



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/DOS/44/1061/2015-16**

Date of Grievance :21/04/2015
Date of Order : 19/05/2015
Total days : 29

IN THE MATTER OF GRIEVANCE NO. K/DOS/44/1061 OF 2015-16 IN RESPECT OF KALASH AQUA LLP, NO.188,1158 & 113, HISSA NO.2-52-5, AT VILLAGE BHATTACHA MADA, TAL. SHRIVARDHAN, DIST. RAIGAD, PIN – 402 110 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING HEAVY BILL ISSUED WITHOUT APPLYING PROPER TARIFF.

Kalash Aqua LLP,
No.188,1158 & 113,
Hissa No. 2-52-5,
at village – Bhattacha Mada,
Tal.–Shrivardhan,
Dist- Raigad -Pin – 402 110
(Consumer No. HT-04659025710)

(Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited though its
MSEDCL,Supt. Engineer
Pen Circle,Raigad

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri Harshad Sheth: Consumer's representatives.
For Licensee - Shri Sanjay Dondh –I/C. Nodal Officer/I/C/ Exe.Engg.

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

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 & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Consumer approached this Forum on 21/4/2015, contending that Licencee charged heavy amount and that too as the arrears without considering appropriate application of tariff rate.

3] In this matter, copy of grievance application along with the papers enclosed, were, sent by this Forum vide letter No. EE/CGRF/Kalyan/105 dated 27/4/2015 to the Nodal Officer of Licensee.

4] In response to it, Officer of licensee appeared and contested the contention of tariff applicable by filing reply dated 12/5/2015. Thereafter consumer on 14/5/2015 placed on record its rejoinder and pointed out the order of Hon’ble High Court in Writ Petition filed by Association of which consumer is a member and stay granted therein conditionally. It is submitted that as per said order of Hon’ble High Court, on parity, consumer be allowed to have the benefit. Secondly, it is contended that as per the circular of Corporate Office, there is a direction to grant installments to the consumer in case without any fault of consumer, any sum is being recovered in lump sum then equal installments of the said period covered be granted that too without interest or any DPC.

5] During the course of hearing, we made it clear to the CR that as the plea is taken about order of Hon'ble High Court in Writ Petition No.3556 of 2013 and there is condition of giving bank guarantee within 4 weeks from the date of order of Hon'ble High Court i.e. 22/7/2013, but in this matter, there is no any such compliance shown. But consumer contended that the said order of Hon'ble High Court be permitted to act and permitted to give bank guarantee. We made it clear that this being the order of Hon'ble High Court, if any modification or relaxation is required, consumer is to approach Hon'ble High Court. On this count, CR submitted that he giving up said plea and he is restricting his prayer for installments. As per the circular of Corporate Office of Licencee, to this, in-charge Nodal Officer who is present agreed and accordingly, it is clear that Licencee is ready to provide 13 installments of one month each for paying of the arrears that too arrears are to be worked out without adding any interest or DPC. As per the circular of Corporate Office dated 18/7/2009, bearing No. PR-3/Tariff/24156, as Licencee is agreeing to it. Both sides requested to dispose off the matter as per the assurance. Hence this matter is to be disposed off.

Hence the order.

ORDER

Grievance of consumer is hereby disposed off.

As assured by Licencee, Licencee to grant 13 installments of one month each for paying arrears which should not include any interest or DPC as per the circular issued by Corporate Office of Licencee bearing No. PR-3 Tariff /24156 dated 18/7/2009.*

Date: 19/5/2015.

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

*For convenience the operative order be provided to both the sides forthwith.

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 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”

- c) 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.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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1] This grievance is filed towards non compliance of part of the order passed by this Forum in K/E/713/843 dated 29/7/2013. Precisely it is towards less interest paid, applying 6% interest but Forum has directed interest as per Bank Rate.

2] Before proceeding to consider the disputed aspect, it is just necessary to mention that order of this Forum dated 29/7/2013 was challenged by the Licencee before Hon'ble High Court, vide in Writ Petition No. 10936 /2013. Said writ petition

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dismissed on 24/1/2014. Consumer till then had approached Hon'ble MERC towards non compliance of the order passed by this Forum. Hon'ble MERC passed orders therein and order dated 22/3/2014 of MERC is complied by the Licencee showing amount credited in the account of consumer in the bill of February 2014 to the tune of Rs.1,09,94,024.44 Ps. In the said amount, as directed by this Forum, calculation of difference of 2% surcharge and interest is shown. Chart of such payment is placed before this Forum, wherein it is seen interest is calculated at 6%, Accordingly, now dispute is only limited to the interest charge as per 6% which consumer claimed, it is less and not as per the direction of this Forum. On this count, consumer approached SE of Licencee vide letter dated 12/5/2014. As it was not complied Licencee approached this Forum.

3] Consumer herein though filed this application on 28/7/2014, it is registered on 25/8/2014 and during this period attempt was done to verify the position from Licencee side and to find out whether order of this Forum can be complied by the Licencee as per it's true spirit. As the said attempt failed matter is registered and notice issued to the Nodal Officer, vide letter No. EE/CGRF/Kalyan/0231 dated 25/8/2014. In response to it, Officers of Licencee did appear and they were made aware of the implication of order passed by this Form towards interest i.e. Bank Rate. They readily conceded to legal position U/s. 62 (6) of Electricity Act and agreed to comply it.

4] As noted above, Officers of Licencee and consumer's representative Mr. Saurab Jain attended on 16/9/2014, Officers of Licencee placed on record calculation chart along with letter and pointed out that interest as per Bank Rate is calculated for the period as directed by this Forum to the tune of Rs.22,54,575.12 Ps and out of it already consumer is paid Rs.15,19,577.86 Ps. and balance amount of Rs.7,34,997.26 Ps. will be credited in the bill of consumer for the month of September 2014. This particular calculation is not disputed by CR though in his Grievance Application he tried to seek interest at prime lending Rate of SBI and had referred to the Judgment of Appellate Tribunal for Electricity in Appeal No.47/2011 and IA No. 73/2011 dated 17/4/2012. As said aspect is not argued and agitated by the consumer's representative,

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we find it not necessary to comment more on it. Suffice it to say consumer's grievance raised in present application is amicably redressed by the Licencee showing readiness to pay by way of credit in the next billing month i.e. September 2014 to the tune of Rs.7,34,997.26 Ps. Under such circumstances, this grievance is to be disposed off.

Hence the order.

ORDER

Grievance application of consumer is hereby allowed.

Licencee already worked out quantum of interest as per Bank Rate to the tune of Rs.22,54,575.12 Ps. and considering interest already paid to the tune of Rs.15,19,577.86 Ps. balance of Rs.7,34,997.26 Ps. is being credited in the September 2014 of consumer. No more thing remains for compliance except Licencee to give credit for said amount in the bill of September 2014. After said bill of September 2014, Licencee to submit compliance before 25th October 2014.

Dated:18/9/2014

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I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
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