

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 472

Hearing Dt. 10/12/2012
& 20/12/12

In the matter of reduction of P.F.& excess load, penalty and tariff different

Shri Motilal Bafna - Complainant

Vs.

M.S.E.D.C.Ltd., Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.K. Choudhary, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Pravin Thakkar–Consumer Representative

C - On behalf of Respondent

- 1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.

ORDER

Shri Motilal Bafna was a Power loom consumer having sanctioned load of 52 HP under sr. no. 13092616856 at shop no. 2, Zenith compound, Kalyan Rd., Nr. Aasbibi Masjid, Bhiwandi. Shri Motilal Bafna has sold this premise to Shri Zaverilal Chopra the proprietor of M/s. Gaurav Trading Company in the year 2002. The electric connection used for power loom was made permanently disconnected in 2008.

M/s. Gaurav Trading Company sought the HT electric connection in the same premises; and utility granted it under the conditions that M/s.

Gaurav Trading Company should pay all the old due of electricity. Shri Zaverilal Chopra the proprietor of M/s. Gaurav Trading Company has admitted for payment of dues on the indemnity bond.

M/s. Gaurav Trading Company is now HT consumer under sr. no. 13019030339 in the same premises. However consumer wants the rectification of old consumers inflected bill; so as to clear the old dues.

Shri Motilal Bafna has submitted notarized undertaking and allow to Shri Zaverilal Chopra to represent on his behalf for rectification of bill. The representative of M/s. Gaurav Trading Company Shri Pravin Thakkar stated that while finalizing the bill of old consumer Shri Motilal Bafna, utility has not refunded the security deposit amount to ₹ 25,500/- and demanded its refund alongwith interest.

Similarly he claimed that the utility has wrongly charged the tariff of other than power loom but consumer was sanctioned for power loom tariff hence the tariff difference from Feb-2003 to June-2005 for an amount of ₹ 3,58,615/- should be refunded alongwith interest. He further stated that, this refund was proposed vide their own proposal no. 1092 of dtd.18th Sept 2007 to Head Office but not effected in the consumer's bill. He therefore prayed for its refund alongwith interest thereon.

The representative further stated that being this is old P.D. consumer the benefits of Abhay Yojana should award on D.P.C. and interest charged on the arrears.

He further added that the RLC collected from Dec-03 to Sept-06 is not refunded in the account of consumer and hence it should be refunded as per Commission's order alongwith relevant interest of 6% p.a.

The representative further claimed for refund of excess load penalty and capacitor penalty charged from Aug-2004 to May-2005 and Jan-07 respectively, he clarify that consumer was not provided with L.T. M.D. meter and is based only on the basis of physical verification which is against the directives of Commission hence should be refunded alongwith interest at the rate charged to the consumer.

On behalf of utility Shri. A. L. Deshpande, the Executive Engineer, Bhiwandi circle was present to represent the case; He conceded that as

per IGRC order the security deposit will be refunded alongwith interest; Also the power factor penalty and excess load penalty will also be refunded or reduced from the arrears alongwith interest charged for the period of non-payment of penalties. He further admitted for payment of RLC alongwith relevant interest of 6% p.a. from July-08 onward on diminishing balance amount.

The Respondent further clarifies to the Forum that the benefit of Abhay Yojana cannot be awarded to this consumer as he has no arrears in his bill. He further added that the consumer cannot demand the refund of tariff difference as he has no certificate or license of power loom from the Govt. authority for said period of 2005-2006.

The Respondent took the objection on the pleading of case by the representative of M/s. Gaurav Trading Company. He stated that Mr. Motilal Bafna should be authorized to M/s. Gaurav Trading Co. for the bill dispute of his own.

During the proceeding Shri Pravin Thakkar produced the notarized authorization on the stamp paper to the Forum.

The matter was heard on 10/12/2012 & subsequently on 20/12/2012; both the parties were present, the documents on record and arguments during the hearing reveals that, the Internal Grievance Cell has already considered most of the issues of the grievances. According to the order :

- 1) Amount of S.D. with interest is to be given after receipt of authorization by Shri Motilal Bafana.
- 2) Refund of RLC from Dec-2003 to Sept-2006 will be considered as per procedures.
- 3) Withdrawal of capacitor and excess load penalty will be considered.
- 4) Withdrawal of DPC with interest is to be given as per procedure.
- 5) The benefit of power loom tariff will be given after submission of documentary evidence towards no. of power loom sanctions by the Director of Industries.

Forum observed that the remaining issue is benefits of Abhay Yojana. In the present case as put up by the Respondent that this P.D. connection of Shri Motilal H. Bafana is having no dues and hence the benefits of Abhay Yojana cannot be awarded, Forum is agree to the view of Respondent and rejected the application of Abhay Yojana to this consumer.

It means that the Respond Utility had confirmed the use of power loom for the said period. The forum dose not found any relevant reason to ask the consumer to produce the certificate for running the power loom. The tariff category is decided on the basis of activity and not merely on the basis of any certificate or licensee, hence Forum is of an opinion that utility should award the proposed credit for difference from OPL to PL.

ORDER

The Respondent is directed to :

- 1) Refund security deposit amounting to ₹ 25,500/- alongwith plane R.B.I. interest.
- 2) Refund the amount collected towards RLC alongwith interest at the rate of 6% p.a. effective from July-08 onwards.
- 3) The capacitor penalty and excess load penalty for the aforesaid period elaborated in the forgoing paragraphs charged in absence of L.T. M.D. meter should be refunded alongwith the interest charged to the consumer for its non payment as per Commission's order.
- 4) As regards to the claim for tariff difference for OPL to PL, the Respondent utility should award the same along with interest at the RBI Plane rate.
- 5) The benefits of Abhay Yojana cannot be awarded being consumer can not full fill the conditions of this Yojana and hence prayer is hereby rejected.
- 6) The Respondent should recover the balance dues after rectification of bill.

The compliance should be reported within month.

No order as to cost.

Both the parties be inform accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 28th of January 2013.

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

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP