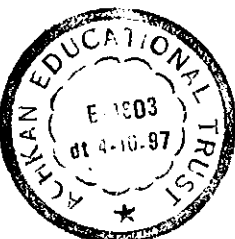
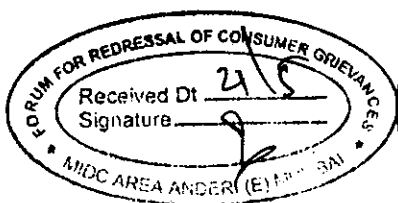


o/c

RELIANCE INFRASTRUCTURE LTD.
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES.
(to be submitted along with schedule A)
Case No. 03/2010

1. **Name of the Consumer** Achkan Educational Trust
2. **Contract Account/Application No. :**
Flat nos. G-2, G-3, G-4, G-5 Account Nos 150447121, 150447109, 150447107, 150446859
Consumer nos. Q04856430, Q04856431, Q04856432, Q04856433
3. **Division :** North Division II
4. **Tariff Category (LTI, LTII):** LTII
5. **Nature of Complaint :** As per order of the MERC which have categorizes trust as commercial entity even though when Finance Ministry of government of India recognizes that purely educational trust as noncommercial because they are exempted from paying Income Tax and also Charity Commissioner of Maharashtra Government recognizes purely educational trust as non commercial as they are exempted to pay tax of 2% on any donation received by the trust. So what parameter MERC has used to classify educational trust as commercial ?
6. **Disputed amount:** To charge as per LT1 tariff plan w.e.f the month of February 2010
7. **No. and Date of First Complaint :** Complaint date December 14, 2006
8. **Is the Amount charged u/s 126/135 of the Electricity Act, 2003 :** No
9. **Date of registration of Complaint with Rinfra and with Name & Designation of the Concerned officer.** Mr. Sanjeev Sharma – Manager , March 8, 2010
10. **Name & Designation of the officer contacted & give details of the discussion and orders issued:** Mr. Sanjeev Sharma Manager as he quoted MERC order for Rinfra-D for APR of FY 2008-09 and Tariff for FY 2009-10
11. **Action taken by Rinfra in mitigating the grievance and letter thereof:** no action taken
12. **Date of intimation to Internal Grievance and letter thereof:** 23 March 2010
13. **Date of acknowledgement given by Internal Grievance Redressal Cell of Rinfra:** April 28, 2010.
14. **Name and Designation of Rinfra Internal Grievance Redressal cell officer :** Mr Sanjeev Sharma –Manager
15. **Letter from Internal Grievance Redressal Cell :** No. NZ/AL-303/BHY/2010 dated 28th April 2010
16. **Any other feedback regarding Grievance Redressal Cell of Rinfra :** Relinfra did send MERC order of change of tariff plan vide their letter No. NZ/AL-303/BHY/2010 dated April 28, 2010.



FOR ACHKAN EDUCATIONAL TRUST
Sanjeev Sharma
SECRETARY

Shant
TREASURER

SCHEDULE A

Application to forum for Redressal of grievance

1. **Name of the Consumer** Achkan Educational Trust
2. **Full address of the Consumer** G-2, Kishenlal Darshan, Navghar Road, Bhayander(E), Thane
Pin Code : 401105 **Phone no** : 09833932234
F ax No : n.a. **Email ID**: ashokachkan@rediffmail.com
3. **Particulars of Connection and consumer no.**
Flat nos. G-2, G-3, G-4, G-5 **Account Nos** 150447121, 150447109, 150447107, 150446859
Consumer nos. Q04856430, Q04856431, Q04856432, Q04856433
4. **Distribution License** : Reliance Infrastructure Ltd.
5. **Details of the grievance facts giving rise to the grievance:** As per order of the MERC which have categorizes trust as commercial entity even though when Finance Ministry of government of India recognizes that purely educational trust as noncommercial because they are exempted from paying Income Tax and also Charity Commissioner of Maharashtra Government recognizes purely educational trust as non commercial as they are exempted to pay tax of 2% on any donation received by the trust. So what parameter MERC has used to classify educational trust as commercial

The applicant are registered NGO running various programmes details is given as under.

- | Profile of Activities | Beneficiaries |
|---|---------------|
| • English Medium School | 533 |
| • Free 2- year Condense Course for illiterate women | 100 |
| • Free 1 year computer diploma computer course | 150 |
| • Free Family Counselling Centre(FCC) | 289 |
| • Samarpan De-addiction Centre | 100 |
| • General Awareness Camps | 300 |
| • Free Crèche for poor working women | 120 |
- a. By the above mentioned order mentioned our organisation have to pay commercial tariff in spite of our organisation being a non profit organisation which are conducting various programmes for social causes also having LT exemption certificate u/s 80G valid till March 2011.
 - b. We would like to point out that our being a purely an educational institution so we are exempted to pay Income tax u/s 10(23) (c) automatically where as other trust have to apply to CBDT for exemption under this section
 - c. The order passed by MERC is not very clear as it has exempted all Student's Hostel, Working Women's Hostel etc where in all inmates have to bear the cost and does not come free so with the same logic they also should be billed LT II tariff plan.
 - d. With the passing of Right to Education Act (RTE) being as fundamental right in the constitution this order is not in consonance neither in letter nor in spirit with the RTE.
 - e. Also purely worshipping place such as temple, mosque, etc are required to pay Income Tax for the profit after deducting expenses and they are also required to pay 2% as tax to The Charity Commissioner for all the donation. The place of worship do not have any expenditure except the electricity, water, taxes where as educational institution have to pay salaries to the teaching and non teaching staff as well as other expenses.

6. **Date of original intimation of grievance by the consumer to the distribution licensee**
Feb 18 2010

7. **Remedy provided by the distribution licensee, if any** : No
8. **Nature of relief sought from the forum** : Change of Tariff plan from LT2 to LT1 w.e.f month of Feb 2010
9. **List of documents**
 - a. letter No. NZ/AL-303/BHY/2010 dated April 28 2010

10. Declaration

- a. **I/We, the consumers herein declare that :**
 1. the information furnished herein above is true and correct and
 2. We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith
- b. **The present grievance has been intimated to the Distribution Licensee in the form and manner and within the time frame prescribed by the Distribution Licensee and we are not satisfied by the remedy provided by the Distribution Licensee or no was provided within a period of two months from the date of original intimation**
- c. **The subject matter of the present grievance has never been submitted to the Forum by me or by any one of us or by any of the parties concerned with the subject matter to the Forum/our knowledge.**
- d. **The subject matter of our grievance has not been settled through the Forum in any previous proceedings.**
- e. **The subject matter of our grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority/ court/arbitrator**

Yours Faithfully

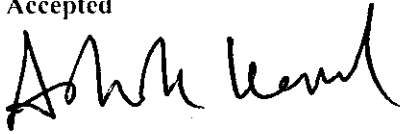


FOR ACHKAN EDUCATIONAL TRUST

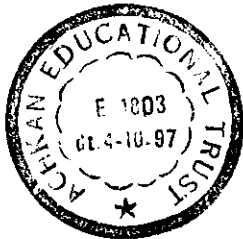
Ashok Achkan
SECRETARY

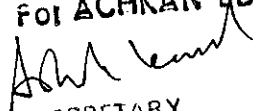
Nomination- (If the consumer wants to nominate his representative to appear and make submission on his behalf before the Forum, the following declaration should be submitted)
We the above named consumer hereby nominate Shri Ashok Kaul who is not an Advocate and whose address is 703 Kapoor Tower-III, Jesal Park, Bhayander(E), Thane 401105, as our RERESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him shall be binding on us. He has signed below in my presence.

Accepted



(Signature of Representative)



FOI ACHKAN EDUCATIONAL TRUST

SECRETARY


TREASURER