

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.23/2015**

**Date of Grievance : 22.09.2015**

**Date of Order : 20.11.2015**

In the matter of exorbitant billing.

M/s.Akash Enterprises,  
Gat No.189,Plot No.10,  
Jyotiba nasar Talawade,  
Pune.

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Bhosari Division,  
Pune.

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

**Chair person**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Mr. D.H.Agrawal**  
**Mr. S.S.Pathak**

**Appearance**

**For Consumer**

**Exparte**

**For Respondent**

**Mr. R.B.Gujar, Addl.Ex.Engineer**  
**Pradhikaran Sun/dn.**  
**Mr.J.R.Kathale , Asstt.Engr.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 27.07.2015 passed by IGRC Ganeshkhind Urban Circle, Pune, thereby rejecting the grievance

the consumer above named prefers this grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Dn, Pune vide letter no. EE/CGRF/PZ/Notice/23 of 2015/276 dtd.03.10.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 28.10.2015.
- 4) We heard the licensee and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Consumer namely M/s.Akash Enterprises having consumer No.171370045673 connected on 12.9.2012 and sanctioned load is 50 HP having tariff category Industrial.
  - ii) Consumer's meter was tested by the Licensee by accucheck machine on 17.1.2015 and 13.7.2015. Both the times result was found within limit and thus meter was OK.
  - iii) The consumer was charged capacitor penalty in the month of Jan.2015 and Feb.2015 to Rs.3585/- and Rs.13349/- respectively in addition to billed amounts.
  - iv) The above mentioned penalty was charged for not maintaining of power factor.
  - v) The consumer replaced the capacitor somewhere in the month of March 2015 and thereafter no any penalty was charged as capacitor penalty during the period from March-2015 to May-2015.
- 5) The consumer M/s.Akash Enterprises was absent on the date of hearing i.e. on 16.11.2015.
- 6) Mr.R.B.Gujar, Addl.Ex.Engineer submitted that after receiving the complaint from the consumer about exorbitant billing & faulty meter, they tested consumers meters two times by accucheck machine on 17.1.2015 and 13.7.2015 and the result of testing was that error within limit. Therefore the meter was ok. They observed capacitor penalty in the energy bills in the month of Jan.2015 and Feb.2015. Thereafter they

conveyed the said penalty to the consumer and advised to replace the capacitor. Accordingly the consumer replaced the capacitor in the month of March-2015. Thereafter they noticed the said penalty is 'nil' as per CPL record. There is no abnormality in energy bills and readings. The consumer should have been maintained power factor (P.F.) 00.9 or above as per rules.

- 7) IGRC rejected the grievance of the consumer holding that after replacement of capacitor penalty was nil and the meter was ok after having tested it and therefore the impugned bill is correct as per reading and consumer should pay it.
- 8) Very short point before us is that whether bills issued by Licensee in the month of Jan.2015 & Feb.2015 are incorrect and exorbitant. We give our findings thereon in the negative for the reasons stated below.
- 9) As per supply code,2005 it is obligatory on the consumer to maintain the average power factor of his load at levels prescribed by the Indian Electricity Rules, 1956. We reproduce regulation No.12 of MERC (Electricity Supply Code and other conditions of supply) Regulations, 2005. It reads as under -

*12.1 Power factor/Harmonics: - It shall be obligatory for the consumer to maintain the average power factor of his load at levels prescribed by the Indian Electricity Rules, 1956 with such variators. If any adopted by the Distribution Licensee in accordance with the relevant orders of the commissions.*

*Provided that, it shall be obligatory for the HT consumer and the LT consumers (Industrial and Commercial only) to the control harmonics of his load at levels prescribed by the JEEE STD 519-1992 and in accordance with the relevant Orders of the Commission.*

*12.2 The Distribution License may require the consumer within a reasonable time period, which shall not be less than three months, to take such effective measures so as to raise the average power factor or control harmonics of his installation to a value not less than such norm, in accordance with Regulation 12.1 above :*

*Provided that the Distribution Licensee may charge penalty or provide incentives for low/high power factor and for harmonics, in accordance with relevant orders of the commission.*

- 10) On perusal of electricity bills of the consumer for the month of Jan.2015, billed P.F. is 0.723 and P.F. penal charges are Rs.3585.05 and for the month of Feb. billed P.F. is 0.470 and P.F. penal charges are Rs.13349.09. The consumer should have been maintained average power factor of his load at levels 0.9 or above as per rules since the connection is Industrial. Therefore penalty charged as mentioned above is legal and valid. Moreover consumers meter was checked two times and result was found within limit. Therefore meter was ok. There is no any abnormality in energy bills therefore we do not find any substance in the consumer's grievance. By answering above mentioned point in the negative , we pass following order.

### **ORDER**

1. Grievance of consumer is stands dismissed with no order as to cost.

Delivered on: - 20.11.2015

Sd/-	Sd/-	Sd/-
<b>D.H.Agrawal</b>	<b>S.S.Pathak</b>	<b>S.N.Shelke</b>
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra (E), Mumbai-51.