



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/N/081/596 OF 2011-2012 OF
M/S. UNICOM INDUSTRIES, DOMBIVALI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT RELEASE OF ADDITIONAL LOAD.

M/s. Unicom Industries,
Plot No. B -- 47,
M. I. D. C. Phase - II,
Dombivali (East) : 421 203

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer
Kalyan East Sub-Division No. III

(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. 55 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 19/04/2011 for Release of additional load. The details are as follows: -

Name of the consumer :- M/s. Unicom Industries

Address: - As given in the title

Consumer No : - 021500087096

Reason of dispute : Release of Additional Load

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/259 dated 19/04/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. AE/Sub.Dn.III/KLN.E/1066, dated 06/05/2011.
- 4) The Chairperson and Member of the Forum heard both the parties on 09/05/2011 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantri representative of the consumer & Shri K. M. Jadhav Assistant Engineer, representative 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) According to the consumer the brief facts of the application are as follows :
- a) The consumer is running a unit under the name and style of Unicom Industries.
- b) The consumer had a sanctioned load of 50 HP / 41 KVA since beginning. In April 2009 the licensee had requested consumers to declare their

contract demand in KVA. Accordingly consumer had declared his contract demand of 55 KVA / 72 HP vide their letter dated 03/09/2009.

- c) Consumer then applied for additional load of 22 HP on 17/03/2010.
- d) As per the demand note given by the licensee on 22/06/2010 for additional power, consumer paid all the charges on 23/06/2010.
- 6) The grievance of the consumer is that till date though licensee has sanctioned the additional load and also has recovered the extra charges for additional power it is not released to the consumer. Also consumer's major contention is that licensee has been charging penalty charges for the additional load from July 2009.
- 7) Consumer therefore is demanding that the penalty charges from May 2010 should be refunded to him. Moreover, since licensee has not followed SOP of Hon. MERC, as per the guide lines adequate compensation be awarded to him.
- 8) In response to the notice of the Forum dated 19/04/2011 licensee appeared before the Forum, however they have not filed their say. Our observations are as follows :
 - a) Except a single letter dated 06/05/2011 there is nothing on record to show that licensee were taking steps in giving the additional load.
 - b) We have also observed that the licensee not only delayed in sanctioning additional load but licensee negligently charged demand penalty.
 - c) Hence it will be proper to direct the licensee to refund the penalty for excess of 41 KVA.
 - d) It appears from the record that consumer has submitted the test report on 17/06/2010 i.e. all the technical formalities completed on 17/06/2010 and from this date licensee should release the additional power within one month but till today it is not released by the licensee.

- e) Record shows that licensee had issued a letter to the consumer on 27/04/2010 informing him that licensee has sanctioned the additional load of 22 HP, however, it is not released till date which is a clear violation of MERC (SOP Regulation 2005) Appendix 'A' clause 1 (iii) which reads as follows :
- “Time period for provision of supply from the date of receipt of complete application and payment of charges in case connection is to be from existing net work. Standard period for the same is one month. Compensation payable Rs. 100/- per week or part thereof for delay.”
- 9) Hence applicant is entitled for compensation as per Appendix A. 1 (iii) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations 2005 amounting to Rs. 4,300/- at the rate of Rs. 100/- per week (43 weeks X Rs. 100 = Rs. 4,300/-). We also feel it proper to direct licensee to give compensation to the complainant at the rate mentioned above till the release of additional 22 HP load.
- 10) We therefore pass the following order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to refund demand penalty charges recovered from the consumer from July 2010 within 30 days from the date of receipt of this decision and compliance should be reported to the Forum within 45 days.
- 3) Licensee is directed to release additional load of 22 HP from next billing cycle from the date of receipt of this decision and compliance should be reported to the Forum.

- 4) Licensee is directed to pay compensation of Rs. 4300/- (Rs. Four Thousand Three Hundred only) to the consumer as per para (9) above within 90 days from the date of receipt of this decision and compliance should be reported within 100 days.
- 5) 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”.

- 6) 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 : 31/05/2011

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan