



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 29/04/2015

Date of Order : 01/12/2015

Total days : 218.

IN THE MATTER CASE OF GRIEVANCE NO. K/E/871/1066/2015-16 IN RESPECT OF SHREE SAMBHAVNATH INDUSTRIES, GALA NO.11, GR FL. SWAMINI IND. EST. NO. 2, VASAI (E)- 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF WRONGLY CHARGED PF PENALTY & REFUND OF SD + ASD.

Shree Sambhavnath Industries,
Gala No.11,Gr.Fl. Swamini Ind.
Est. No.2,
Vasai (E)-401 208,
Dist. Palghar,

(Consumer No. **001840851717**)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its MSEDCL, Addl. Ex. Engineer,
Vasai Circle, Vasai (E), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.
For Licensee :- Shri Umberje-AEE, Vasai (E) S/Dvn.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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’.

The consumer Shree Sambhavnath Industries having its industry at Gala No.11, Gr. Flr. Swamini Ind. Est. No.2, Vasai (E) is holding connection for 65 HP with consumer No. **001840851717** approached to IGRC with Form “X” dated 07/8/2014.

In response to above “X” Form , the IGRC has not provided any remedial action. The hearing was not conducted at IGRC level within two months period specified for them. Hence consumer approached to CGRF by submitting his grievance in Schedule “A” dated 28/4/2015 which was registered by allotting No. K/E/871/1066 dated 29/4/2015. The consumer claimed for refund of (a) wrongly charged power factor penalty of Rs.69,703/-, (b) wrongly charged AEC, (c) refund of SD and ASD amount and (d) refund of excess collected amount with interest.

The hearing for the above matter was scheduled on 19/5/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 121 dated 2/5/15 with its copy to the consumer.

The hearing was conducted on 19/5/15 and then was adjourned to 4/6/15, 29/6/15, 10/8/15, 2/9/15, 9/10/15, 16/10/15, 27/10/15, 03/11/15 and lastly on 18/11/15. During the hearings the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by them vide letter No. 6116 dated 20.7.15 and vide Letter No.8172 dtd 22/9/15.

During the course of hearing it was noted by the Forum that the grievance of the consumer is redressed by Licensee and CR has also shown acceptance towards the proposal of the Licensee.

It is observed that the grievance regarding power factor penalty is common in almost all the cases in which this particular lot / batch of Genus meter is installed for connection and the manufacturer of meter has also produced his analysis report to the Licensee with observation that "PF calculation programe was wrongly programed for Lag + Lead, which is reprogramed in these meters for Lag only calculation for rectification." Manufacturer also suggested MSEDCL to bill the consumer accordingly. On this back ground, the Licensee's Officers made corrections in all other such number of cases and they have now clarified to the Forum that in this case also they have made necessary corrections in the wrongly applied PF penalty and accordingly resolving the issues of consumer.

On the hearing date 3/11/15, the consumer's representative submitted the letter dated 28/9/15 clarifying that the effect of B80 for Rs.38,773.78 Ps is given by MSEDCL in the bill of October 2015 and that is towards wrongly charged power factor penalty. In the submission dated 28/9/15 CR clarified that his grievance regarding refund of AEC, SD and ASD is sorted out by Licensee and hence he is willingly withdrawing these points from his main grievance.

In his submission dated 28/9/15, he clarified that consumer's grievance is resolved by MSEDCL and hence he said further that consumer's grievance is redressed and now there is no complaint regarding PF penalty pertaining to Genus meter for the previous period.

This matter could not be decided within time as Licensee sought adjournment from time to time to provide the details and those were provided on 03/11/15 and their submissions were heard on that day and clarification was taken on 18/11/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Considering the submission vide letter dated 28/9/15 by AEE, Vasai (E) S/dn, the Forum observed that the remedial action has been taken by Licensee for the issues of the consumer. Forum also considered the submission by CR as above for withdrawal of his grievance application and hence the matter deserves to be disposed off.

Hence the order.

ORDER

Grievance application of the consumer is hereby disposed off.

Dated: 01/12/2015.

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF,Kalyan.**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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.

