



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/479/564 OF 2010-2011 OF
M/S. PRAXAIR INDIA PVT. LTD., MURBAD REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Praxair India Pvt. Ltd.,
Hindustan Gas Industries,
Plot No. A-3/2, MIDC
Murbad, Dist. : Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Kalyan Circle – II, Kalyan

(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 H.T. consumer of the licensee. The Consumer is billed as per H. T. Industrial tariff. Consumer registered grievance with the Forum on 05/01/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Praxair India Pvt. Ltd.

Address: - As given in the title

Consumer No : 018019009765

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/034 dated 05/01/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/HTB/CGRF/0417, dated 21/01/2011.
- 4) The forum heard both the parties on 08/02/2011 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantry representative of the consumer & Shri Purohit Nodal Officer, Shri Kale, Asstt. 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 Plot No. A-3/2, MIDC., Murbad. Consumer company manufacture speciality Gases i.e. Helium Gases which

production is based on customer requirement and varies month to month. According to consumer due to recession company's business was affected and since January 2009 production was less which in turn consumed less power, from January 2009 onwards there was considerable increase in MSEB power failure leading to less power consumption. Due to above reasons it is contended that tariff during the period Sept. 2008 to Sept. 2009 was industrial based tariff HT-1 and not HT-2 and that difference amount recovered based on HT-2 tariff is necessary to be refunded by the licensee to the consumer. It is further contended that licensee adjusted Security Deposit interest in the old arrears instead transferring the same in the Security Deposit amount. By letter dt. 22/09/2009 consumer requested the licensee to refund the excess amount recovered during Sept. 08 to Sept. 09 due tariff difference of HT-1 and HT-2 as the adjustment of SD interest in SD amount but not responded. Consumer moved the I.G.R. Cell and that by order dated 03/11/2010 I.G.R. Cell directed the licensee to refund the excess amount as regards tariff difference and re-assess the charges during saturation period. Since the licensee adjusted the amount of difference in the old bill, consumer filed this grievance with a request to direct the licensee to refund the excess amount in connection with tariff difference in the current bill including the amount of interest of Security Deposit instead showing the same in the old arrears.

- 6) Licensee vide reply dated 21/01/2011 contended that they will comply the grievance of excessive billing in the month of January 2011.
- 7) As seen from the order of I.G.R. Cell dated 03/11/2010 licensee agreed to refund the excess amount recovered during the period Sept. 08 to Sept. 09 due to tariff difference from HT-1 to HT-2. So far interest of S.D. amount it

is necessarily to be credited in the S.D. account with bank interest. Grievance of the consumer is that instead showing the difference amount in the current bill and instead crediting the amount of S.D. interest in the S.D. account, officials of the licensee credit these amounts in the old case of arrears pertaining to slow meter recovery of the year 1992.

Section 62 (6) of Indian Electricity Act 2003 states : "If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge alongwith interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee."

- 8) Relying on the provision referred to above, we find proper to direct the licensee to credit the amount of excess recovered during Sept. 08 to Sept. 09 due to tariff difference of HT-1 and HT-2 and to show the S. D. interest amount in the S. D. account with bank rate interest in the ensuing bill. In this view of the matter grievance application will have to be disposed off.
- 9) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this, members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order :

O-R-D-E-R

- 1) The grievance application is disposed off.
- 2) Licensee is directed to credit the amount of excess recovered during Sept. 08 to Sept. 09 due to tariff difference of HT-1 and HT-2 and to show the

Security Deposit interest in the Security Deposit account with bank rate interest in the ensuing bill of the consumer company within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) 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”.

- 4) 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 : 29/03/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan