



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/525/621 OF 2011-2012 OF
M/S. AREEB ROLLING MILLS PVT. LTD. MIDC., MURBAD, DIST : THANE
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT REFUND OF R.L.C. & A.S.C.

M/s. Areeb Rolling Mills Pvt. Ltd.
Plot No. A-2 / 11 & 12,
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 Industrial tariff. Consumer registered grievance with the Forum on 05/07/2011 for Refund of R.L.C. & A.S.C.

The details are as follows :

Name of the consumer :- M/s. Areeb Rolling Mills Pvt. Ltd.

Address: - As given in the title

Consumer No : - 018019021290

Reason of dispute : Refund of R.L.C. & A.S.C.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/454 dated 05/07/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/Tech/CGRF/3485, dated 02/08/2011.
- 4) The hearing was held on 02/08/2011 @ 15.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Ashok Kumar Gupta representative of the consumer, & Shri Purohit Nodal Officer, Shri V. H. Kashal, Asstt. Engr., Shri P. M. Garg Asstt. Acctt. 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 complainant had taken electricity connection to their industry M/s. Areeb Rolling Mills Pvt. Ltd. MIDC Murbad, Dist : Thane vide consumer No. HT - 01801902129 from the Distribution Licensee (DL). It is contended that the complainant industry was declared a sick unit by the D.I.C. Authority due to blast at furnace and fatal accident and hence company was closed and their H.T. supply was disconnected since 02/08/2007. The licensee had recovered Regularity Liability Charges (RLC) and the Additional Supply Charges (ASC) amount from the complainant industry during the period 2003 to 2006 however this amount was not refunded after permanent disconnection of supply. It is contended that as per the rules and regulations licensee was and is under obligation to refund the entire amount of RLC & ASC to the P.D. consumers forthwith alongwith interest if delay occurred. By various applications since the permanent disconnection of supply complainant constantly requested the licensee to refund the amount as above running in lakhs but on one or the other grounds it is being delayed. Eventually complainant moved the I.G.R. Cell but in vain hence lodged this grievance with request to direct the licensee to refund the balance amount of RLC & ASC with interest as per the rules and regulations.
- 6) Licensee filed reply dated 02/08/2011 contending that the Director of the complainant industry is Director of M/s. Rakhi Ispat Alloys (India) Ltd. Murbad having consumer No. 018019020122 whose meter is permanently disconnected for non payment of arrears and suit for recovery of arrears bearing Spl. Civil Suit No. 166 of 2005 has been decreed directing the said company to pay the decretal amount with interest and hence amount of

RLC and ASC as claimed by the complainant being the Director of the defaulter company cannot be refunded. In the alternative it is further contended that amount of RLC and ASC after adjustment of dues will be refunded as and when Hon. Commission orders.

- 7) At the outset it is seen that licensee had filed suit against M/s. Rakhee Ispat Alloys Ltd. and that suit was decreed against which appeal is said to be pending in Higher Court. Director of the said company is also the Director of the company which lodged this grievance. On this background learned representative for the licensee submitted that the grievance cannot be entertained in view of Sub-Clause (c) and (d) of Clause 6.7 of Maharashtra Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006. On perusal the record it is apparent suit for arrears of electricity bill was filed against M/s. Rakhee Ispat Alloys Ltd. and the subject matter of the instant grievance and that of M/s. Rakhee Ispat Alloys Ltd. is not the same therefore the provisions referred to above are not applicable to the present grievance and as such grievance application is maintainable.
- 8) Learned representative for the complainant urged with force that licensee collected Regularity Liability Charges (RLC) during the period 2003 to 2006 in the nature of interest free loans which needs to be refunded forthwith alongwith interest and that Additional Supply Charges (ASC) is to be refunded on one to one basis as directed by the Hon. Commission however the same has not been refunded. In contra, learned representative for the licensee inviting our attention to the voluminous records submitted that the amount of RLC and ASC is to be refunded proportionately as consumer

who have paid RLC for a lower duration would get lower refund. We have gone through the orders of Hon. Commission in case No. 26 of 2007, 65 of 2007, 72 of 2007, 116 of 2008 dated 17/08/2009 and 144 of 2008 and the relevant rules and regulations in regard to the refund of RLC and ASC placed on record. Since the contribution of RLC was in the nature of interest-free loans given by selected consumer categories to the Dist. licensee need to be refunded. On going through the rules and regulations and hearing both the parties at length we feel proper to direct the licensee to refund the balance amount of RLC and ASC to the complainant with interest at the rate of Rs. 6% per annum from the date of permanent disconnection of supply within three months from the date of receipt of this decision. Consequently grievance application will have to be allowed and hence the order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to refund the balance amount of Regularity Liability Charges (RLC) and Additional Supply Charges (ASC) to the complainant who is P. D. consumer with interest at the rate of Rs. 6% per annum from the date of permanent disconnection of supply within three months and compliance be reported within four months 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 : 14/09/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan