

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.  
Tel. 022 22163964/65/69 Fax 22163976  
Email: [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in)

**Case No. 103 of 2007**

**In the matter of**  
**Complaint filed by Dr. Sachin Saoji seeking directions under Section 142 of the EA2003 against**  
**MSEDCL for non-compliance of the order of CGRF, Aurangabad Zone dated 29.01.2007.**

**Shri. V.P. Raja, Chairman**  
**Shri S. B. Kulkarni, Member**  
**Shri V. L. Sonavane, Member**

Dr. Sachin Saoji

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd., Aurangabad

.....Opponents

**ORDER**

**December 24, 2009**

Dr. Sachin G. Saoji, a resident of Aurangabad, filed a Complaint on 04.02.2008 against Maharashtra State Electricity Distribution Company Ltd. (hereinafter referred to as "MSEDCL") under Section 142 of the Electricity Act, 2003 (hereinafter referred to as "EA2003") alleging non-compliance of the Order dated 29.01.2007 passed by the CGRF, Aurangabad Zone in Consumer Grievance No. CGRF/AZ/AUR/10/2006/30.

2. The prayers of the Complainant are as follows:

1. *The concerned MSEDCL authorities shall be directed to comply the Order passed by the CGRF Aurangabad and to revise all the wrongly issued bills;*
2. *The excess amount paid by me shall be refunded or adjusted in my next bill / bills alongwith 18% interest;*
3. *Action and penalty as per Section 142 of the EA, 2003, shall be initiated against MSEDCL and its concerned authorities for non-compliance of the CGRF Order.*



4. *The MSEDCL authorities shall be directed to pay Rs.25,000/- compensation towards harassment and mental agony.*
5. *The MSEDCL authorities shall be directed to pay Rs.10,000/- towards cost of this petition.”*

3. The facts as stated in the Complaint are as follows:

- a) Complainant (consumer No. 490019041770) had one three phase LT connection (22kW, used for Petitioner’s hospital, under Commercial category) and one Single phase LT connection (used for residence, in the same building). In January 2005, the Petitioner was sanctioned additional load of 81 kW and demanded transfer of LT connection to HT connection on 11kV. After release of 11kV connection, Petitioner started getting bills with two different tariffs: Maximum Demand as per Industrial Tariff and kWh units as per Commercial Tariff.
- b) Being aggrieved, the Petitioner approached IGR Cell of the Distribution Licensee against the two tariffs and requested that MSEDCL be directed to issue bills as per HTP-IV tariff, and also requested for refund of deposit paid at the time of LT connection. IGR Cell passed an Order dated 20.09.2006 directing MSEDCL to charge thereafter all the bills as per the Industrial Tariff i.e. HTP-II, and also, to refund the deposit for the LT connection.
- c) The Petitioner being aggrieved with the IGR Cell’s order, filed his grievance before CGRF, Aurangabad, on 07<sup>th</sup> Dec. 2006 (no. CGRF/AZ/AUR/U/30/2006/10), with the following prayers:
  - (i) to direct to issue the bills as per the HT commercial tariff and to adjust the excess amount paid by him with 18% interest in the subsequent bills,
  - (ii) to direct the Distribution Licensee to refund deposit (which was not done in-spite of the IGR Cell Order) along-with 18% interest.
- d) CGRF, Aurangabad in its Order dated 29<sup>th</sup> Jan. 2007 observed that HTP-IV tariff as prayed for by the Petitioner was applicable to the Public Water Works and therefore not applicable in the present case. However, it observed that the categorisation of the Petitioner by Distribution Licensee under HTP-II was also incorrect and the bills issued to the Petitioner after release of new connection, needed to be revised as per HTP-VI tariff till promulgation of new Tariff order (dated 20-10-2006), and, thereafter under relevant category as specified in Commission’s Tariff Order of 2006. CGRF’s order covered the following instructions:
  - (i) The revised bills were to be given to the consumer within a period of one month.
  - (ii) All the payment made by the consumer to be given a set off in the revised bill to be issued with the rate of interest equivalent to Bank Rates of RBI.



- (iii) Refund of deposit collected from the consumer at the time of LT connection, with the interest rate equivalent to the bank rate of RBI.
- (iv) The Distribution Licensee and the consumer to report compliance to the Forum.
- e) The Complainant submits that in spite of his regular follow up, MSEDCL has not complied with the CGRF order. The Complainant then approached the Commission on 07.01.2008, against the non-compliance of the CGRF Order and has additionally sought relief of compensation towards mental agony and harassment and penal action against the concerned MSEDCL's officers under Section 142 of the EA 2003 for non-compliance of the said CGRF Order.
4. A hearing was held on 6<sup>th</sup> May 2008. Based on the following submissions, the case was kept pending until the final verdict of the Civil Court:
- MSEDCL had filed a civil suit bearing No.327/2008 of Civil Judge Senior Division (C.J.S.D), Aurangabad against the CGRF Order,
  - The C.J.S.D. in the order on 03<sup>rd</sup> May 2008 observed that the deposit was already refunded to the Petitioner by MSEDCL and thus directed the parties to maintain the *status quo* till the next hearing.
5. Subsequently, vide a letter dated 10<sup>th</sup> Sept. 2009, the Complainant conveyed to the Commission that on 29.06.2009, the C.J.S.D. had disposed the suit by dismissing it with the observation that the matter is pending before the Commission, and, had passed final order dismissing the suit with costs for lack of jurisdiction in view of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2006, and in view of Section 145 of the EA 2003.
6. The parties were called for a hearing on 21<sup>st</sup> Oct. 2009, vide the Commission's Notice dated 09<sup>th</sup> Oct. 2009.
7. At the hearing held on 21<sup>st</sup> Oct. 2009, Shri S. S. Suryavanshi represented the Complainant while Advocate Shri S. K. Chari and Shri S. H. Dhantole, S.E., MSEDCL, alongwith others represented the Opponent. Counsel for the Opponent submitted a copy of the Stay Order granted by the Hon. District Court, Aurangabad, on 21<sup>st</sup> Oct.'09, against the order of the Hon. Sr. Division Judge, Aurangabad. The Counsel, therefore, sought adjournment of the hearing till the disposal of the matter pending before the Hon. District Court, Aurangabad.
8. The Commission while adjourning the matter for further hearing, directed the Opponent to expedite the matter pending before the Hon. District Court, Aurangabad, and fixed the next hearing, in the matter on 14<sup>th</sup> Dec. 2009.

Subsequently, no communication was received by the Commission's office, and, the Commission vide Notice dated November 24, 2009 fixed the next hearing in the matter on 14<sup>th</sup> Dec. 2009 as scheduled.



9. At the hearing on 14<sup>th</sup> Dec. 2009, Shri S. S. Suryavanshi represented the Complainant while Advocate Smt. Pooja Thorat and others represented the Opponent. Counsel for the Opponent submitted that in regard to the Stay Order granted on 21<sup>st</sup> Oct.'09, by the Hon. District Court, Aurangabad, in whose Court the case was filed by the Opponent against the order of the Hon. Sr. Division Judge, Aurangabad, a final decision was yet to be received from the said court. In the meanwhile, it was submitted by the Opponent that the Opponent, MSEDCL, have decided to implement the CGRF, Aurangabad's impugned order. The Counsel also submitted a letter dated 23<sup>rd</sup> Nov. 2009, addressed by the Opponent to the Commission, in the matter. The Commission, while accepting the submission from the Opponent, directed the Opponent to complete all formalities regarding the implementation of CGRF's order, within next 15 days.
10. In view of the Opponent agreeing to comply with the CGRF's order in the matter, no penalty is required to be ordered under Section 142 of the EA 2003. It would though be in the interest of justice to order the Opponent to pay Rs.10, 000/- towards costs, as sought for by the complainant as the CGRF had passed its Order dated 29.01.2007 nearly three years ago, and the Opponent has made the Complainant suffer for all this while by driving this case into unnecessary litigation in two different courts. In order to protect the interests of the consumer complainant it would be just and expedient to pass the above order. The Opponent is accordingly directed to pay Rs.10, 000/- towards costs to the Complainant within 15 days from the date of this order along with interest till the date of issue of this order at the rate already prescribed by the CGRF in this case.

With the above, the present case stands disposed of as nothing further survives in the complaint as filed.

(V. L. Sonavane)  
Member

(S. B. Kulkarni)  
Member

(V. P. Raja)  
Chairman



(Sanjay Sethi)  
Secretary, MERC