



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No.K/E/1061/1277 of 2016-17

Date of Grievance : 22/09/2016

Date of Order : 11/01//2016

Total days : 112

**IN THE MATTER OF GRIEVANCE NO. K/E/1061/1277 OF 2016-17 IN RESPECT OF M/S. B.M.S. INDUSTRIES, LTD. M-6, ADDITIONAL MIDC, VILLAGE KUDAVLI, MURBAD, DIST. THANE, PIN CODE 421 401 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING RECOVERY OF FAC.**

M/s. B.M.S. Industries Ltd.,  
M-6, Additional MIDC,  
Village Kudavali, Murbad,  
Dist. Thane,  
Pin Code – 421 401.  
(Consumer No.018019019787)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited though its  
Nodal Officer,  
MSEDCL, Kalyan Circle-II,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer-Shri B.R. Mantri - CR.

For Licensee- Shri Palange- Ex. Engineer.

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-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. 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 and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] Short issue involved in this case is whether the Licensee -MSEDCL has charged and recovered FAC strictly as per the post facto approval of Commission.

3] In particular the consumer herein bearing No. 018019019787 MSEDCL Kalyan Circle-II alleges that as per the order of Hon'ble MERC in case No. 43/2012 FAC was to be recovered in six equal monthly installments from June 2012 to November 2012, but MSEDCL has made recovery beyond that period for six months in contravention of the order of the Commission.

It is prayed that the said bills for the said period be revised accordingly.

4] We have heard both sides.

5] Considering the argument on either side. We are of the opinion that the grievance can be disposed of by giving directions to the Licensee MSEDCL to recalculate the FAC strictly as per approval of the Commission and within a fixed time limit.

This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/9/2016 of this Forum and the matter was reheard today itself.

Hence the order.

### ORDER

1] MSEDCL is directed to verify the claim of the consumer as per post facto approval given by the Commission and refund / adjust the amount, if any due. This exercise be completed by the Licensee – MSEDCL within one month from the date of receipt of this order.

2] Compliance be reported within a period of two months from the date of receipt of this order.

Date: 11/01/2017.

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

(L.N.Bade)  
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, Keshav Bldg, Bandra Kurla Complex, 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.

