



Consumer Grievance Redressal Forum, Kalyan Zone
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No.K/E/896/1095 of 2015-16

Date of Grievance : 10/06/2015

Date of Order : 05/04/2016

Total days : 301

IN THE MATTER OF GRIEVANCE NO. K/E/896/1095 OF 2015-16 IN RESPECT OF M/S NATIONAL PEROXIDE, VADAVALI, NRC ROAD, KALYAN (W) 421 102 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF AEC.

M/s. National Peroxide,
Vadavali, NRC Road,
Kalyan (W), 421 102. (Hereafter referred as Consumer)
(Consumer No.020609004763)

Versus

Maharashtra State Electricity Distribution
Company Limited though its
Nodal Officer,
MSEDCL, Kalyan Circle-I, (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri B.R. Mantri - CR.
For Licensee -Shri Kale, Ex.Engr- cum - Nodal Officer, KCI.

(Per Shri C.U.Patil – Executive Engineer-Cum-Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum as been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers

vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. {Hereinafter referred as 'Supply Code' for the sake of brevity}. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

Consumer M/s. National Peroxide Ltd. Holding HT connection bearing consumer No.020609004763 at Vadavli, NRC Road, Kalyan (W) approached to IGRC with Form X dated 4/4/15 with prayer for refund of AEC which is charged from the billing month of August 2013 to December 2013 as per MERC Order. As the MERC orders are set aside by Appellate Tribunal and Tribunal further instructed for applying of refund, the consumer sought such refund. However, the consumer said that IGRC rejected their grievance and hence he approached to the Forum by submitting his grievance in Schedule A on 10/6/15 with request for the refund of AEC amount applied in the billing month of August 2013 to December 2013.

The Schedule A of the consumer is further registered by allotting No. K/E/896/1095 dated 10/6/2015 and the hearing was scheduled on 14/7/15 at 12:30 hours. The letter for hearing was issued to the Nodal Officer of KC-I vide letter No.193 dated 10/6/15 with its copy to the consumer.

The hearing was conducted on 14/7/15 and then was adjourned to 11/8/15, 3/9/15, 14/10/15, 29/10/15, 27/11/15, 15/12/15 and lastly on 12/1/16.

The prayer of the consumer dated 14/7/15 is narrated below:

1] Additional Energy charges (AEC) AEC-1 to AEC-4 came to be imposed on the basis of the order dated 3/9/13 in case No.28/13, order dated 4/9/13 in case No.144/13 and order dated 5/9/13 in case No.95/13 by MERC. Commercial Circular No.209 dated 7.9.13 came to be issued by the Chief Engineer(Commercial), MSEDCL, Mumbai based on the aforesaid orders of MERC.

2] In the Commercial Circular No. 209 dated 7/9/13 the Fixed charges approved in the Case No.28/13 were directed to be recovered through AEC-3; the Fixed charges approved in case No. 44/13 were directed to be recovered through AEC-4; AEC-1 and AEC-2 were already described in the Order in Case No. 95/13.

3] As per said Commercial Circular Electricity Bills for the month of August, 2013 to December 2013 were issued by the MSEDCL to the consumers inclusive of AEC. The bifurcation of the amount of AEC in to AEC-1 to 4 was however not given in the bills.

4] The same bill has paid by the consumer.

5] The Appellate Tribunal for Electricity (ATE) by order dated 22/8/14 allowed Appeal No.295 of 2013 challenging the order of MERC dated 5/9/13 in case No.95 of 2013 and remanded the matter to MERC for taking decision afresh after observing the mandatory procedure contemplated under Section 62,64, 86 (3) of Electricity Act, 2003.

6] The effect of the order of ATE is that the MSEDCL was not entitled to recover AEC-1 and AEC-2 from the consumer. Thus the recovery of AEC -1 and AEC-2 becomes unauthorized. Consequently the consumer is entitled to refund of the said amount with interest from the MSEDCL.

7] Relying on the order of ATE dated 11/9/14 in Appeal No.23 of 2014 and 65 of 2014 filed by Vidarbha Industries Association against MERC and MSEDCL, the ATE Forum expressed that the consumer is at liberty to approach to MSEDCL for refund of the amount collected from it. In fact as soon as the recovery of AEC-1 and AEC-2 from the consumers becomes unauthorized, the consumers immediately became entitled to refund thereof along-with interest.

8] The same matter has decided by Electricity Ombudsman, Nagpur in almost 15 cases and given order for refund the same with interest.

The Licensee replied to the consumer's prayer vide letter No.2199 dated 14/7/15, Letter No.2956 dated 15/9/15 and letter No.3454 dated 29/10/15. The Licensee in their reply referred the following Hon'ble MERC orders and Departmental Commercial Circular.

- 1] MERC Case No. 28 of 2013 dated 3/9/2013 (AEC-3 & 4)
- 2] MERC Order in Case No. 44/13 dated 4/9/13 (FAC).
- 3] MERC Case No. 95/2013 dated 5/9/13 (AEC 1 & 2).
- 4] MECDCL Commercial Circular No.209 dated 7/9/13.
- 5] MERC Order in Case No.144/13 dated 27/3/2014.
- 6] MERC Order in Case No.95/2013 dated 26/6/15.

The Licensee contended that MSEDCL vide its Circular No.209 dated 7/9/13 have included and combined all the Additional Energy Charges (i.e. AEC 1 to 4) under the single head, i.e. AEC which will be indicated on

the energy bill. The Licensee further contended that in the orders in case No. 28, 44 and 95 of 2013, MERC ruled that from the respective Order onwards MSEDCL will recover the variation in energy charge component of the amount billed by MSPGCL to MSEDCL as approved by MERC from the consumers through the FAC mechanism. Further, MERC also allowed MSEDCL to recover the variation in fixed charge component of the amount billed by MSPGCL and amount billed by MSETCL to MSEDCL as approved by MERC from the consumers in proportion to the approved Average Billing Rate of respective consumer categories, under intimation to MERC.

The MSEDCL vide its letter dated 23/9/13 already apprised the Hon'ble Commission about the said Circular and the recovery mechanism mentioned therein. The Hon'ble Commission in its order (Case No. 144 dated 27/3/14) has allowed the said mechanism.

Below related paras mentioned by Hon'ble MERC in case No.144/13 are reproduced:

4. The Respondent MSEDCL in its reply to the Petition dated 11 November, 2013 submitted that:-

a) Based on the Orders issued by the Commission i.e., Orders in Case No. 28 of 2013, Case No.44 of 2013 and Case No. 95 of 2013, the consolidated amount of Rs. 5342 crore for entire recovery to be done by MSEDCL from its consumers in line with said Orders. Total amount of Rs. 5342 crore is to be recovered from consumers of MSEDCL by the ways of Additional Energy Charges (i.e. AEC-1 to AEC-4) and Additional FAC. The Respondent MSEDCL combined all the charges under one head and indicated it as AEC in energy bills.

b) In Respondent MSEDCL Circular No.209 dated 7 September, 2013, the Respondent MSEDCL indicated the category-wise Additional Energy Charges (AEC) and additional Fuel Adjustment Charges (FAC) to be levied on all consumer categories, which are in accordance with the directions issued by the Commission.

c) *The Respondent MSEDCL in its Reply also clarified the recovery mechanism for implementation of the Commission's various directions. The relevant submission is reproduced below:*

23. It is important to mention here that MSEDCL vide its letter dated 23.09.2013 had appraised this Hon'ble Commission about the said Circular No. 209 dated 07.09.2013 and the recovery mechanism mentioned therein. In the said letter MSEDCL had also categorilly stated that in order to avoid complications in implementation of Order dated 3rd, 4th and 5th September, 2013, MSEDCL will be levying all AEC (i.e. 1 to 4) under one head of AEC. Further, MSEDCL in the said Letter had also mentioned that; as this Hon'ble Commission has allowed MSPGCL to recover its amount from MSEDCL from October, 2013; MSEDCL had started charging the consumers from September from September, 2013 itself.....

25. It is submitted that in the petitions the petitioners have erroneously claimed that the Order dated 05.09.2013 allows MSEDCL to recover the respective AEC (AEC 1 to AEC 2) from the billing month of September, 2013 will suffer huge financial consequences, as the bills for September, 2013 will be raised in the month of October, 2013 and the recovery due to the billing cycle stating in the month of September, 2013. MSEDCL will suffer carrying costs and shortage of working Capital and the same cost will ultimately be passed on to the Consumers, which is avoidable in the present case as no prejudice will be caused to the consumers as the recovery is being done on an average billing cycle to be recovered in equal installments.”

In the case 144, the Hon'ble MERC has considered the submission of Licensee (mentioned above) and considering it, ruled in the order at Clause No.10 which is reproduced below:

10. Taking into consideration, the Commission rules the following:-

a) MSEDCL has rectified the error of levy of AEC and additional FAC and has refunded back the amount which was erroneously charged to the Consumers in the billing month of February, 2014.

b) The Commission observed that there is no need to invoke provisions of Section 142 and Section 146 of the Electricity Act, 2003 in this matter as the issues of applicability of Additional Energy Charges (AEC) as per the Commission's Order had been followed by the MSEDCL.

With the above observations the Commission dismissed the present Petition in Case No. 144 of 2013.

The Officers of the Licensee also produced the contents of Hon'ble MERC order in case No.95/2013 dated 26/6/15, the part of which is reproduced below: -

Clause 13.13 : Vide its Order dated 5 September, 2013, the Commission had allowed MSEDCL to levy category-wise AEC-1 & AEC-2 from all consumer categories in proportion to the approved Average Billing Rate (ABR) of the respective consumer categories. In view of this, MSEDCL determined the category-wise rates of AEC-1 & AEC-2, published them vide Circular No. 209, and started levying the same from consumers.

Clause 13.16 : The amount and the principles approved by the Commission regarding AEC-1 & AEC-2 in the impugned Order were as below:

“a. To recover the accumulated under-recovery of Rs. 2037.78 Crore accrued till the month of August 2013, which shall be levied by MSEDCL for a period of six (6) months with effect from the month of September 2013 till the month of February 2014. Category wise Additional Energy Charge (AEC-1) to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.

b. To recover monthly fixed expense of Rs. 235.39 Crore. This shall be levied by MSEDCL from the month of September 2013 to its consumers on a monthly basis till further determination of MSEDCL tariff by this Commission. Category wise Additional Energy Charge (AEC-2) to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.

c. Further, the Commission hereby rules that from this Order onwards MSEDCL will recover the variation in energy charge component of the amount billed by MSPGCL to MSEDCL as approved by the Commission from the consumers through the FAC mechanism. Similarly, the Commission allows MSEDCL to recover the variation in fixed charge component of the amount billed by MSPGCL and amount billed by MSETCL to MSEDCL as approved by the Commission from the consumers in proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.”

Clause 13.25 : As regards the first point, the issue of over-recovery in terms of difference in time period of recovery considered by MSEDCL and that approved by the Commission had come up before the Commission in 19 identical Petitions filed by various consumers. In these Petitions, it was submitted that, on the basis of the Order in Case No. 95 of 2013, MSEDCL should have started levying AEC only from the month of September, 2013. However, MSEDCL started recovery from August, 2013 itself, thereby violating the Commission's directives under that Order. During the proceedings of those Cases, MSEDCL submitted that it had rectified the error in levy of AEC, and refunded the amount erroneously charged to consumers during August, 2013 in the billing month of February, 2014. That has been reflected in the Commission's Orders dated 27 March, 2014 on those Petitions. However, during the present proceedings, Shri Sanjay Gupta, Ashok Hotel, Nagpur has raised the matter of refund of the excess amount recovered by MSEDCL due to early billing. Therefore, the Commission directs MSEDCL to review the refunds made by it so far on account of wrongful premature billing, and to make any remaining refunds due to consumers in the next billing cycle.

Summary of Rulings

15. The cost components of AEC-1 & AEC-2 were approved by the Commission in the respective Orders following due regulatory process. However, these cost components were not allowed to be recovered by MSEDCL from its consumers in those Orders. The Commission is of the view that allowing the recovery of these costs to MSEDCL is justifiable and necessary.

16. The Commission has scrutinised the rates at which AEC-1 and AEC-2 were applied by MSEDCL in terms of the principles adopted by the Commission. The total category-wise AEC charged by MSEDCL is less than the amount of costs allowed to be recovered, and the category-wise rates levied are also lower than if the principles had been correctly applied. Hence, the question of allowing carrying cost for over-recovery does not arise.

17. However, MSEDCL shall review the refunds made by it so far on account of wrongful premature billing, and make any remaining refunds due to consumers in the next billing cycle.

In additional to above, the Officers of the Licensee contended in their submission vide letter No.624 dated 18/2/16 that the order referred by Consumer Representative in the case of petitioner Shri Sanjay Gupta, Ashok Hotel, Nagpur is not relevant and hence same is not applicable in the present grievance. In the case referred by CR, the petitioner specifically prayed before the Hon'ble Commission for refund of AEC collected in the month of August-2013, which means the consumption of July 2013 billed in August 2013 and not the consumption of August 2013 billed in September 2013.

The Licensee therefore requested to the Forum that considering the above referred orders passed by the Hon'ble Commission in various petitions, the grievance application of the applicant in the present case may be rejected as it is frivolous, vexatious and devoid of merits.

FORUM'S OBSERVATION –

After going through the series of the orders including order of ATE dated 22/8/14 in Appeal No. 295/2013 and thereafter orders of Hon'ble MERC

- (a) in case No. 110 to 115, 122 to 127, 131, 136 to 137, 146 to 149 of 2013 dated 27/3/2014 (The common petitions)
- (b) in case No. 144/13 dated 27/3/14 and
- (c) in case No. 95/13 dated 26/6/15, it is observed by this Forum that

1] Recovery of the accumulated under recovery for MSPGCL of Rs. 2037.78 Crores accrued till the month of August 2013 is allowed by the Hon'ble MERC. Further Hon'ble Commission has allowed MSPGCL to recover the amount from MSEDCL in Six months starting from October

2013, hence MSEDCL has started charging the same from the billing month of August 2013, i.e. from the month of September 2013 (August 2013 billed in September 2013).

The Licensee has started charging the consumers as above from September 2013 itself as the bills for September 2013 are getting raised in the month of October-2013 and recovery of these amounts in the month of October 2013 will suffer huge financial consequences. This fact is brought by the Licensee before the Hon'ble MERC in their submission dated 11/11/13.

2] The Licensee in its reply to the petition dated 11/11/13 in case No.144 has appraised to the Hon'ble MERC about its circular No. 209 dated 7th September 2013 (appraised vide its letter dated 23/9/13) and about the recovery mechanism adopted by it. The amount towards AEC -1 to AEC-4 and additional FAC is being recovered by combining all these charges under one head and indicated it as AEC in energy bills. Accordingly, MSEDCL had started charging the consumer's from September 2013 itself.

In the common petitions decided by Hon'ble MERC on 27/3/14, there was a prayer before Hon'ble Commission to quash and set aside the above commercial circular of MSEDCL bearing No. 209 vide which the recovery mechanism was elaborated and appraised by MSEDCL before Hon'ble MERC.

In the decision dated 27/3/2014, the Hon'ble MERC observed that MSEDCL has followed the directions given in the Commission's order in the matter of applicability of AEC and additional FAC, and hence ruled

that there is no need to invoke provisions of Section 142 and Section 146 of the Electricity Act 2003.

3] In the order dated 27th March 2014 (common petition of 2013), at Sr. No.5, the Hon'ble Commission directed the MSEDCL to take necessary actions and to rectify the wrong bills issued to some of the consumers in the State of Maharashtra for the consumption in the month of July 2013.

In compliance of the above Commission's directions, the respondent-MSEDCL refunded the one month AEC and FAC to all such 1198 consumers in the billing month of February 2014, where an error in the applicability of AEC and FAC had taken place as mentioned in the above para, i.e. for the consumers wrongly billed for the consumption in the month of July 2013.

Accordingly, in the above referred order dated 27th March 2014, the Hon'ble Commission in its ruling also mentioned at Clause 10-(a) that MSEDCL has rectified the error of levy of AEC and Addnl. FAC and has refunded back the amount which was erroneously charged to the consumers for the consumption of July 2013 billed in August 2013.

4] The recovery mechanism adopted by MSEDCL in reference to above said charges from the month of September 2013 is again reflected in the MERC case No.95 dated 26/6/2015.

In case No. 95/2013 dated 26/6/5 at Clause 13.16 (a),13.16 (b) and 13.25, the Hon'ble MERC clarified that MSEDCL should have started levying AEC only from the month of September 2013. The Hon'ble MERC directed the Licensee to refund the amount erroneously charged to consumers during August 2013 (i.e. consumption of July 2013 billed in

August 2013), i.e. the refund of amount on account of wrongful premature billing.

The decision cited of MERC in case No. 1102, 115 of 2013 and others are in support to the MSEDCL's submission that MSEDCL has already refunded the AEC (1 to 4 & Additional FAC) wrongly charged in the billing month of July 2013 to the 1198 consumers.

5] From the above, it is clear that the recovery mechanism adopted by the Licensee from the month of September 2013 itself is as per the directives given by Hon'ble MERC as it is reflected in the Commission's Summary of Rulings at Clause 15 (Case No. 95) in which it is mentioned that " The Commission is of the view that allowing the recovery of this costs to MSEDCL is justifiable and necessary ”.

In reference to the above, the Hon'ble Commission in its order dated 26/6/15 in case No. 95/2013 has clarified that, "13.26 – there is no over-recovery on account of the AEC. On the contrary, MSEDCL has recovered a lower amount. Thus, the question of refund with carrying cost does not arise ”.

Of course the above ruling of Hon'ble MERC is after reading MSEDCL's Circular No. 209 and after considering the compliance of Licensee regarding the refund of wrongful / prematured amount for the month of July 2013 billed in August 2013 to 1198 consumers.

In view of the above, no question will arise towards refund of amount recovered for AEC – 1, 2, 3,4 and additional FAC which is levied by MSEDCL in the month of September 2013 (i.e. for August 2013 billed in September 2013).

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 18/2/2016 and their submissions are heard on that day and clarification taken on 18/2/2016. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence, the grievance of the consumer demanding the refund of AEC (and additional FAC) recovered in the month of September 2013 cannot be upheld.

(Chandrashekhar U.Patil)
Executive Engineer-cum- Member Secretary-cum-Chairperson
CGRF, Kalyan.

Per Member – CPO, Mrs. S.A.Jamdar -

I, Respectfully disagree with the above observations and the conclusion for the reasons stated below...

According to my opinion, the Licensee misinterpreted the directions issued by Hon'ble MERC in Case No. 95/2013 dated 5/9/2013.

The relevant portion of the said order in case No.95/2013 dated 05/09/2013 is reproduced as under:-

Clause 13.16 : The amount and the principles approved by the Commission regarding AEC-1 & AEC-2 in the impugned Order were as below:

“a. To recover the accumulated under-recovery of Rs. 2037.78 Crore accrued till the month of August 2013, which shall be levied by MSEDCL for a period of six (6) months with effect from the month of September 2013 till the month of February 2014. Category wise Additional Energy Charge (AEC-1) **to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.**

b. To recover monthly fixed expense of Rs. 235.39 Crore. This shall be levied by MSEDCL from the month of September 2013 to its consumers on a monthly basis till further determination of MSEDCL tariff by this Commission. Category wise Additional Energy Charge (AEC-2) **to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.**

However, Licensee did not take into consideration the fresh order in case No. 95/2013 dated 26/6/15 and misinterpreted the order passed on 5/9/2013 by issuing the bill to the consumer in the month of September 2013. Licensee levied the amount of AEC 1 & 2 in the month of August 2013 and recovered the same in the month of September 2013 which is a premature billing as per my opinion. Consumer has paid this amount under protest.

As per the order of Hon'ble MERC the amount of AEC (1 & 2) should be levied from the month of September 2013. It does not mean that it is to be recovered in the month of September 2013. As per the standard procedure energy and other charges for the particular month are recovered in the succeeding month. Therefore, I opined that the Licensee has erred in levying and recovering this amount prematurely.

In fact as per the ruling of MERC in case No.95/2013 dated 5/9/13 , Licensee was entitled to “levy” the amount of ACE 1 & 2 from the month of September 2013 and was not at all entitled to recover it in the month of September 2013.

But Licensee has violated the order of Hon'ble MERC by levying the amount of AEC 1 & 2 in the month of August 2013. Licensee is not entitled to retain this amount collected by it under premature billing and according to my opinion, Licensee is liable to refund this amount to the consumer as per RBI rate of interest. I have also observed that the Hon'ble MERC in its order specifically mentioned to recover this amount in six months by levying it from the month of September 2013 which means the amount has to be imposed from the month of September 2013.

The case No. 144/2013 dated 27/3/2014 of Hon'ble MERC which is referred by Chairperson-cum-Member Secretary (in the present order dated 05/04/2016) is related to the petition filed by the consumer having grievance of premature bill. The contention of the consumers in the petition was that Licensee had levied the amount of AEC in the month of July 2013 and recovered the same in the month of August 2013.

Since the Licensee in that petition (Case No.144/2013) had rectified the error and refunded the amount of AEC to the respective consumers, Hon'ble MERC has passed the following **rulings**:

a] MSEDCL has rectified the error of levy of AEC and additional FAC and has refunded back the amount which was erroneously charged in the month of to the consumers in the billing month of February, 2014.

b] The Commission observed that there is no need to invoke provisions of section 142 and section 146 of the Electricity Act, 2003 in this

matter as the issues of applicability of Additional Energy Charges (AEC) as per the Commission's Order had been followed by the MSEDCL.

With the above observations the Commission dismissed the petition in case No.144 of 2013.

According to my opinion, the order passed by Hon'ble MERC in Case No. 144/2013 is applicable / restricted to Vidarbha Ind. Association only and not applicable to present consumer in our case for the reasons below:

1] In the said referred grievance the AEC amount was levied by Licensee in the month of **July 2013** and bill was issued and recovered in the month of **August 2013**.

2] This error was rectified by Licensee and amount recovered in the month of August 2013 was refunded back in February 2014.

3] In the present grievance, the amount of AEC was levied in the month of **August 2013** and same was recovered in the month of **September 2013**.

However, Licensee unfortunately tried to apply this order to the present grievance No.1095 contending that "MERC has given us a clean chit and hence we are not liable to refund the amount of any kind of AEC."

Moreover in the Circular No.209 dated 7/9/13, Licensee has stated that "all the above additional energy charges (i.e. ACE 1 to 4) are included and combined under the single head i.e. AEC which will be

indicated on energy bill.” But Licensee is silent about the month from which it is going to levy the amount of AEC.

Taking into consideration all the above points, the grievance of the consumer should be allowed as per my opinion.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

ORDER

*** As per section 8.1 in the event, where the Forum consists of a single member, the Chairperson shall have the second and casting vote.**

**** In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum .**

***** Order is placed under the provisions of MERC Regulations – 2006, Section 4 (c) and Section 8.1.**

The grievance application of the consumer for the refund of AEC-1, 2, 3,4 which is levied by MSEDCL in the month of September 2013 (August 2013 billed in September 2013) is hereby rejected.

Date: 05/04/2016.

(Chandrashekhhar U.Patil)
Executive Engineer-cum - Member Secretary -cum - Chairperson
CGRF, Kalyan

NOTE: -

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.