युत देयकत देण्यात येणारी सवलत डिसें २०१४ पासुन रद्द करण्यात आलेली आहे. वाणिज्य परिपत्रक क्र.२३६ मधील परिच्छेद क्र-५ नुसार देण्यात आलेली सवलत महावितरण कंपनीच्या औद्योगिक ग्राहकना एक महिन्यासाठी म्हणजेच डिसें २०१४ (नोव्हें-२०१४ मधील विज वापरासाठीच्या विज देयकक्रीता) क्रीता लागु करण्याचा निर्णय घेण्यात आला आहे.
५. मुख्य कार्यालय मुंबई यांचेकडुन प्राप्त झालेले संगणकीय प्रोग्रॅम अमेंडमेंड नुसार ज्या ग्राहकंचे रीडिंग नोव्हें २०१४ मध्ये घेतलेले असुन बिलींग प्रोग्रॅम १ डिसें २०१४ पासुन सुरु झाला त्याच ग्राहकना सिस्टीम मधुन नोव्हें २०१४ बिल डिसें २०१४ च्या बिलात सवलत देण्यात आलेली आहे.
६. CGL च्या ग्राहकना बिलींग प्रोग्रॅम हा प्रत्येक महिन्याच्या १७ तारखेपासुन सुरु होत असल्याने सदर ग्राहकना माहे नोव्हें २०१४ च्या विद्युत देयकत IC+GC+TC चार्जेसची 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

