



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 06/05/2015

Date of Order : 28/12/2015

Total days : 237

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/882/1077/2015-16 IN
RESPECT OF BHARAT POLY PRODUCTS, GALA NO.2, PLOT NO.10,
AGARWAL UDYOG NAGAR, VASAI (E) - 401 208, DIST. PALGHAR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN REGARDING REFUND OF RLC, PD BALANCE
AMOUNT & SD.**

Bharat Poly Products,
Gala No.2, Plot No.10,
Agrawal Udyog Nagar,
Waliv, Vasai (E),
Dist. Palghar,
Pin Code-401 208

(Consumer No.001849034200)

... (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 Bharat Poly Products, having its industry at Gala No. 2, Plot No.10, Agarwal Udyog Nagar, Waliv, Vasai (E) holding connection for 65 HP with consumer No. 001849034200 approached to IGRC with Form "X" dated 12/12/2014.

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 06/5/2015 which was registered by allotting No. K/E/882/1077 dated 06/5/2015. The consumer claimed for refund of (a) SD of Rs.82,000/-, (b) RLC of Rs.

99,500/-, (c) Credit balance at the time of 3 – Ph PD Rs. 2,218/- and 1 – Ph PD of Rs. 20,234/- (d) refund of all above excess collected amount with interest.

The hearing for the above matter was scheduled on 27/5/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 143 dated 06/05/15 with its copy to the consumer.

The hearing was conducted on 27/5/15 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 hearings the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by them vide letter No. 4526 dated 26/5/15 and vide Letter No. 8167 dated 22/09/2015.

During the course of hearing it was noted by the Forum that the grievance of the consumer is getting sorted out by Licensee and CR has also shown acceptance / consent towards the efforts of the Licensee's Officer for sorting out the grievance.

It is observed that the grievance regarding power factor penalty is common in almost all the cases in which 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 prograded for Lag + Lead, which is reprograded in these meters for Lag only calculation for rectification." Manufacturer also suggested the MSEDCL to bill the consumer accordingly. On this back ground, the Licensee's Officers made corrections in other number of such 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 sorting out the issue of consumer.

On the hearing date 24/11/15, the consumer's representative submitted in writing on consumer's letter head dated 24/11/15 clarifying that for giving the effect by cheque of total Rs. 2,17,574.89 Ps , the B80 is prepared by AEE of Vasai (E) S/dn which includes the refund amount for RLC, PD balance amount and SD. The CR clarified that the amount included in the prepared B80 sheet is acceptable to him and he had shown the acceptance /consent to the above amount shown in the prepared B80 sheet. CR further clarified that he is not demanding any interest or compensation towards refund. It means that now only the approval from the competent authority and then after showing the adjustment of above credit amount / value in the ensuing bill is awaited.

Considering both the submissions, i.e. letter dated 22/9/15, the Forum observed that the remedial action has been processed by Licensee for the refund / adjustment towards RLC, PD balance amount and SD and only giving the refund of the involved amount by cheque is remained.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 18/11/15 and their submissions are heard on that day and clarification taken on 24/11/15. **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.**

The remaining work, i.e. approval to the B80 (-) prepared by AEE for the amount of Rs.2,17,574.89 Ps and then refund of the approved amount by cheque towards RLC, PD balance amount and balance SD can get completed within 45 days .

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 (-) process for the amount of Rs. 2,17,574.89 Ps and to refund the approved amount by cheque within next 45 days. If the consumer is not satisfied with the approved amount, he may again approach to CGRF for the redressal of his grievance, if he so desires.

Licensee to submit the compliance of the above order within 60 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

c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

Grievance No. K/E/882/1077/2015-16

“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.