



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/1089/1310 of 2016-17**

Date of Grievance : 30/12/2016

Date of order : 23/08/2017

Total days : 236

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1089/1310/2016-17 IN RESPECT OF GURERA SYNTHETICS PVT. LTD., D, 6/2, MIDC, DOMBIVLI (E) CODE – 421 203, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING FAC.

Gurera Synthetics Pvt. Ltd.,
D. 6/2, MIDC, Dombivli (E),
Pin code 421 203.

(Consumer No.020129002400) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-I,

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Bangidad-EE-I/c. KCI
For Consumer- Shri B.R. Mantri – CR

[Coram- Shri A.M.Garde-Chirperson, Shri A.P. Deshmukh-Member Secretary
and Mrs.S.A.Jamdar- Member (CPO)].

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] 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] Hence we would like to elaborate Observations as under:

a] The Hon’ble Commission has issued post facto approvals for FAC to be charged by the MSEDCL as per letters below

Letter No.	Dated	Billing Months of :
01540	18 th Dec 2014	Oct 2013 to December 2013
01469	11 th Feb 2016	March 2014 to June 2014
01481	16 th Feb 2016	July 2014 to December 2014

b] According to these letters the FAC approved by the Hon’ble Commission for HT industrial consumers is as under :

Billing Month		FAC approved by the MERC HT I C	FAC approved by the MERC HT I N
December	2013	-28.06	-22.46
January	2014	0	0
February	2014	0	0
March	2014	4.74	4.28
April	2014	17.11	16.41
May	2014	3.64	3.36
June	2014	14.77	13.62
July	2014	38.98	34.92
August	2014	13.01	11.18
September	2014	36.64	32.93
October	2014	60.43	55.05
November	2014	21.22	20.19
December	2014	51.92	42.59

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

5] We have heard both sides. 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. Hence, wherever the MSEDCL has charged FAC in the bills of the months from December 2013 to December 2014, other than approved by Commission needs to be recalculate and refund the excess amount recovered, to the consumer with interest at bank rate of RBI till date of refund.

Hence the order.

ORDER

1] Grievance application of consumer is hereby allowed.

2] 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, with interest at bank rate of RBI till the date of refund. This exercise be completed by the Licensee – MSEDCL within one month from the date of receipt of this order.

3] As per Regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.

4] As per Regulation 22 of the above mentioned Regulations, non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo moto* or on a complaint filed by any person to impose penalty or prosecution proceeding under Section 142 & 149 of the Electricity Act.

Date: 23/08/2017.

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

(A.P.Deshmukh)
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.