



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1197/1419 of 2017-18**

Date of Grievance : 06/05/2017

Date of order : 20/07/2017

Total days : 75

IN THE MATTER OF GRIEVANCE NO. K/E/1197/1419 OF 2017-18 IN RESPECT OF THE BOMBAY DYEING & MFG. CO. LTD., A-1, PATALGANGA INDUSTRIAL AREA, PO BOX 5, PATALGANGA, TAL. KHALAPUR, DIST. RAIGAD, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

The Bombay Dyeing Mfg. Co. Ltd.,
A-1, Patalganga Industrial Area,
PO Box 5, Patalganga,
Tal. Khalapur,
Dist- Raigad.

(Consumer No. 031129011281)

.... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its MSEDCL,
Supt. Engineer Pen Circle,
Raigad

(Hereinafter referred as Licensee)

Appearance :For Consumer–Shri S.J.Atkekar- C R .

For Licensee-Shri R.B.Mane-Nodalfficer /EE Pen Circle.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member
Secretary and Mrs.S.A.Jamdar- Member (CPO)].

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’.

2] Case in brief is that, the consumer being H.T. consumer No. 031129011281 got the bill from the Licensee MSEDCL for the month of October 2016 which was paid by NEFT on 11/11/16. However, the same was returned to bank due to some technical failure. It was Friday on 11/11/16 and the bank being closed on 12th and 13th November being Saturday and Sunday and holiday on 14th on account of **Gurunank** Jayanti. The consumer could not get information of reverse payment. As soon as consumer received the information from the bank, they made the payment of Rs.3,34,83,890/- . In addition to that they paid Rs.22,71,220/- though RTGS on 18/11/16.

3] It is the contention of the consumer further that they are the esteemed customer of the Licensee MSEDCL for the last 20 years and had never faced such a problem. They have managed the load within over limit

for the last 20 years and had availed prompt payment discount and load factor incentive.

4] Consumer prays to direct MSEDCL to pay to them load factor incentive and prompt payment discount of Rs.22,72,220/- directly or through credit in energy bills in a time bound manner.

5] In reply, MSEDCL contends that for the prompt payment discount and load factor incentive the date for payment was 11/11/16. In order to avail these benefits consumer has to pay the bill within 07 days from the date of issue.

6] Relevant provision of the Regulation are as below-

Prompt payment Discount:- A prompt payment discount of one percent of the monthly bill (excluding Taxes and Duties) shall be provided to the consumer for payment of electricity bills within 7 days from the date of their issue.

Load Factor Incentive:- The consumer having load Factor above 75% and up to 85% will be entitled to an incentive in the form of rebate of 0.75% on the energy charges for every percentage point increase in Load Factor from 75% to 85%. Consumers having a Load Factor above 85% will be entitled to rebate of 1% on the energy charges for every percentage point increase in Load Factor from 85%. The total rebate will be subject to a ceiling of 15% of the energy charges applicable to the consumer.

The incentive is applicable only to those consumers in the tariff categories HT Industries, HT commercial and HT IX : Public Services.

The Loads factor incentive will be available only if the consumer has no arrears with the Distribution Licensee, and payment is made within seven days from the date of the electricity bill. However, it will be available to the consumers in whose case payment of arrears in

installment has been allowed by the distribution Licensee and such payment is being made scheduled. The Distribution Licensee shall take a commercial decision on the schedule for such payment. In the present case as alleged by consumer, he has made payment of electricity bill vide RTGS dated 11/11/16, however due to technical failure same was returned to bank and the said fact came to the knowledge of consumer on 15/11/16 and on 18/11/16 the consumer made payment of electricity bill vide RTGS.

7] It is the contention further that in the present case consumer allegedly paid bill vide RTGS dated 11/11/16 which was returned to the bank due to technical failure which they came to know on 15/11/16 and on 18/11/16, payment was made again as such no benefit of prompt payment discount and load factor incentive could be given.

8] We have heard both sides and have perused circulars produced. First one is No. 25941 dated 24/8/2010. The basic principle that can be deduced therefrom is that prompt payment discount and load factor incentive can be considered only where the bill amount is received in the MSEDCL account on or before due date therefor. Cheques/ DD/ pay orders used to take quite some days for the MSEDCL to realize the amount in its bank account. In fact MSEDCL itself promoted the mode of payment by NEFT / RTGS to avoid delays resulting in denial of prompt payment benefits to consumers. Consumers are required to take benefit of the new NEFT / RTGS Scheme to avoid denial of such benefits due to delays in realization of the amount in MSEDCL bank account. This should not render the consumer lethargic or negligent. Consumers have to be vigilant while making such payment. In the present case 11/11/16 was the due date for prompt payment benefits, but the consumer makes RTGS on the same day. It was incumbent upon the consumer to ensure whether payment was

realized in the account of the Licensee on that day. It appears that the circular seeks to extend benefit to case in which the amount left the account of the consumer on or prior to the due date but it took time to realize the said amount in the account of MSEDCL and it went beyond due date. This is not so in this case. In this case, the amount sent by RTGS, came back to the account of the consumer itself on the same date. The bank holidays from 12/11/16 to 14/11/16 cannot be considered. The amount has been again sent by RTGS Bank does not state any specific reason. Any technical problem whatsoever cannot be taken as a ground. There should be some universal problem like server down etc .delaying the process of realization of the amount in Licensee's account beyond the due date, though the amount left to the consumer's bank account prior to the due date.

9] In the above view of the matter and on the above facts, even if the delay is not intentional as was sought to be made out, a Competent Authority of MSEDCL has exercised its discretion to not grant the prompt payment benefits to consumer. How can such discretion exercised by a Competent Authority be interfered with where there is no caprice seen. It is doubtful whether the action of the MSEDCL in this case amounts to any fault, imperfection / shortcoming, inadequacy in quality nature and manner of performance so as to warrant invoking of jurisdiction of this Forum to grant relief.

This matter could not be decided within a stipulated time because both parties have to produce some documents.

Hence the order.

ORDER

- 1] Grievance application of consumer is hereby dismissed.

Date: 20/7/2017.

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

A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

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:-

“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.

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