



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K/E/175/199 OF 2009-2010  
OF M/S.AJANTA PAPER & GENERAL PRODUCTS LTD  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL  
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE  
ENERGY BILL.**

M/s. Ajanta Paper & General  
Products Ltd. Village-Wadavali  
Post: Kalyan 421 301

} (Here-in-after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Superintending Engineer, Kalyan Circle-I

} (Here-in-after  
referred to  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by

section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a H.T.consumer of the licensee connected to their 22 KV net work. The Consumer is billed as per industrial tariff. The consumer registered the grievances with the forum on dated 13/02/2009 regarding excessive billing. The details are as follows: -

Name of the consumer : M/s. Ajanta Paper & General Products Limited.

Address: - As above

Consumer No. :- 020609001543

Reason of dispute:- Excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/123, dt. 13/02/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. 1176, dt. 16/03/2009.
- 4) The Proprietor of the consumer Industry submits that during the flood in 2005, the unit was closed for 60 days. The plant was closed on 25.07.05. The transformer failed and was sent for repairs. Though the supply was restored on 18.07.06, actual production started from 26.07.06. During this period of 9 days consumption was for the maintenance of the factory only. This can be confirmed from G-7 card and excise register. He submits that his consumption for 12 days production remains more than 1,10,000 units. Therefore if the consumption for 9 days in the G-7 card is shown as 55,700 units, it can be said that there was no

production during the said period as the monthly consumption of the said industry remains 2-3 lakh units.

- 5) The consumer further submits that his industry was affected due to floods during the period from July 05 to Oct.05 hence average consumption of 8 months only has to be considered for calculating the Bench Mark consumption.
- 6) The consumer further submits that the ASC charged are higher and wrongly calculated and hence he demanded to refund the amount along with DPC charges and interest recovered. Production data recorded in the Excise Register can be produced before forum which is a solid proof.
- 7) The consumer further stated that he approached the IGRC and IGRC given the decision that “ The action which is reasonable or otherwise must always depend on the circumstances of the case. Therefore the method adopted by Licensee of comparing net consumption of year Jan.05 to dec.05 for levying ASC on consumption is incorrect and needs further modification by considering Benchmark consumption of 2,39,226 units from Oct.06 to May 08 period. Since the licensee has not given them proper justice against our claim of Bench Mark Consumption for 70 days shut period, they have considered only 30 days shut period and accordingly given them pro-rata refund considering Bench Mark consumption as 2,39,226 units which is not proper and therefore he has filed this grievance in the CGRF.
- 8) The licensee on the above point replied that the reference bill period for twelve months from Jan.05 to Dec.05 (219291 units)

being considered while computing the Bench Mark consumption for levy of ASC. The energy bills are issued on monthly basis and the consumption for the month of Sept.05 (period from 17.08.05 to 17.05.05) found "Nil" in his factory and hence this period of one month has been treated as closure period and settled the case as per MERC order in case No.26 of 2007 and Case No.65 of 2006 dated 24.08.07 which reads as ***"in case of closure of any industrial unit for a period greater than one month during the period Jan.05 to Dec.05 for maintenance or other purpose, and documentary evidence of the same is provided to MSEDCL, then MSEDCL will exclude this period of closure, while computing the monthly average for the purposes of levy of additional Supply Charges"***.

- 9) The forum asked the consumer to submit the extract of Excise register for the dispute period.
- 10). Forum Observations :- Following points are noted down in the case:
  - a).Transformer failed on 25.7.05 during the flood.
  - b).As per the consumer, a time period of 15 days was taken for Maintenance of various equipments and facilities in the factory premises.
  - c).According to consumer, the actual production started in the factory on 5.10.05.
  - d).Consumer has submitted for following documents in support of his statement as stated above.
    - i). Panchanama dt.5.10.05.

- ii) Excise production, RG-1 daily stock register zerox
  - iii). Machine log book production zerox
  - iv). Electrical Inspector's fees receipt
  - v). T/F removal challan and receipt challan to verify that T/F was sent.
  - f). From the record submitted by the consumer it is observed that there was no production from 25.7.05 to 05.10.05.
- 11). The LR submitted that as per MERC guide lines the closure period for the factory was taken for a period of one month as only in month of Sept.05. The consumption recorded was 'Nil' as per the CPL.
- 12). The IGRC has given the decision dated 24.10.08 and decided that the consumer's B.C. is 239226 units for the period of Jan.05 to Dec.05 considering the consumption in the billing periods of 11 months, as there was no production or electric consumption during one billing cycle i.e. during the month of Sept.05 only, as per the CPL record.
- 13). During the study of above case, forum referred Representation No.57 of 2008 in the matter of Addl. Supply charges before the Electricity Ombudsman dt. 30.9.08, Page No.5, relevant portion of the clarificatory order dtd. 21.2.06 referred to above reads (2).....
- a). .....
  - b). " The period of reference consumption for comparison of consumption has been modified from the three month billing

period from October, 2005, to December 2005 to the twelve month billing period from January, 2005, to December, 2005. “

- 14). The above reference clearly states that the average consumption for the billing period from Jan.05 to Dec.05, is to be considered for calculating the benchmark consumption.
- 15). In this case, the consumer's billing period is from 17<sup>th</sup> or 18<sup>th</sup> day of each month to 18<sup>th</sup> or 19<sup>th</sup> of next month, as is clear from zerox copies of the Electric charges bills and CPL on record.
- 16). As per CPL, there was no production in the billing period of Sept.05 only. There was some production in the said Industry till 25<sup>th</sup> July 05 and subsequently due to the floods the production came to a standstill, and thus there was such production in the said industry during the billing period of the month of Aug.05.
- 17). During the billing period of Oct. 05 the production started from 5<sup>th</sup> of Oct.05 as per the record submitted by consumer. Thus there was also production during the month of Oct.05.
- 18). Thus even if the documents filed by the consumer as discussed above are accepted, as per the guide lines issued by the MERC and the decision of Hon.Electricity Ombudsman in case no..... , the consumer is not entitle for deduction of period of 70 days for calculating the benchmark consumption as contended by him and the IGRC has rightly given deduction of one month i.e. Sept.05 while calculating benchmark consumption. Therefore the order passed to that effect by the IGRC will have to be upheld and the present grievance is liable to be dismissed.

- 19). There has been many public holidays during this month and consequently less working days in this month. Registration of grievances with this forum have also considerably increased since last about two months. Therefore there has been delay of about 5 days in the delivery of decision in this case.
- 20). In view of the above discussion and considering the facts and circumstances and records of this case, the forum unanimously passes the following order.

ORDER

- 1). The consumer's grievance is dismissed.
- 2). Consumer can file representation against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*

Representation can be filed within 60 days from the date of this order.

**Date : 17/04/2009**

**(V.V.Kelkar)  
Member  
CGRF Kalyan**

**(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan**

**(M. N. Patale)  
Chairperson  
CGRF Kalyan**