



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No.EE/CGRF/Kalyan Zone/

Date of Grievance : 29/04/2015

Date of Order : 28/12/2015

Total days : 245

IN THE MATTER CASE OF GRIEVANCE NO. K/E/869/1064/2015-16 IN RESPECT OF AMIT VIJAY MEHTA, GALA NO.3, NIDHI IND. EST. NO.3, BHOOTPADA, SATIVLI, VASAI (E) - 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF WRONGLY CHARGED PF PENALTY AND BENEFIT OF TOD EFFECT.

Amit Vijay Mehta
Gala No.3, Nidhi Ind. Est. No.3,
Bhootpada, Sativli,
Vasai (E)-401 208,
Dist. Palghar,
(Consumer No.002170801001)

..... (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 Amit Vijay Mehta, Gala Mo.3, Nidhi Ind. Est. No.3, Bhootpada, Sativli, Vasai (E) holding connection for 100 HP with consumer No. 002170801001 approached to IGRC with Form “X” dated 21/1/2015.

In response to the 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 it. Hence consumer approached to CGRF by submitting his grievance in Schedule “A” dated 28/4/2015 which was registered by allotting No. K/E/869/1064 dated 29/4/2015. The consumer claimed for refund of (a) amount wrongly charged power factor penalty of Rs.20,047/- with lost PF incentive @ Rs.58,000/- (b) benefit by allowing TOD effect, and (c) 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. 117 dated 02/05/15 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 18/11/15 and lastly on 24/11/15. During the course of hearings, the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by them vide letter No. 6714 dated 07/8/15 and vide Letter No. 8162 dated 22/09/2015.

During the course of hearing it was noted by the Forum that the grievance of the consumer is being sorted out by Licensee and CR has also shown acceptance / consent towards the proposal of the Licensee's Officers for redressal of the grievance.

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 program 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 20/11/15, the consumer's representative submitted in writing on his letter head dated 27/10/15 that amount shown in

the B80 (-) sheet, i.e. Rs 20,047/- towards the refund of wrongly charged power factor penalty and Rs. 1,36,131.60 Ps towards refund of wrongly billed without giving the effect of TOD benefit is acceptable to him. Thus, the acceptance to the total amount is shown by CR which is involved in prepared B80 (-) for total Rs.1,56,178.60 Ps. Forum observed that only the approval from the Competent Authority is awaited to that amount shown in this particular B80 sheet prepared for the consumer to which the acceptance is shown by the CR / Consumer. CR further clarified that he is not demanding any interest or compensation towards any refund. It means that now, only the approval from the Competent Authority and then after showing the adjustment of that much credit amount / value in the ensuing bill is awaited.

Considering the submission vide letter dated 22/09/15 of AEE, Vasai (E) S/dn and further clarification taken from him on 24/11/2015, the Forum observed that the remedial action has been processed by Licensee for the refund / adjustment towards TOD effect & wrongly charged PF penalty and only showing and giving the credit of total amount Rs.1,56,178.60 Ps is awaited.

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 24/11/15 and their submissions were heard on that day and clarification was taken on 8/12/15. **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.**

The remaining work, i.e. approval to the B80 (-) prepared by AEE for the amount of Rs. 1,56,178.60 Ps and then adjustment / refund of the approved amount towards TOD effect & wrongly charged PF penalty should get completed by next billing cycle.

Hence the order.

ORDER

The grievance application of the consumer is hereby allowed.

The Licensee is directed to complete the procedure of approval to the B80 (-) processed for the amount of Rs. 1,56,178.60 Ps and to adjust / give effect to the approved amount in the next billing cycle. If the consumer is not satisfied with the approved amount, he may again approach to CGRF, if he so desires.

Licensee to submit compliance of the above order within 45 days from the date of order.

Dated: 28/12/2015.

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

Grievance No. K/E/869/1064/2015-16

- 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.