



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 25/05/2015

Date of Order : 28/12/2015

Total days : 247

IN THE MATTER CASE OF GRIEVANCE NO. K/E/889/1087/2015-16 IN RESPECT OF BEJOY NAMBIAR, SATIVLI RD. WALIV PHATA, VASAI (E) - 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF SD + ASD.

Bejoy Nambiar,
Gala No.17 to 32,V.K. Ind. Estate,
Sativli Road, Waliv Phata,
Vasai (E)-401 208,
Dist. Palghar,
(Consumer No.001940868610 & 001840868636)... (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 Bijoy Nambiar, having his industry at Gala No. 17 to 32 , V.K. Ind. Estate, Sativli Road, Waliv Phata, Vasai (E) holding connection for 65 HP with consumer No. 001840868610 approached to IGRC with Form “X” dated **15/1/2015**.

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 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 for consumer No.001840868610

of Rs.72,642.97 Ps, (b) Interest on above SD Rs. 21662.34 Ps, (c) RLC for above consumer No. Rs. 40,009. 85 Ps, (d) RLC for consumer No 001840868636 of Rs. 5,617.64 Ps. (e) Refund of all above excess collected amount with interest.

The hearing for the above matter was scheduled on 09/06/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 173 dated 25/05/15 with its copy to the consumer.

The hearing was conducted on 09/06/15 and then was adjourned to 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. 5047 dated 08/6/15.

During the course of hearing it was noted by the Forum that the grievance of the consumer is getting sorted out by Licensee. Licensee in the above letter stated that the total B80 (-) of amount Rs. 1,39,932.80 Ps towards above both consumer numbers is prepared by them for adjustment in the energy bill of live consumer number 001843866944 subject to submission of power of attorney / Deed of assignment / Indemnity bond – cum – undertaking of old and new consumer number (new consumer M/s. Kushpal Home Textiles Ltd). The consumer stated that he had produced the copies of sale and transfer deed dated 29/1/2014 to the Officers of the Licensee vide letter dated 9/6/15.

The Officers of the Licensee attending the hearing have agreed about receipt of copies of sale and transfer deed and now they are having no any pending compliance except for the approval to the above mentioned

B 80 amount. CR has also shown acceptance / consent towards the proposal of the Licensee's Officer for redressal of the grievance.

On the hearing date 24/11/15, the consumer's representative submitted in writing on his letter head dated 24/11/15 clarifying that they accept the total refund of amount of Rs.1,39,932.80 Ps to be given by way of adjustment of B-80 in the consumer No.001843866944 in the name of Khuspal Home Textile Ltd. 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 giving and then after showing the adjustment of above credit amount / value in the ensuing bill of consumer No. 001843866944 is awaited.

Considering the submissions, i.e. letter dated 08/6/15 and contentions by the Officers of the Licensee in the hearing dated 24/11/15, the Forum observed that the remedial action has been processed by Licensee for the adjustment towards SD , interest on SD and RLC amount and only giving and showing the credit of the involved amount in the account of consumer No 001843866944 is awaited. CR already clarified that they are not demanding any interest or any kind of compensation except the adjustment of above referred amount.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 24/11/15 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. 1,39,932.80 Ps and then adjustment of the approved amount for the consumer No 001843866944 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 remaining procedure of approval to the B80 (-) processed for the amount of Rs. 1,39,932.80 Ps and to adjust / give effect the approved amount for the consumer No 001843866944 in the next billing cycle. 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 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

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- 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.