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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No. 559

Hearing Dt. 10/03/2015

In the matter of refund of Security deposit

M/s. Mapro Gases LTD

- Applicant

Vs.

M.S.E.D.C.L. Vashi Circle.

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.S.B. Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. G.K.Somani – Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.B.Kachare, Executive Engineer, Vashi Circle, Nodal Officer.

ORDER (27/03/2015)

1. Above named consumer complaint filed by this complainant against the respondent utility stating that he is HT consumer of utility having consumer No. 028619007222. He is running the above Business under the name and style as M/s. Mapro Gases Ltd on given address. The above said consumer is having connection HT-1N sanction load 907KW demand load is 390 KVA meter No installed 076-00381951 since 10/02/1977.

2. It is contention of consumer that he was having HT industrial connection with non express feeder in the month of June and July 2014. He received bill on average basis due to failure of CT PT unit on 20/6/2014. He gave letter to Superintending Engineer, Vashi Circle seeking permission on 25/06/2014 by sub division office Bhingari. According to consumer the average bill was calculated for 12 months basis of the month of June and July 2014 and calculated 74160 units for month of June 2014 Rs. 2,50,000/-, which was deposited under protest on 24/07/2014 and on 6/07/2014 letter was given for assessment by consumer to calculate 3 months average bill due to low consumption, but said request was not considered. On 18/04/2014 letter was given to Vashi Circle for adjustment of Security Deposit of Rs. 3, 87,000/.
3. It is contention of consumer that in the bill for the month of June 2014 security Deposit is shown as Rs. 8,99,000/- and for the month of July 2014 security deposit is shown as Rs. 6,42,800/-. But deduction amount was shown as Rs. 2,56,200/-; which not shown in bill. On 18/07/2014 CT PT was taken back into circuit and accordingly the bill which is shown on the basis of one year average of 2 month is not correct. Amount of security deposit not properly credited and shown in the bill. Charges of DPC and interest was wrongly applied. After filing the said complaint notice was issued to the respondent utility to call upon reply on the complaint of consumer. Accordingly the respondent utility appeared and filed reply. According to utility there is no load deduction application filed by consumer. Therefore there is no provision for adjustment of security deposit. According to utility refund was given of Rs. 2,58,500/- in 5 installments of Rs. 51,700/- in each month, which was shown in continuously further bill. According to utility, neither the letter was given by consumer nor bypassed of CT PT. On 24/06/2014 the assessment

calculated on the basis of 12 months. To calculate assessment for the month of June and July, 74160 units per 31 days and for July assessment is given as 24858 units for 18 days. Therefore the consumer is liable to pay the charges for calculated units. it accordingly existing Rules of calculation of unit in case of failure of meter In this case the consumer filed documents of various correspondence made with the Superintending Engineer, Vashi Circle about excess security deposit and the calculation of units for the period from June 2013 to May 2014 and the letter dated 21/07/2014 for demand of additional security deposit. Consumer also gave an request for slot wise consumption for the month of June & July 2014 calculated by him on 01/01/2015 and 10/03/2015.

4. We have heard the arguments of consumer and his representative. We have also heard argument of Nodal Officer Executive Engineer and submission of his office Accountant. During the arguments it is found that the calculation of unit which was demanded of utility unit in lam-some not slot wise. We have also taken into consideration 1 year average consumption of units consumed for the month of March 2014 – October 2014. We have also calculated the period of failure of CT PT and reschedule of CT PT taken in circuit, the period of calculation which was considered by Forum on average basis of 3 months prior and after use of units when it was working and reading was available. It was compared with 1 year average maximum and minimum consumption of units which comes to about 74000 units approximately.
5. We have given opportunity to consumer to calculate the said unit in slot wise. to the both, utility as well as consumer. Utility submitted the calculation sheet which is reflected in the table. Accordingly the said unit was reassessed in slot zone wise. We found that the calculation is made by utility on basis of the 12 month sanction demand 390KVA x fix charges

190 per KVA which comes to Rs. 74100/- and electricity charges were calculated according to connecting load $390 \times 0.9 \times 0.6 \times 21 \text{ days} \times 25 \times 6.33$ which is calculated as Rs. 699876.45 and total of 74100 and 699876 is 773976.45 that is Rs.7,74,000/-. The security deposit was withheld Rs.6,42,800/- as per contract demand and sanction load there for we found no question of refund of security deposit. assed in raised in this case as such the calculation of utility now available and shown in schedule is liable to be paid by consumer accordingly the total unit was assess 74160 and for the month of July 24858. In view of said calculation the consumer is liable to pay charges of consumption of unit accordingly. Therefore after hearing the argument of consumer and submission made by utility and after going through the provisions we proceed to pass following order.

ORDER

- 1) The consumer Compliant No. 559 is partly allowed.
- 2) The consumer shall pay the average unit calculated considering the assessment for 74160 unit for the month of June2014 and 24858 unit for the month of July 2014 which is to be shown slot wise and the amount already paid of Rs. 2, 50,000/- on the 24/07/2014 Rs. 2,50,000/- on 19 August 2014 shall be adjusted.
- 3) The Respondent utility shall not recovery any interest and DPC on the said amount.

The Respondent utility comply the said order and report to this office
Within 45 days.

- 4) The pray of refund of security deposit cannot be allow as no application for load deduction and proper security deposit amount already with held by utility and accesses amount already refunded.

Proceeding close.

Both the parties be informed accordingly.

Compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

S.B.BHALSHANKAR
MEMBER SECRETARY
CGRF, BHANDUP