



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No.K/E/851/1043 of 2015-16

Date of Grievance : 06/04/2015

Date of Order : 06/07/2015

Total days : 98.

**IN THE MATTER OF GRIEVANCE NO. K/E/851/1043 OF 2015-16 IN RESPECT OF M/S. SHREE GUDUDEV INDUSTRIES, J-14, MIDC, MURBAD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING L.T. BILLING DISPUTE.**

M/s. Shree Gurudev Industries,  
J-14, MIDC, Murbad, .... (Hereafter referred as Consumer)  
(Consumer No.018860001892)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited though its  
Addl. Executive Engineer,  
MSEDCL,  
Kalyan Circle-II, .... (Hereinafter referred as Licensee)

Appearance :For Consumer–Shri BRMantri– Consumer’s representative.  
For Licensee – Shri SDSuradkar-AEE, Murbad S/dn

(Per Shri C.U.Patil – Executive Engineer-Cum-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 and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

Consumer is having Electricity supply bearing consumer No. 018860001892 for it’s LT Industrial purpose, connected on 12/9/12 with sanction load mentioned in the first bill as 107 HP, connected load as 107 HP and contract demand as 80 KVA. It is the contention of the consumer that though he had submitted application dated 1/10/2012 to the Office of the Executive Engineer, Kalyan (R) by declaring his contract demand as 48 KVA, however the same has not been considered and he was wrongly charged as 80 KVA. The consumer therefore requested to refund the excess amount charged considering his CD as 80 KVA by his letter dated 20/8/2014. The consumer further states in the same letter that the reduction of CD was not reflected in his bill for the month of July/August-2014. The consumer therefore requested to give refund with interest and also requested to refund the cost of meter. After his continuous follow up with the

Licensee, his grievance was not resolved and hence he approached to the Forum by submitting the grievance application in schedule "A" dated 6/4/15.

The application of the consumer is registered to the Forum by allotting No. K/E/851/1043 dated 6/4/2015. The Forum scheduled the hearing on 24/4/2015 at 13.00 hours and conveyed the same to the Executive Engineer-cum-Nodal Officer of Kalyan Circle-II vide letter No.EE/CGRF/Kalyan/068 dated 6.4.15 with a copy to the consumer. The CR vide letter dated 17/4/15 requested for the adjournment of date to the 1<sup>st</sup> week of May-15. Accordingly the hearing was conducted on 11/5/15.

Meanwhile, DyEE of Murbad S/dn submitted their say vide letter DyEE/Murbad/CGRF/562 dated 27/4/15 and contended that some more documents will be required for resolving the grievance of the consumer and hence requested for allowing next 15 days during which he can arrange the required papers. Considering his request the hearing was adjourned to 11/5/15.

On next date, DyEE submitted the letter No.639 dated 8/5/15, and clarified about the load reduction application of the consumer processed by them and the revision in the bill on account of fixed charges which were considered wrongly. However, the main issue of consumer's grievance regarding wrongly feeding of CD was not justified by Licensee.

On the next date of hearing, i.e. on 26/5/15, the DyEE submitted the copy of the letter of EE, Kalyan ( R ) Divn. bearing No.2127 dated 26/5/15 written by him to the Nodal Officer of KC-II in which he shown the inability to search out and to produce the required documents like A-1 Form and allied documents of the consumer which were required to establish the sanction load (107 HP) and contract demand of the consumer at the time of

availing connection. Also DyEE in his submission dated 6/6/15 clarified the issue as under:-

a] At the time of connection and sanction, it seems, contract demand KVA MD has not considered.

b] After release of connection, MD has been applied as per the calculation in IT for billing (NSC).

c] Consumer's declaration has not considered at the time of agreement, because the consumer has submitted his request after agreement. (Consumer's request letter dated 1/10/2012).

d] The KVA contract demand is considered as per formula only and as per sanction only.

It is clear from the above submission that, Licensee has not considered consumer's plea dated 1/10/2012 for considering the contract demand as 48 KVA. As per MERC Regulations- 2014 (SOP), Clause 4.14 regulates that upon receipt of request by consumer for reduction of contract demand / sanction load of such a consumer, the Distribution Licensee shall, unless otherwise agreed, so reduce the contract demand / sanction load of such consumer before expiring of the second billing cycle after the receipt of such request.

No doubt, the consumer's second grievance mentioned in his schedule "A" regarding reduction of sanction load from 80 KW (107 HP )to 20 KW(27 HP) is processed by Licensee and application of consumer dated 2/7/2014 for the load reduction is sanctioned vide No. EE/KLNR /Tech/ 4166 dated 10/7/2014. Licensee representative in their reply dated 11/5/15

clarified that the effect of load reduction will be reflected in consumer's next bill.

CR Shri Mantri submitted the letter dated 3/7/15 and clarified that as MSEDCL has agreed to refund / credit the difference of load reduction effect (80 KW to 20 KW) from the next billing cycle considering the application of consumer dated 2/7/2014. As per MERC Regulations – 2014 (SOP), Clause 4.14 Regulates that upon receipt of request by consumer for reduction of contract demand / sanction load of such a consumer, the Distribution Licensee shall, unless otherwise agreed, so reduce the contract demand / sanction load of such consumer before expiring of the second billing cycle after the receipt of such request. Licensee has considered the load reduction of 20 KW in the consumer's bill, but the effect of such load reduction from the next billing cycle, i.e. from the month of August- 2014 is required to adjust in the consumer's bill. CR Shri Mantri clarified that the MSEDCL Officials have given him the credit of the difference arising due to effect of this load reduction. Hence, he has no anymore grievance on this issue now including the claim of SOP and interest. In his above referred letter, he submitted that they are not claiming for any kind of SOP and interest for the delay involved in the whole grievance matter.

Hence, there is no need now to focus on the second grievance of the consumer mentioned in his Schedule-“A”. Also the claim of SOP and interest has been waived by the consumer and hence need not be considered.

But he made plea regarding his first grievance, which is for getting effect of contract demand as 48 KVA instead of 80 KVA considered

by MSEDCL without giving due consideration to his application dated 1/10/2012. The MERC Regulation as reproduced in the above para entitles for giving the effect of reduction in the contract demand before the expiry of second billing cycle after the receipt of consumer's request. MSEDCL's officials failed to show the documents like A-1 application of consumer or any other allied documents showing the value of the contract demand that was submitted by consumer while availing the connection. Also their reply mentioned at sr. no.(a) which clarifies that they have not considered the contract demand leads to consider the consumer's plea and further effect of CD reduction from the next billing cycle of consumer's application dated 1/10/2012.

From the above contentions and submissions, Forum concludes that the consumer should be given the effect of CD reduction from the bill of November -2012 and the bills from November 2012 should be revised considering CD as 48 KVA instead of 80 KVA for giving the relief of appropriate fixed charges accordingly.

Though consumer in his letter 20/8/2014 requested to the Licensee to refund the cost of the meter. However, at the time of hearing CR did not insisted for it and also this point is not included in his grievance application.

During the course of hearing, the Licensee representative and consumer representative had taken their time for the submissions and contentions /arguments. Hence the matter could not get decided within 60 days.

Hence the order.

**ORDER**

The grievance application of consumer is allowed.

The consumer should be given the effect of proper CD entry, i.e. 48 KVA from November 2012 till the date of reflection and the bills should be revised accordingly and the excess amount should be adjusted along with RBI Rate of interest in the ensuing bills of the consumer.

The compliance of the above order should be submitted within 45 days.

**Date: 06/07/2015.**

**I Agree**

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

**(Chandrashekhar U.Patil)**  
**Chairperson-cum- Member Secretary**  
**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”*

