



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/530/626 OF 2011-2012 OF
M/S. RAJAT ROTO FLEX PVT. LTD., VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Rajat Roto Flex Pvt. Ltd.,
A - 28, Mitul Industrial Estate,
Sativali Road, Waliv,
Vasai (East), Dist. : Thane – 401 208

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai Road (East) Sub-Dn.
Vasai, Dist. Thane.

(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 L.T.- V consumer of the licensee with 47 HP load. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 08/07/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Rajat Roto Flex Pvt. Ltd.

Address: - As given in the title

Consumer No : - 1)001840490617 – 47 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/485 dated 08/07/2011 to Nodal Officer of licensee. The licensee did not file reply though sufficient time period given.
- 4) The Members of the forum heard both the parties on 24/08/2011 @ 15.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri U. M. Naik, Dy. Executive Engineer, representative 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 Mitul Industrial Estate, Sativali Road, Waliv, Vasai (East) in the year 1990. It is contended that licensee collected excess connected load penalty amount Rs. 6,65,772/- and Rs.

2,80,526/- as capacitor penalty during July 2003 to January 2005 contrary to the decision of Hon. MERC in case No. 02 of 03, dated 14/07/2005 and the Ombudsman Order 39 of 06 dated 05/09/06 and 65 of 06 dated 02/11/06 as mentioned in the chart enclosed. Consumer by letter dt.05/05/2011 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell and the Cell vide order dated 18/07/2011 directed so far refund of excess connected load and capacitor penalty is not maintainable vide Clause No. 47, Indian Limitation Act 1963 as a time bar case. Dissatisfied with this, consumer lodged the grievance before this Forum with a request to direct the licensee to refund the amount with interest vide chart enclosed.

- 6) Licensee did not file reply though sufficient time given hence we have no option but to pass the order on the basis of material record available vide Clause 6.13 of Consumer Grievance Redressal Forum & Electricity Ombudsman Regulations 2006.
- 7) According to consumer vide letters referred to above excess connected load penalty amounting to Rs. 6,65,772/- and Rs. 2,80,526/- as capacitor penalty was demanded, however licensee did not respond. It is contended by the consumer that on perusal the CPL, it is transpired that while enhancing load from 63 HP during the relevant period officials of the licensee collected excess connected load penalty and the capacitor load penalty which needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the

order as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and capacitor load penalty and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty and capacitor load penalty and need to refund the same.

- 8) While parting with the matter with regret we are constrained to mention that this Forum in many cases filed by the learned representative for the consumer Shri Harshad Sheth on same issues referring relevant orders passed by the Hon. MERC and Ombudsman had given clear directions to the licensee, however it is unfortunate consumer had to knock the doors of this Forum repeating the same grievance. We hope officials of the licensee would honour the orders passed by the Competent Authority so that the very purpose of enacting the act for consumers as well as the smooth functioning of the licensee would fulfill. Consumer is also cautioned that being a customer and the licensee as custodian of the records to keep rapport so as to smoothen the transactions. It appears instead approaching the licensee consumer sitting at one place seeking help, need to be avoided. Consequently grievance application will have to be partly allowed. Hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.

2) Licensee is directed to work out the amount of Excess connected load penalty and Capacitor Load Penalty as per the directions of Hon. MERC in case No. 02 of 03, dated 14/07/2005 and Ombudsman in case No. 39 of 2006 and 65 of 2006 and if collected excess, to refund the same with interest 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, 003, 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 : 13/09/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan