



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/227/251 OF 2009-2010 OF
SMT. MINAL A. SAKARIYA SAKARIYA, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

Smt. Minal A. Sakariya
S.No.9/A,Amber Industrial Estate
Sativali Road, Vasai (E) Tal : Vasai
Dist.Thane

(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 conformed 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 < 20 KW consumer of the licensee with C.D.17 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 15/04/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Smt. Minal A. Sakaria

Address: - As given in the title

Consumer No : - 001840854627

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/341 dated 15/04/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/3700, dated 07/05/2009 in the form of letter addressed to the consumer with a copy to this Forum.
- 4). The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 07/02/2009. The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 15/04/2009.
- 5). The forum heard both the parties on 07/05/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer, Shri Shidore, AE and Shri S.B.Hatkar, 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 and the same are not reproduced to avoid repetition.

- 6). The following grievances raised by the consumer in its letter dated 05/02/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 07/05/09 filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). As to grievance No. 1 - Regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs.98.16, Rs.76.20, and Rs.90.71, i.e. total Rs. 265.07 in the bills for billing periods Sept.07, Aug. 07 and Mar.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that the above referred amounts of adjustments are taken as per the programme prepared by HO IT as per MERC rules and regulations. Thus the licensee has not given any reasons or explanations for the said amounts of adjustment. Therefore the licensee is directed to ascertain the proper reasons and justification for the above referred three amounts of adjustments and inform about it to the consumer in writing within 30 days from the date of decision in this case and refund the excess amount if any, recovered as above together with interest at the bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 8). As to grievance (2) – Refund of Excess SD & interest on SD : The consumer claims that she has paid Security Deposit of Rs. 6000/- and Rs.3600/- as additional S.D. at the time of taking new connection in Oct.2002. However, the said amounts of SD were not displayed in the bill upto May 08. There after the consumer has also paid addl. SD of Rs.1400/- as per the demand made by the licensee. The consumer had requested for refund of SD of Rs. 9,600 and credit for interest of Rs.2928/- as per the statement (Annexure 2-c). As against this, the licensee claims that the connection has been given on 10/10/2002. The consumer has paid Security Deposit of Rs. 6000/- and Rs.3600/- at the time connection but the said amounts are not displayed in bills. Its office is searching record for exact amount of SD and in the meantime the consumer may submit the SD receipts for quick disposal of the case. Considering the average bills, keeping the balance deposit, action will be taken for refund of SD. The interest will be paid as per rules. In view of the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with consumer, display the correct amounts of SD in the bills, calculate the proper SD at this stage & refund the excess amount of SD and the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 30 days from the date of decision in this case.
- 9). As to grievance No. 3 - regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 : The consumer has claimed refund of an amount of Rs. 3,557.95 on this count as the charges of the relevant period were reverted back to the HP based tariff

from MD based fix charges, due to non completion of installation of MD meters in entire Maharashtra. The licensee claims that it has refunded an amount of Rs.2474.44 in the month of May 07 and some amount in other month which will be intimated after confirmation from the higher authority. The licensee has also not made clear as to in which other month it has given credit of any other amount on this count to the consumer. Therefore, the licensee is directed to verify the total amount of such difference to which the consumer is entitle and the amount which is already refunded to the consumer on this count and inform about it in writing to the consumer within 30 days and refund excess amount if any, together with interest at the Bank rate of RBI, to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 10). Grievance No. 4 - Regarding refund of excess ASC recovered in Oct. 06, billed in Nov. 06 : The consumer claims that her Benchmark consumption (BC) was 840 units and consumption in Oct. 06 billed in Nov. 06 was 268 units. Therefore, ASC could not be recovered in the said month. Therefore, the licensee is directed to refund the excess ASC charges for 32 units i.e. Rs. 36.80. As against this, the licensee claims that as per tariff order 2006-07 case No. 54 of 2005, ASC charges were 12%. The consumption for the month of Nov. 06 was 268 units and 12% of it comes to 32 units. Hence ASC charges charged are correct and there is no question of refund.
- 11) It is also noted by Forum that it is clear from the chart on page No. 158 of MERC's order dt. 20th Oct. 06 in case No. 54 of 2005, that 9% of the consumption was to be charged as additional supply charges in the other regions in respect of LT-V general motive power category industry during the period from Oct. 06 to April 07 if consumption is more than BC., and

from the example given on page No. 159 of the said order, it appears that in case the concerned unit reduces the consumption by 5% than the BC, then the ASC is to be charged on 4% of the total consumption of the said month. The bills for the month Sept. 07, Aug. 07 show that previous years average consumption was 840 units and the bill for the month March 07 show that the average consumption in 2005 was 840 units. Therefore, the contention of consumer that her BC was 840 units is accepted. The bill for the month of Nov. 06 for the billing period from 03/10/2006 to 03/11/2006 was 268 units which was less than the average consumption of 840 units i.e. 22.51% lesser than average consumption and therefore, no ASC could be charged in the said month. The bill for the month of Nov. 06 and CPL for the said month show that the licensee has charged Rs. 164.80 as RC/ASC charges. Therefore the licensee is directed to verify as to how much ASC charges it has charged to the consumer for the month of Oct. 06 billed in Nov. 06 and refund such ASC charges it has charged to the consumer in the said month to the consumer, if not already refunded, as per MERC's order dt. 20/10/06 in case No. 54 of 2005 together with interest at the Bank rate of RBI to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision in this case.

- 12). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The grievance application is allowed.

- 2) The licensee to comply the directions given in above para Nos. 07 to 09 and 11.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

- 5). Consumer, as per section 142 of the Electricity Act, 003, can approach Maharashtra Electricity Regulatory Commission at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

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”

Date : 03/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan