



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/901/1100

Date of registration : 29/06/2015

Date of order : 20/11/2017

Total days : 875

IN THE MATTER CASE OF GRIEVANCE NO.K/E//901/1100 of 2015-16 IN RESPECT OF M/S. JIGAR PLAST, INDIA, GALA NO. 9,PLOT NO.59 H NO.2 B, NAIKPADA, WALIV, VASAI (E) – 401 208,REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

M/S. JigarPlast, India,

Gala No.9,

Plot No.59 H No.2 B,

Naikpada, Waliv,

vasai (E) – 401 208

(Consumer No.010519026950) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited

through its Nodal Officer,

MSEDCL, Vasai Circle, (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri.Ishwar Bharti, AEE, Vasai (E) S/dn.

For Consumer : Shri. Harshal Sheth

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary and Mrs.S.A.Jamdar- Member (CPO)].

- 1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act,

(36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

- 2] Consumer filed this grievance before the forum on dt.29/06/2015, contending that the he was in arrears of Rs.479640.00. Due to arrears supply was permanently disconnected on 16/03/2012. Licensee served legal notice on date 20/03/2013 for recovery, to which Consumer replied on 16/04/2013 & requested Licensee to adjust deposits & other credits of his own group of companies (total 8 no.) in the same vicinity. All the 8 units were permanently disconnected & merged into a group company under same name of M/S Jigar Plast to form one H.T. Unit.

Consumer gave details of refund of every unit in terms of SD, ASD Interest, RLC refund . Even after adjusting Rs.425800.00 still balance of Rs.59422.00 is to be made by MSEDCL by way of adjustment in the group main company M/S Jigar Plast (India) Consumer No. 001840602466.

Consumer whose supply were made PD & to merged in Jigar Plast are :

Sr.No.	Consumer Name	Consumer No.
1	Rajul Mehata	2170795566
2	Mehata Enterprises	1840867427
3	Manish V. Mehata	1840867435
4	Manish Mehata	2170786702
5	PravinMehata	1840867443
6	Manish Mehata	1840602458
7	Subhash Hem Mehata	1840856271
8	JigarPlast	1840867419

- 3) On receiving the said grievance, its copy along with accompaniments sent to the nodal officer vide this forum's letter no.EE/Kalyan/211 Dt.01/07/2015. In response to it, the officers of Licensee appeared and filed reply on date 26/10/2015 and from time to time added explanations/points. Similarly Consumer too submitted rejoinders.

- 4) Licensee contended that M/s.Jigar Plast (India) is its H.T. Consumer & owned by Mehata family. There were eight P.D. connections along with existing live Consumer. All the 8 connections got P.D. during Jan-2012 to Apr-2012 & load of these connection were clubbed with live H.T. connection i.e. Consumer no.-001840602466. Licensee verified record & accordingly prepared statement of refund to consumer & recovery to MSEDCL from above connections. As per statement there is overall refund of Rs.932178.81 and recovery outstanding to MSEDCL is of Rs.1186558.72 hence Rs.254379.81 is outstanding towards Consumer. Also in r/o Consumer no .001840867419 the billing was done up to meter reading of 241661 KWH & As per record the last reading at the time of meter removal was 250281 KWH and accordingly billing of '8620' units of Rs.77402.59 remain be unrecovered. Also in respect of Consumer no. 002170786702 the MF was '2' but it was wrongly shown as '1' from Aug-2007 to Feb-2008 hence the recovery as per correct MF of Rs.413995.00 Hence Licensee demanded to recover Rs.254379.91 from Consumer no.001840602466.
- 5) This forum has gone through all the records/CPL kept on record also the calculation sheets given by complaints & Licensee. Also direction issued both parties to sit together so that disputed issues can be resolved as there were total nine Consumers & different account heads amount i.e. P.D. arrears, SD, ASD, RLC refund and interest on SD & ASD of each Consumer was involved in the calculation sheet. After doing all above exercise almost all the amounts are agreed upon by both parties except:
- i) In respect of Consumer no. 002170786702, the MF was '2' but it was shown as 1 from Aug-2007 to Feb-2008. Hence the recovery amount shown in reply was Rs.413995.00 (whereas statement of refund was showing Rs.313995.00)
 - ii) In respect of Consumer no.001840867419 the billing was done upto meter reading 241661 & as per record the last reading at the time of meter removal was 250281, accordingly the billing of 8620 units remain uncovered for amount Rs.77402.59.
- 6) The forum has gone through the recoveries raised by Licensee in above Para. Firstly regarding recovery of amount Rs.413995.00 / Rs.313995.00 licensee has not given any record regarding this recovery. In fact if any such recovery was there then why didn't Licensee raise such recovery timely i.e. in year 2008. Also

when Consumer applied for permanent disconnection & his account closed in Jan-2012 then also this recovery not raised & final bill issued. The demand is after this grievance, which too, in their reply on 26/10/2015, which is almost 7 years late hence barred by section 56/2 of I.E. act.2003. Secondly regarding recovery of unbilled 8620 units, it is observed that Licensee issued final bill to consumer in m/o Jan-2012 but this bill was not included in that amount. Licensee first demanded this amount in its reply dated 26/10/2015, which is also barred by section 56/2 of I.E. act 2003

- 7) Now, as per agreed statement of refund by both parties, the total refundable amount as on Mar-2012 was 917687.59 total recoverable P.D. amount from Consumer no. 001840867419 as on Mar-2012 was 560390.95 as per CPL statement. Hence net refundable amount comes to Rs 357296.64.
- 8) As far as Interest part is concern, the interest on said amount is not allowed, as the all calculation are done considering Mar-2012 as base. If we calculate as per current date then there may be recovery, instead of refund because Licensee charge 18 % Interest on P.D. arrears and pay out RBI interest on refundable amount.
- 9) The delay due to both parties have to produce some documents also there were lot of dispute on refundable amount of Consumer, Which was analyzed in depth.

Hence the order.

ORDER

- 1) Grievance application of consumer is hereby allowed.
- 2) Licensee to refund Rs.357296.64 to the Consume by way of adjustment in issuing bill in next billing cycle.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 20/11/2017.

(Mrs.S.A.Jamdar)
Member,
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary,
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a)** *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, KeshavBldg, BandraKurlaComplex, Mumbai 51”.

- b)** *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*

- c)** *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d)** *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*