

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 146

Hearing Dt. 29/03/2008

In the matter of bill revision

M/s. Chamunda Textiles Pvt. Ltd.

- Appellant

Vs.

MSEDCL, Bhiwandi Circle

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri G.B. Singh, Consumer's representative.

C - On behalf of Respondent

- 1) Shri P.R. Choudhary, Ex.Engr. & Nodal Officer, Bhiwandi.
- 2) Shri D.R. Barhate, A.E., MSEDCL, Bhiwandi.

PREAMBLE :

The Consumer M/s. Chamunda Textiles Pvt. Ltd. had filed his grievance with this Forum on dated 19/11/2007 which was registered with Forum on dated 19/11/2007 vide case No. 146.

CONSUMER'S SAY:

Consumer through his written say stated his grievance, which is as follows:

1) Before release of HT connection to the premises of M/s. Chamunda Textiles Mills, there were three Nos. of LT connections in the name of Shri Dilip Verma bearing consumer No. 13042051255, Shri Sunil S. Shah, bearing consumer no. 13092028041 & Shri Kantilal S. Shah bearing consumer No. 013092004541/5. Each were released connection for 5 HP power loom after payment of security deposit against the energy bill. As the connection is very old, consumer is not having any record for details of S.D. paid for each connection. However, MSEB/MSEDCL is supposed to maintain the record for S.D. paid for each connection & it is delegatory on its part. The fact was admitted by concerned regarding this matter vide letter No. SE/BDC/no/Tech/01171, dtd. 09/10/2007 under account head for S.D. - 48/100. As per the record maintained by the D.L., it should intimate the details of amount paid for each connection so that process for refund of S.D. paid can be started through indemnity bond or other procedure available with D.L. However, all the three connections are made P.D. & there are arrears appearing on their name.

2) Interest on S.D. amount at the rate of 18% since date of P.D. till its refund should be paid keeping in view of law of natural justice as utility charged interest to its consumers having arrears with the same rate.

3) Shri Dilip Verma was forced to pay excess amount of Rs. 25743.84 in June - 2004 while finalizing his dues at the time of P.D. process. Similarly Shri Sunil S. Shah also paid Rs. 44420.09 in excess. Thus, both the persons paid in excess of Rs. 70164.93 in the month of June-2004, which was supposed to be refunded at the same time but no action taken for quite a long time. Ultimately consumer was forced to file his grievance in appeal with ICGRC, Bhiwandi and got refunded the principal amount of Rs. 70164.93 through adjustment of the energy bill of M/s. Chamunda Textiles in the month of Nov-Dec-2007 in response to the order issued by it. However, this amount was collected by D.L. illegally due to its monopoly & ignorance of consumer & though it was his liability to refund immediately during the month of June-2004 but failed to do so and utilized consumers money for its own purpose. As D.L. charges interest with its consumers having arrears for more than 6 months at the rate of 18%, same rate should be given on Rs. 70164.93 since June-2004 till the date of refund as D.L. has not given any interest on it till this date.

4) For the H.T. connection, M/s. Chamunda Textiles Mills has paid RLC during Dec-2003 to Sept-2007 of Rs. 633046.00, which is due for refund as per the guidelines issued by MERC. The said amount should be refunded by adjusting it in the energy bill of M/s. Khemisati Processors HTC No. 0130190098 as M/s. Chamunda Textiles is made P.D. since 02/01/2007

UTILITY'S SAY:

- 1) Representative of D.L. admitted the fact that S.D. record is being maintained in Accounts Section under account head 48/100 & details will be furnished for starting the procedure for its refund to all the consumers covered under this grievance.
- 2) Interest on S.D. amount on each connection since date of P.D. till date of refund will be provided as per the order of the Forum.
- 3) Excess amount recovered from Shri Dilip Verma & Sunil S. Shah of Rs. 70164.93 is refunded in the month of Nov/Dec-2007 through adjustment of energy bill of M/s. Chamunda Textiles Mills but no interest is given on it till this date. However, if Forum issues any order regarding this matter it will be followed up.
- 4) RLC paid by each consumer is refundable as per the guidelines of MERC but the matter is subjudiced. Hence, it cannot be refunded till its finalisation.

OBSERVATION AND ORDER

- 1) From the documents submitted by the complainant, it is evident that MSEDCL is maintaining the record of S.D. amount paid by each consumer.
- 2) In the case of inability of the consumer to produce copy of original receipt he should produce a copy of a notarised indemnity bond to the utility for getting refund of S.D.

3) S.D. amount paid by the consumers at the time of new connection is refundable after treating it P.D. in Oct-2003 and adjusting the final arrears if any. The consumer is liable to get interest as per standing orders issued by the utility.

4) The excess amount of Rs. 70164.93 recovered in June-2004 from Shri Dilip Verma & Sunil S. Shah is refunded by the D.L. but no interest is paid on it. However, it is a liability of D.L. to pay the interest on it at the same rate for which D.L. is charging with its consumers in arrears. Considering the principle of natural justice.

5) The R.L.C. paid by the consumer is a liability of D.L. to be refunded as per the order issued by MERC vide case Nos. 47 of 2007 & 92 of 2007, dtd. April 2, 2008.

6) These orders should be complied with and reported to CGRF within a period of two months from the date of receipt of these order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9th May 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP