

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/018/2010

- Applicant : M/s. Nidhye Engineering Co. Pvt. Ltd.,
C-16-S, MIDC Industrial Estate,
NAGPUR – 440 028.
- Non–applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
MIDC Division, NUZ,
Nagpur.
- Quorum Present : 1) Smt. Meera Khadakkar
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri D.G. Gawnar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 03.05.2010)

The present grievance application has been filed on
06.02.2010 under Regulation 6.4 of the Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The applicant has filed present application, with the request 1) To revise the energy bills for the period of October, 2006 to May 2008. 2) for withdrawal of wrong demand of Rs. 13,27,556/- 3) and for refund of excess amount paid by him along-with interest.

The consumer's contention is that he is a consumer having sanctioned demand of 550 KVA with sanctioned load of 810 KV at 11KV since 18.10.2004. On 20.10.2006 tariff order issued by MERC which determined additional supply charges (ASC) and it was made applicable from October 2006. The Commission also permitted the percentage of ASC to different consumer categories. Thereafter the clarificatory order with respect to ASC was issued on 13.01.2006, 21.02.2006, 26.02.2007 and the new tariff order issued which was made effective from first May. The clarificatory order was issued on 24.08.2007 by MERC for bench mark consumption for computation ASC unit.

The consumer has further submitted that after the order of tribunal, the non-applicant raised additional charges in the month of September, 2009. The non-applicant has issued wrong bills since October, 2006 by computing incorrect benchmark of ASC unit. The appellate order is not applicable to the present applicant. The applicant has submitted that the electricity bill was incorrect on account of wrong computation of benchmark consumption. It is further submitted that the Commission has revised the tariff in the month of May 2007 with respect to bench mark consumption. The bills for the month of May,

June 2007 and May 2008 are liable for reduction. The applicant has prayed for revision of energy bills and correct calculation of benchmark consumption for a period of October 2006 to May 2008. The consumer has prayed for withdrawal of wrong demand and refund of excess amount.

The non-applicant has filed its reply on dated 06.03.2010. The non-applicant has submitted as per MERC's tariff order dated 29.09.2006. The MSEDCL introduce the levy of additional supply charges applicable from the month of October 2006. The non-applicant has submitted, the applicant is covered under category of HTP-I hence the ASC has been charged at 24% the bill in the month of October 2006 was correct as per the consumption and rules.

The consumer has increased the contract demand more than 25% hence the necessary changes are applicable to the consumer.

The non-applicant has issued the bills for the month of May 2007 to Nov. 2007 after considering the benchmark consumption on 158418 i.e. average consumption for the period of January 2005 to December 2005 and the ASC charges at the rate of 11% of benchmark consumption.

The consumer is given bill for the month of January 2006 were revised accordingly. The bills for ay 2007 to November, 2007 were issued and considered the bench mark consumption on 158418 unit per month. The bills for above period were revised, the non-applicant has charged electricity bill correctly on each occasion after considering benchmark consumption.

It is submitted by the non-applicant that billing program was modified and the reference period was also considered.

The MERC clarificatory order are clear which says that the amendment are applicable to all consumers hence said order is applicable to the consumer.

The non-applicant has accepted the applicant's current monthly bill that amount of installment hence the question of disconnection does not arise.

Heard both the parties, the complainant is the consumer of MSEDCL on MIDC Division, non-express feeder at Hingna. 1) The complainant has prayed for revision considering the bench mark consumption for the period of October 2006 to April 2007, and May 2007 to May 2008, February 2008 to February 2009. 2) The consumer has further submitted for withdrawal of wrong demand and refund of excess amount charged during this period along-with interest.

The consumer has submitted that the non-applicant has issued wrong bills since October 2006 to the applicant by computation of incorrect bench mark consumption for computation of ASC unit. The appellate tribunal order is not applicable to the applicant. Hence order is applicable only to those consumers who have increased that contract demand after December 2005. The applicant has not increased contract demand after December 2005 but has reduced the contract demand in the month of June 2006. The reduction is less than 25% of original contract demand the increase in the demand was sanctioned for the month of October 2005.

It is submitted by the learned consumer representative that the clarificatory order issued by the MERC are applicable to the applicant case. However the non-applicant has charged correct energy bills and has wrongly computed benchmark

consumption, according to the consumer benchmark consumption should have been considered as 177026 units recorded by the energy meter in the month of October 2005 when the contract demand has increase. This bench mark consumption should have been considered for the billing period October 2006 to April 2007. However, the non-applicant has considered benchmark consumption of 133626 Kwh which is wrong, hence the bill for October 2006 to April 2007 are to be revised.

It is submitted by the non-applicant that as per tariff order dated 29.09.2006 the non-applicant has levied ASC as per the rate and percentages satisfied in the said order as well as circular issued by the non-applicant.

The benchmark consumption considered according to the MERC order dated 21.02.2006, reference period for bench mark consumption of December 2006 to March 2007 was considered from June 2006 to Sept. 2006 i.e. from last benchmark in contract demand till implement of revised tariff order 2006.

The benchmark was considered as per tariff order and the bill were issued accordingly.

The applicant has relied upon the order issued by MERC in case no. 54/2005 decided on 29.09.2006 case no. 35/2005 decided on 13.01.2006. The clarificatory order and case no. 35/2005 passed on 21.02.2006. In all these order there are clear guidelines for computation of benchmark consumption in case no. 54/2005, the Commission has expressed opinion that the MSEDCL should assess the consumption of the consumer as against the monthly average of previous years consumption (January 2005 December 2005) while the billing the

consumer for additional supply charges. It is further expressed in the order that the clarificatory order issued by the Commission through its clarificatory order dated January 2006, February 2006 in case no. 35/2005 shall apply.

It is made to note that in clarificatory order dated January 2006 in case no. 35/2005 it is observed the period of reference will be three months billing period for October to December 2005 in clarificatory order on February 2006 in case no. 35/2005. It is observed that the period of reference for comparison on consumption has been modified from three months billing period from October 2005 to December 2005 to 12 months billing period from January to December 2005.

In the present case the non-applicant has not considered the period of reference as directed by the Commission in its clarificatory order issued while revising the principles and protocol for load shedding.

We are satisfied that the non-applicants bill for the period of October 2006 to April 2007 is not based on correct computation of benchmark consumption as well as ASC. The non-applicant should have considered the guidelines issued in the orders relied upon by both the parties, we are satisfied that the bill for the above period is liable to be revised as per MERC order in case no. 54/2005 after computing benchmark consumption by giving retrospective effect from October 2006 by taking reference period as per order. Similarly the non-applicant is expected to take into consideration clause (i) of para 2 of the order in case no. 35 of 2005 dated 21.01.2006.

The applicant's has further contended that the respondent has wrongly issued the bill for the period May 2007 to November 2007, December 2007 to June 2008 and February 2008 and September 2009.

The non-applicant has submitted that the contract demand of applicant was changed in the month of October 2005 hence the consumption of January 2006 is taken as benchmark consumption for the billing of period starting from December 2007 to June 2008. Similarly the non-applicant has also correctly considered the consumption of April 2006 as benchmark consumption for the period May 2007 to June 2008. We have examined the contention of both the parties and this Forum satisfied that the non-applicant has correctly computed benchmark consumption and bill charged by the non-applicant, is correct for this period .

The non-applicant has taken into consideration, the order issued by MERC, therefore there is no need of any revision of these bills after considering the arguments of both the parties, the documents on record as well as the order relied upon by both the parties, this Forum is opinion that the bill issued by the non-applicant for the period October 2006 to April 2007 should be revised. The applicant's grievance for the billing for the period of May 2007 to June 2008, February 2008 and September 2009 has no basis. The non-applicant has correctly considered the benchmark consumption while billing for the above period. Hence following order.

ORDER

- 1) The grievance application is partly allowed.

