

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

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

Date :

Case No. 147

Hearing date :28/11/2007

**Shri Sonumal Sunil Kumar.**

- Appellant

Vs.

**MSEDCL, Bhiwandi**

- Opponent

**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**

Shri G.B. Singh, Representative of consumer.

**C - On behalf of Respondent**

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

**PREAMBLE :**

The consumer has filed an appeal on dtd. 19/11/2007 which has been registered at sr. no. 147 to this Forum. This is an appeal against the order of ICGRC, Bhiwandi Circle.

**CONSUMER'S SAY :**

1. Sanction of additional load : The consumer Shri Sonumal Sunilkumar is having 20 HP power loom connection bearing consumer No. 13542240134 & other two connections for lighting load. Due to some expansion in his factory at H. No. 1678/2, Khoni, he needed more power of 40 HP, hence, submitted the application for 40 HP additional load from S.L. 20 HP to proposed S.L. 60 HP on dated 04/12/2002 alongwith all the required documents which was acknowledged on 05/12/2002. The said proposal was scrutinized and concerned authority was instructed to send the proposal for needful action. In response to the order of competent authority concerned Jr. Engr. carried out the inspection & prepared the feasibility report certifying that existing meter capacity is adequate for 60 HP after enhancement of additional load proposed. However, it is shown on it that connected load found is 38 HP against 20 HP S.L. but the physical verification of connected load was not shown. Also consumer was not taken into confidence for C.L. of 38 HP. The feasibility report is prepared on dated 24/07/2003 in response to the consumer's application dtd. 04/12/2002 (please refer page No. 9). This consumer is not given sanction of additional load for his application dtd. 04/12/02 from 20 HP to 60 HP i.e. additional demand of 40 HP till this date.

However, after long waiting, consumer started persueing the matter for sanction of additional load, non-levy of load penalty & capacitor penalty etc. with local authority, concerned E.E. & S.E. In case of no response from them, consumer complained with Head Office & other related officials. The documents developed by consumer for follow-up of the above grievance was damaged during heavy flood due to heavy rain on dated 26/07/2005, hence, documentary evidence could not be produced to the Forum as an evidence (application dtd. 15/01/2008 is enclosed herewith). It is an admitted fact that consumer is not given sanction of additional load till this date for no reasons assigned. Also no correspondence from the utility regarding this matter is made with the consumer. In fact, consumer is harassed by many ways mentally, physically & financially and is kept away from his Right without assigning any reason. For the sake of justice to be given to the consumer for his right, it is maintainable in pursuance to section 173, 174 of E.A. 2003. Hence, the Hon. Forum is requested to entertain the matter to provide justice to the consumer by utilizing its power of competency in response of section 173 & 174. Consumer should be given sanction as per his demand and be awarded compensation in pursuance to MERC (Standard of Performance of D.L., period for giving supply and determination of compensation) Regulation 2005 published on dtd. 20/01/2005. From 04/12/2002 to 20/01/2005 there was no S.O.P. applicable, hence utility was free to harass the consumer due to its by applying its monopoly. Hence, application date for S.O.P. should be treated as 20/01/2005.

However, S.O.P. is applicable since 20/01/2005, consumer be awarded compensation as time period for intimation of charges to be borne by the applicants for enhancement of load from the date of receipt of application is 15 days. No charge is communicated till this date. Hence Rs. 100/- per week from 6<sup>th</sup> February 2005 to January 2008 should be awarded Rs.  $36 \times 4 \times 100 = 14400/-$  as compensation.

2. *Levy of load penalty & capacitor penalty:*

a) As per feasibility report, connected load is shown as 38 HP against 20 HP S.L. but no physical verification report prepared in consultation with the consumer. However, no penalty for load is charged for it, thereby no grievance for it.

b) From the billing record, it is seen that consumer was being penalized from Feb-2004 to Dec-2004 for 28 HP for unauthorized use and charged penalty of Rs. 3360/- p.m. for 11 months ( $11 \times 3360 = 36960$ ). Thereafter from Jan-2005 to May - 2005 for 36 HP unauthorized connected and charged penalty of Rs. 4320/- p.m. ( $Rs. 4320 \times 5 = 21,600/-$ ). Thus total load penalty charged to the consumer and recovered is Rs. 58560.00 even though no physical verification carried out by utility. Another load penalty was recovered from the consumer for Rs. 25170/- in the billing month of Feb-2005 in response to physical verification carried out on 12/01/2005. Thus total load penalty recovered from the consumer is Rs. 83790.00 only. However, load penalty, which charged, is not measured by the meter, hence, illegal & require to be refunded with interest in pursuance to tariff order & MERC directives.

c) **Charging of capacitor penalty:** From the billing record, it is seen that consumer was charged for capacitor neither penalty from billing nor month February - 2005 to Oct - 2005. PF is measured recorded by recording PF on MD meter but charged as per the connected load method on the basis of physical verification done on 12/01/2005.

In response to charging load penalty & capacitor penalty I have to clarify it's legality as both the penalties (load and PF penalty) charged are illegal. The following documents submitted in support of it being charges illegal and liable for withdrawal with interest is self explanatory.

(I) Annexure A - Approved L.T. tariff booklet with effect from 01/12/2003. Refer X of annexure A - for charging load penalty only in case it is measured by meter, not on physical verification (connected load method). Refer Y of Annexure A - for P.F. incentive only in case PF is measured by meter only.

The said matter was referred to commission to review this matter which was reviewed and order were passed on by Hon'ble Commission on dated 14/07/2005 in response to case 2 of 2003.

(II) Annexure B - Refer Z of page No. 10/10 of the order dtd. 14/07/2005 which is reproduced below:-

Period from 01/12/2003 onwards, if exceeding the sanctioned load measured by max. demand recorded by meter, then two times of the tariff

applicable for the exceeded portion of load (max. demand minus sanctioned load). No penalty will be applicable, if the exceeding of sanctioned load is claimed on the basis of connected load method (physical verification method).

(f) MSEB shall refund any amount collected on account of invocation of connected load/power factor penalty not in line with dispensation to the concerned consumer alongwith interest at the rate applied by MSEB to the consumers, from the date of collection till date of refund, but not later than three months. From the above, it is evident that MSEDCL has disobeyed the order issued by the Hon'ble commission and its instruction. Hence, DL is liable for punishment under section 142 & 149 of E.A. 2003. Keeping in view the order issued by the Hon'ble Commission, MSEDCL has issued several circulars, which are listed below for reference to the subject matter.

(1) Letter No. PR-3/Tariff/011704, dtd. 16/4/05 - enclosed annexure C.

(2) Circular No. 5 vide letter No. PR-3/Tariff/27729, dtd. 26/8/05 -annx. B

(3) Circular No. 25 vide letter No. PR-3/COS/01226, dtd. 13/1/06.

From the above, it is evident that load penalty and capacitor penalty are charged & recovered after issue of L.T. tariff booklet applicable with effect from 01/12/2003 which are not measured on meter but not physical verification method (connected load method).

Hence, it is illegal and liable for immediate withdrawal with interest as per the directive of MERC.

The calculation of load penalty & capacitor penalty is worked out with interest upto Jan-2008 which should be upto date of refund as per the time limit given by Forum.

A)

Month	Load penalty amount	Rate of interest	Period	Total
Feb-04	3360.00	$3360 \times 47 \times 0.18 / 12$ = 2368.00	47 months	5729.00
March-04	3360.00	$3360 \times 46 \times 0.18 / 12$ = 2318.00	46 months	5678.00
April-04	3360.00	2268.00	45 months	5628.00
May-04	3360.00	2218.00	44 months	5578.00
June-04	3360.00	2168.00	43 months	5528.00
July-05	3360.00	2118.00	42 months	5478.00
Aug-04	3360.00	2068.00	41 months	5428.00
Sept-04	3360.00	2018.00	40 months	5378.00
Oct.-04	3360.00	1968.00	39 months	5328.00
Nov-04	3360.00	1918.00	38 months	5278.00
Dec-04	3360.00	1850.00	37 months	5228.00
Jan.-05	4320.00	2339.00	36 months	6659.00
Feb-05	4320.00	2268.00	35 months	6588.00
March-05	4320.00	2203.00	34 months	6523.00

April-05	4320.00	2138.00	33 months	6458.00
May-05	4320.00	2074.00	32 months	6394.00
<b>Total</b>	<b>58560.00</b>	<b>34511.00</b>	~	<b>93071.00</b>

B) Load penalty recovered in February-2005 of Rs. 25170.00

Interest  $25170 \times 34 \times 0.18/12 = 12837.00$

Total amount  $25170 + 12837 = 38007.00$

Total load penalty with interest = A + B = 93071 + 38007 = **131078.00**

**C) Capacitor penalty**

Month	Capacitor	Penalty	Period	Interest Amount	Total
Feb - 05		03365.00	36 months	1817.00	5182.00
March - 05		2856.00	35 months	1499.00	4355.00
April - 05		1885.00	34 months	961.00	2835.00
May - 05		2334.00	33 months	1155.00	3489.00
June - 05		1968.00	32 months	945.00	2913.00
July - 05		3894.00	31 months	1811.00	5705.00
Aug - 05		2187.00	30 months	948.00	3171.00
Sept. - 05		2089.00	29 months	909.00	2998.00
Oct - 05		2057.00	28 months	846.00	2921.00
<b>Total</b>	~	<b>22635.00</b>	~	<b>10945.00</b>	<b>33569.00</b>

Thus penalty for load of Rs. 131078.00 + capacitor penalty of Rs. 33569.00 the total load of both penalties are Rs. 164647.00 which should be refunded.



3) **Malpractice adjustment of Rs. 58538.00**

The details of adjustment should be furnished alongwith documentary evidence.

4) **Wrong application of M.F. (Ref. Page No. 19)**

In response to the consumer's application dtd. 04/12/2002 for extension of load from 20 HP to 60 HP, the meter was replaced with C.T. operated meter having capacitor 100/5 A & CT of 50/5. Thus MF applied is 0.5, which was shown on MR-2 report, but through over sight, consumer was billed considering unity MF. Thus, consumer was billed for double of the unit actually consumed by the consumer. The concerned Jr. Engr. replaced the said metering equipment on 01/02/2003 where as he collected the meter & CTs from store on dated 13/02/2003 against this consumer matching for unity MF i.e. meter with 100/5 A & CT 100/5 A. It indicates that it was done intentionally to harass the consumer. As the consumer was following up the matter continuously but of no use hence, he again complained on 19/07/2006. Considering his request & instruction from the higher authority, the installation was checked and wrong MF application for billing was detected which caused excess billing. After checking on dated 09/09/2006, 50/5 A CT was replaced by 100/5A & MF applicable since 09/09/2006 is one. Hence, there is no excess billing since Sept-2006.

The consumer followed up the matter for refund of amount against excess unit billed. The Dy. Ex. Engr. recommended the refund of excess amount recovered from the consumer for Rs. 373117.11 vide letter No. 01444,

dtd. 07/09/2006 but no response from higher authority and consumer did not get the refund of the proposed amount. However, he approached in June-2007 with recovery committee formed in the office of Nodal Officer, Bhiwandi. The consumer was intimated by the Chairman, Recovery Committee to attend the hearing for his grievance in June - 2007. The proposal for refund was forwarded to Zonal Office for approval but of no use. Ultimately, I was forced to approach CGRF after getting disconnection notice from M/s. Torrent Power Ltd. though I was having heavy amount in due for refund from DL through its D.F.

As per my worksheet, I am billed in excess of Rs. 5,17,620.00 & eligible interest on it of Rs. 313944.00, thus the total refund against excess billing with interest is Rs. 8,31,563.00. Hence, this amount should be refunded.

5) Non payment interest on S.D. of Rs. 4000/- for IP & 200.00 each for single-phase connection. Interest at applicable rate should be allowed for the period not paid.

6) R.L.C. Refund - the consumer has paid RLC amount for all the three connection is 80277.00 which should be refunded.

7) Deficiency in services rendered by M/s. Torrent Power Ltd. the franchisee of D.L.

The D.F. has issued notice for disconnection of supply for non-payment of its bill issued illegally on average basis. It was represented and requested to

issue the bill as per meter reading for all the three connection vide application dtd. 12/11/2007. Subsequently, premises was inspected by its flying squad to check all the 3 Nos. connections on dated 15/11/2007 and certified that all the three meters are O.K. Please refer page No. 5 & 6 of rejoinder submitted on 11/01/2008. The single phase meter for lighting load are not being billed as per the meter reading after my application but three phase consumer No. 013542240134 is still being billed on average basis by declaring it faulty from December - 2007 bill. For declaring it faulty, no reason was assigned for it, nor any test with meter was carried out in front of me. Hence DF be instructed to test the energy meter immediately & issue the energy bill as per the meter reading.

1) Reading of the meter No. - 2870 consumer No. 13542240134  
Reading on dated 08/01/2008 - 585522, reading dated Feb-2007 bill - 529997 units recorded from Feb-2007 till Jan-2008 (is 55525 units where as billing is done for 82194 units on average basis. Thus, excess unit billed is  $(82194 - 55525) = 26669$  unit which should be withdrawn with D.P.C. & interest and bill from March-07 till this date be issued as per the actual meter reading, excess unit charged should be withdrawn.

In case if D.F. is doubtful about accuracy of the meter No.2870, it should be tested in the Lab. in front of me and if found slow, as per the test result, additional assessment can be done as per clause 15.4 Billing in the event of defective meters of MERC (Electricity supply code and other condition of supply) Regulation 2005 - for the period of previous three months max. prior to

the month in which dispute arises subject to furnishing the test report of the meter alongwith assessed bill.

In case, if meter is found faulty, I may please be permitted to use my own meter not of the D.F.

The consumer is being issued average bill from March-07 to till this date for 13 months. Hence, compensation should be awarded for 12 months at the rate of Rs. 200/-pm in pursuance of MERC (SOP of DL, P of G.S. & D.O.C.) Regulation 2005 vide its section 12 appendix A vide 7 (1)

Please refer page No. 1 of the rejoinder.

2) Consumer No. 1354291133 meter No. 09155300

The consumer was issued average bill from April - 07 to July-07 for four months, average assessed is not credited after issuing the bill as per meter reading & excess unit billed should be withdrawn. Also compensation for 3 months at the rate of Rs. 200 pm be awarded in pursuance to SOP

Please refer page No. 2 & 3.

3) Consumer No. 13542240126, meter No. 00915095

a) Consumer was issued energy bill for six months on average basis & credit of average unit billed is not given after issue of bill as per meter reading, hence consumer is excessively billed. Hence excess charged should be withdrawn

b) Compensation be awarded for 5 months in pursuance to SOP as stated earlier the rate of Rs. 200/- pm.

**My prayer is as follows :**

1) Additional load proposal - submitted on 04/12/2002 though technically feasible, not sanctioned so far, it should be sanctioned immediately. Compensation be awarded in pursuance to MERC (SOP of DL & DOC) Regulation 2005 of its section 12 Appendix 1 (ii) from 2<sup>nd</sup> week of Feb-2005 till the date of sanction at the rate of Rs. 100/- week for delay in intimating charges to be borne by the applicant.

2) a) Levy of load penalty - it is illegally charged. Hence Rs. 131078.00 should be refunded for levy of load penalty illegally with 18% interest which is described in detail above.

b) Levy of capacitor penalty - It is illegal charged, hence Rs. 33569.00 should be refunded, detailed worksheet is stated above.

3) Excess charged due to wrong MF applied - due to wrong MF applied I was billed in excess, which should be refunded with interest at the rate of 18% as per MERC directives.

4) S.D. on all the three connections are 4000, 200, 700 respectively for P.L. & lighting meter interest on it since July-03 should be given as per the applicable rate.

5) RLC of Rs. 80277 is paid for all the three connection, which should be refunded as per MERC guidelines.

Distribution Franchisee is liable to award compensation for all the three connections for non read of meter which is as follows :

1. Consumer No. 013542240134, meter No. 00002870
  - a) Consumer is being issued average bill since March-07 till this date though meter is in working, hence, excess unit is billed so far should be withdrawn alongwith interest & DPC and bill be revised as per the meter reading stated above.
  - b) Compensation at the rate of Rs. 200/- pm for 12 months should be awarded i.e. 2400/- for non read of meter reading in pursuance to MERC (SOP of DL & DOC) Regulation 2005 vide section 12 Appendix vide 7 (i).
  - c) Consumer's meter should allowed to provide if existing meter found faulty after testing.
  
- 2) Consumer No. 13542291133, meter No. 09155300
  - a) Consumer is issued average bill from April-07 to July-07 for four months, average assessed not credited after issuance of bill as per meter reading, its credit be given.
  - b) Compensation at the rate of Rs. 200/- pm for three months be awarded in pursuance to MERC (SOP of DL & DOC) Regulation 2005.

- 3) Consumer No. 13542240126, meter No. 000915095
- a) Consumer is issued average bill from June-07 to Nov-07 for six months & average unit billed not credited after issue of bill as per meter reading & hence, credit of excess billed unit be allowed.
  - b) Credit of excess amount appearing upto March-07 should be updated as it is shown Rs. 2000/- approx. less.
  - c) Compensation be awarded at the rate of Rs. 200/- pm for give months in pursuance S.O.P. regulation 2005 as stated above.

**Respondant's say & submission orally :**

1) Respondent is admitting regarding submission of proposal for additional of 40 HP from 20 HP to 60 HP by the consumer on dated 05/12/2002 & load survey report prepared on dated 24/07/2003.

Except the above, no other record is available with respondent regarding further development in this case and confirmed that additional load is not sanction till this date.

However, it is old case and not maintainable on the ground of time of limitation to entertain the matter for additional load. Hence, this matter may please be rejected.

- 2) a) On load survey report, connected load was shown as 38 HP against of 20 HP.
- b) No physical verification available for 28 HP unauthorized connected load, nor it is measured by the meter.

However, the premises of the consumer was inspected for physical verification on 12/01/2005 and connected load was found as 56 HP. As consumer was previously billed for 48 C.L., hence penalty for 8 HP U.E. load for previous last six months from Jan-05 of Rs. 25170/- is recovered from the consumer in Feb-2005 bill.

The total load penalty recovered from the consumer during Feb-2004 to May-2005 is Rs. (58560+25170) = 83730.00

Thus the consumer is using UE of 36HP load, which cannot be withdrawn.

c) As per the inspection report dtd. 12/01/2005 it is found that capacitor is not provided; hence, capacitor penalty from Feb-2005 to Oct-2005 is charged though it was not measured on meter for charging the penalty while billing from Feb-05 to Oct-05. The capacitor penalty charged is Rs. 22635.00. Thereafter, it is withdrawn as consumer provided the capacitor & submitted the capacitor installation report. Hence, capacitor penalty charged cannot be withdrawn.

3) Excess power loom subsidy was given by Rs. 58538.00 through oversight, which is withdrawn. The B-80 sheet is attached herewith for reference & record.

Hence, this amount cannot be paid to consumer, as he was not eligible for it.



4) The matter is decided by high level recovery committee, according to it, consumer is billed excess due to wrong MF applied is of Rs. 508259.79. Out of it, Govt. subsidy for power loom is included which is refundable to the Govt. of Maharashtra.

Hence, actual amount to be refunded is Rs. 331204.91, which is credited in the consumer's bill in the month of Dec-2007, but no interest is allowed on it. For record & reference B-80 sheet is submitted. If Forum desires that consumer should be paid interest on it we are bound to obey it as per the order of the Forum.

5) The S.D. paid by the consumer for consumer No.  
013542240134 - Rs. 4000/-  
013542242126 - Rs. 200/-  
013542191133 - Rs. 200/-. The interest on these amount are not paid since July-03. It will be paid through his energy bill.

6) The matter for refund of RLC is under review with MERC as per guideline of Apex Court. It will be refunded as soon as the matter will be solved judicially.

7) Regarding the deficiency in services rendered by Franchisee M/s. Torrent Power Ltd. of MSEDCL.

Order issued by Forum in pursuance to MRER Regulation & E Act 2003, DF is bound to obey it. Accordingly, it will be intimated to comply within the stipulated period as per the order of the Forum.

**OBSERVATION OF FOURM:**

From the submission made by the appellant and respondent in writing & oral during hearing following observations are noted which are mentioned below.

1) Sanction of additional load : From the above submission made by the appellant and respondent in writing it is evident that consumer has submitted the proposal well in advance for additional load for sanction but not sanctioned by utility for a long time due to administrative delay though it was feasible. However, consumer extended his load without sanctioning of power for enhancement of load as per the assurance given by officials of the utility. As such, consumer did not suffer any loss of production due to non-sanction of load enhancement & met his requirement by extending the load from time to time as per his requirement. Hence, his demand for compensation for non sanctioning the load for enhancement for non maintaining S.O.P. is not justified. Therefore, his demand for compensation is rejected. However, consumer is ordered to submit fresh application for enhancement of load with utility (DF) which should be sanctioned by utility in pursuance to the Regulation 2005 by maintaining S.O.P.

2) Levy of load penalty & capacitor penalty

While going through the billing record, it is seen that consumer is penalized for connecting additional load of 28 HP from Feb-04 to Dec-04 for

Rs. 3360/-pm even though there is no record with respondent for such UE such physical verification report on connection load method & recording of U.E. on the meter provided in the consumer's premises etc. However, the premises of the consumer was inspected on 12/01/2005 & connected load was found 56 HP as per the connected load method but it is not according to MD to be recorded in meter where as consumer is penalized for Rs. 4320/-pm from Jan-2005 to May-2005 for additional connected load of 36 HP and capacitor penalty from Feb-2005 to Oct-2005. Further consumer is penalized for 25170/- for U.E. of additional load of 8 HP (56 HP-48 HP) for previous six months since checking done on 12/01/2005.

All the above penalties are charged which are not recorded by the meter provision for charging penalty for exceeding sanctioned load as per the L.T. tariff decided by MERC, which is applicable since 01/12/2003 is as follows:

Penalty for exceeding contract demand.	If consumer who have opted for LT MD based tariff, exceeds his contract demand, the demand in excess of contract demand, shall be charged at the rate of 150% of the prevailing demand charged
Penalty for exceeding sanctioned load	In case, load withdrawal exceeding sanctioned load to be measured through the MD meter (Trivector or Accu-check meters as the situation demands consumer shall be billed based on actual drawn demand and shall be levied penal charges for unauthorized demand beyond the sanction load at

	double the rate of demand charges applicable for the MS based, tariff to General Motive Power consumers & non-domestic consumers prevailing from to
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The matter said above was referred to MERC for review of penalty clause. After its review, MERC clarifies the matter vide order dated 14/07/2005 through case No. 2 of 2003, which is reproduced below:

- 1) Period prior to 10<sup>th</sup> June 2003 (i.e. prior to E.A. 2003) as per clause 31 (e) of MSEB's condition of supply.
- 2) Period from 10<sup>th</sup> June 2003 to 30<sup>th</sup> Nov. 2003 (uptill date of effect of tariff order) one & half times the normal tariff for the load exceeding the sanctioned load, measured by connected load method.
- 3) Period from 1<sup>st</sup> Dec-2003 onwards, if exceeding the sanctioned load has been measured by MD recorded by the meter, then two times the tariff applicable for exceeding sanction of load (max. demand minus sanction load). No penalty will be applicable if exceeding of sanctioned load is claimed on the basis of connection load method.
- f) MSEB shall refund any amounts collected on account of invocation of connected load/power factor penalty not in line with this dispensation to the concerned consumers alongwith interest at the rate applied by MSEB to their consumers, from date of collection till the date of refund but not later than

three months from this order (Ref.No. P.Com/MERC/Tariff/2967, dtd. 2<sup>nd</sup> February 2006).

The details of amount collected from the consumer against load penalty & capacitor penalty are mentioned below:

<b>A) Load Penalty</b>	
<b>Month</b>	<b>Amount</b>
Feb-2004	3360.00
March-2004	3360.00
April-2004	3360.00
May-2004	3360.00
June-2004	3360.00
July-2004	3360.00
August-2004	3360.00
Sept-2004	3360.00
Oct-2004	3360.00
Nov-2004	3360.00
Dec-2004	3360.00
Jan-2005	4320.00
Feb-2005	4320.00
March-2005	4320.00
April-2005	4320.00
May-2005	4320.00
<b>Sub-Total</b>	<b>58,560.00</b>

Feb-2005	25170.00
<b>Total</b>	<b>83,730.00</b>

<b>B) Capacitor Penalty</b>	
<b>Month</b>	<b>Amount</b>
Feb-2005	3365.00
March-2005	2856.00
April-2005	1885.00
May-2005	2334.00
June-2005	1968.00
July-2005	3894.00
August-2005	2187.00
Sept-2005	2089.00
Oct-2005	2057.00
<b>Total</b>	<b>22635.00</b>

From the above, it is evident that load penalty from Feb-2004 to May-2005 of Rs. 83730.00 & capacitor penalty of Rs. 22635.00 from Feb-2005 to Oct-2005 is recovered from the consumer which should be refunded to the consumer with interest at the rate applied by MSEB/MSEDCL to their consumers from date of collection till date of refund. The rate of interest applicable for refund is 12% upto 3 months, 15% from three to six months & 18% above six months. Accordingly, the amount collected against load penalty & capacitor penalty with above rate of interest should be refunded.

3) The malpractice adjustment shown for Rs. 58538.00 in billing record was for the excess subsidy for power loom industry granted through oversight, hence, it was withdrawn. Then there is scope to consider this demand, hence, it is rejected.

4) Wrong application of MF : From the evidence produced by the appellant, it is evident that actual MF applicable was 0.5 but it was considered one for billing due to human error and consumer is billed excess of Rs. 331205.00 from Feb-2003 to Sept-06. The excess billed amount of Rs. 331205.00 is refunded to the consumer by giving credit in the month of Dec-2007 bill without interest. However, consumer is eligible to get interest on excess billed amount from Feb-2003 to Sept-2006 with the interest rate 6% as per MSEDCL rate.

5) Respondent admitted during the hearing that consumer is not given interest on the S.D. amount for all the three connections since July-2003 and accepted to refund the interest on SD amount as per applicable rate since July-2003.

6) The matter regarding refund of RLC amount for Rs. 80277.00 for all the three connections in subjudice with MERC & other Court, hence, it cannot be entertained.

7) Regarding the deficiency in services rendered by Franchisee of MSEDCL M/s. Torrent Power Ltd., Bhiwandi

These documents submitted by appellant, it is evident that consumer is having 3 Nos. L.T. connections which are mentioned below :

- 1) Con. No. 013542240134 - IP - 56 HP connected load  
(Power loom meter provided bearing Sr. No. 2870)
- 2) Con. No. 0135421911153 - Power loom lighting meter 0.40 kw meter No. 09155300.
- 3) Con. No. 0135421911153 - Power loom lighting meter 0.4 kw meter No. 0915095.

It is observed that during the period March-07 to Dec-07, although the meter was working in condition, the consumer was being issued energy bills on average basis. This is obviously objectionable; the utility could not justify this objection. Hence such average bills need to be revised, based on actual readings.

In case utility finds consumer's meters are doubtful in working condition it is free to test them in the presence of the consumer.



B) Billing status of consumer No. 13542291133, meter No. 9155300

Consumer is billed on average basis from July-07 to Oct-07 for four months & liable for payment of compensation at the rate of Rs. 200/- pm for Rs. 600/-. Units billed on average basis, if not credited after billing as per the meter reading should be given credit and consumer should be provided the detailed report for it.

C) Billing status of con. No. 13542240126, meter No. 000955095

1) Consumer is issued average bills from June-07 to Nov-07 for six months & failed to maintain S.O.P., hence DF is liable for awarding compensation at the rate of Rs. 200/month for five months i.e. Rs. 1000/-

2) The units billed on average basis during June-07 to Nov-07, it's credit be given after billing as per meter reading.

Account for it should be furnished to the consumer. The credit amount reflected by MSEDCL for consumer No. 013542193133 for Rs. 5199.24 & for consumer no. 013542240126 for Rs. 6267.57 should be properly accounted and its detail should be provided to the consumer.

**ORDER**

1) Demand for awarding compensation for non-sanction of additional load is rejected for the reasons elaborated in the observations at point No. 1.

- 2) The load penalty & capacitor penalty should be refunded to the consumer as per the order of MSEC regarding case No. 2 of 2003 dtd. 14/07/2005.
- 3) Refund of Rs. 58538.00 is not justified, hence, it is rejected.
- 4) The interest on excess amount billed to the consumer due to wrong MF applied should be given with 6% interest.
- 5) The interest on S.D. for all the three connection should be given as per applicable rate i.e. 6% of interest.
- 6) The matter for refund of RLC is subjudice, hence, no order can be passed on by this Forum as it is out of our jurisdiction.
- 7) The D.F. M/s. Torrent Power Ltd., Bhiwandi of D.L. is ordered to provide relief to the consumer as elaborated in observation at Sr. No. 7 of the observation for all the three connections.
- 8) The appellant failed to produce any documentary evidence regarding, physical, mental harassment & agony. Hence demand of compensation for it is rejected.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 5<sup>th</sup> of April 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**

