



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/494/580 OF 2011-2012 OF
M/S. SIMPLE ENGINEERING, VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Simple Engineering,
Gala No. 22,
Suryakirti Industrial Estate,
Chinchpada, Sativali Road,
Vasai (East), Dist. : Thane – 401 208

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai Road (East) Sub-Dn.
Vasai, Dist. Thane.

} (Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the

grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T. consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 10/02/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Simple Engineering

Address: - As given in the title

Consumer No : - 1)001590803363 – 65 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/119 dated 10/02/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. NIL, dated NIL received on 27/04/2011.
- 4) The forum heard both the parties on 08/03/2011 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri M. S. Patil, Asstt. Acctt., and Shri J. P. Keni Sub-Engineer, representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.
- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Suryakirti Ind. Estate, Chinchpada,

Sativali Road, Vasai (East) in the year 2008. It is averred while taking connection in 2008 licensee collected SD of Rs. 19,500/- and ASD of Rs. 11,700/- however licensee refunded only SD amount and not the ASD amount which needs to be refunded with interest. It is further contended that P.F. penalty was charged wrongly. KVAH reading for the month August, October & November 2010 was wrongly fed to computer, therefore penalty vide chart enclosed needs to be refunded. Consumer by letters dt. 28/10/09, 25/11/09, 20/02/10 claimed the amount as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amount of ASD & P. F. penalty vide chart enclosed with interest.

- 6) Licensee filed reply dt. NIL contending that without production of original documents ASD amount cannot be refunded. In so far amount of P. F. penalty on verification of records if found collected excess, will be refunded. It is averred P. F. penalty for the month January & February 2010 has been correctly charged.
- 7) At the outset it is to be noted that licensee refunded the amount of security deposit only and did not refund the amount of ASD Rs. 11,700/-. Licensee is under obligation to refund such amount with interest without delay. In the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in case No. 93 of 2008. This

Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the

licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund the amount of ASD if not paid earlier, with R.B.I. rate of interest.

8) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer in the month of Sept. 2010 contrary to the formula as approved by the Hon. MERC power factor penalty wrongly collected. Based on the MRI data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer.

9) While parting with the matter with regret we are constrain to mention that this Forum in many cases filed by the learned representative for the consumer Shri Harshad Sheth on same issues referring relevant orders

passed by the Hon. MERC and Ombudsman had given clear directions to the licensee, however it is unfortunate consumer had to knock the doors of this Forum repeating the same grievance. We hope officials of the licensee would honor the orders passed by the Competent Authority so that the very

purpose of enacting the act for consumers as well as the smooth functioning of the licensee would fulfill. Consumer is also cautioned that being a customer and the licensee being the custodian of the records to keep rapport so as to smoothen the transactions. It appears instead approaching the licensee consumer sitting at one place seeking help, need to be avoided. Consequently grievance application will have to be partly allowed.

- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases therefore delay is caused in deciding this case. Hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to refund the amount of ASD with R.B.I. rate of interest to the consumer as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 3) Licensee is further directed to work out the amount of Power Factor penalty as per the directions of Hon. MERC in case No. 116 of 08 and Ombudsman in case No. 39 of 2006 and if collected excess, to refund the same with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 4) The Consumer can file representation against this decision with the Hon. Electricity 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, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

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

Date : 27/04/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan