

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

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

Date :

Case No. 435

Hearing Dt. 15/03/2012

M/s. Jay Poly Containers.

- Applicant

Vs.

MSEDCL, Sarvodaya S/Dn., Mulund.

- Opponent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Applicant

- 1) Shri Harshad Sheth, Consumer representative.
- 2) Shri Mukesh Shah, Consumer representative

C] - On behalf of Opponent

- 1) Shri Satish Mane, Dy. Ex. Engr., Panchrasta S/Dn.
- 2) Shri Bharat Sankalp

M/s. Jay Poly Containers is a L.T. Industrial consumer under service no. 600000533502 with the sanctioned load of 54 KVA. The MSEDCL, utility has collected the R.L.C. amount from all LT HT Industrial consumers for the period of Dec-2003 to Sept-06. However, as per the directives of Hon'ble MERC the same has to be refunded to all

consumers with the interest rate of 6% p.a. The refund was to be made in the following percentage of installments from July-08 onwards.

- 1) July-08 to March-09 - 15.5% of Total RLC
- 2) April-09 to March-10 - 21% of Total RLC
- 3) April-10 to March-11 - 16% of Total RLC
- 4) April-11 to March-12 - 16% of Total RLC

The Applicant Representative Shri Harshad Seth was present to represent the case, he stated that

The billing unit of the above consumer was changed from 3653 to 4739 in the month of Sept-05.

The Applicant Representative explain that the utility has collected RLC from this consumer under billing unit 3653 for the period of Dec-2003 to Aug-2005 the total amount so collected during this period is ` 1,16,701/- where as under billing unit 4739, utility has collected ` 61,386/- for the period of Sept-05 to Sept-06.

He further stated that while refunding the amount utility started giving refund from July-08 for the amount which was collected under billing unit 4739 for the period of Sept-05 to Sept-06.

The representative reiterated that utility has to refund all collected RLC with 6% interest from July-08 to March-2012. However it has been stopped from Oct-2011. The reason for this is not given even after continuous follow up.

He also referred the utility own circular no. 81 dtd. 07/07/2008 which speaks that "on delay beyond July-08 interest at the rate of 6% is to be given till the delay period". He further insisted that utility has delayed for RLC refund every month from July-08 upto Nov-2011. So interest @ 6% is to be given for the delayed period on every installment.

On behalf of utility, shri Mane, Dy. Ex. Engr., Panchrasta sub/divn. was present to represent the case he stated that consumer has raised grievances for refund of RLC as per MERC guidelines from July-2008 to Feb-2012.

- 1) The RLC refund for Aug-2008 to March-2009 @ 15.50% of 13 installments has been made for all consumers.
- 2) The RLC refund for Oct-2009 to July-2010 @ 21% of 10 installments has been made for all consumers.
- 3) The RLC refund for Oct-2010 to Sept-2011 @16% of 12 installments has been made for all consumers.

However, BU 4704 has been operating from Feb-2009 by Panchrasta S/divn. RLC refund is given by IT Dept. time to time by taking backup for earlier BU which were operated at Division Office (BU 4739).

The details of discrepancy if any can be ascertained by IT Department only as necessary amendments are to be done by IT Dept only.

The grievance is raised by consumer on simple computerized letter after passage of 4 years of starting giving refund by M.S.E.D.C.L.

The matter of refund of RLC to all consumers being common in nature, individual grievance can only be heard in wide interest of all consumers at same time. Hence I.T. Department is being asked to provide details. This office has already asked IT Department, Thane to look into the matter vide letter no. Dy EE/PR/S.Dn./T-74/97, dtd. 15/02/2012.

Subsequently hearing was held by IGRC vide reference no. 2, dtd. 24/02/2012. But without waiting for the order by IGRC, consumer approached CGRF for the same grievance.

However MERC has quoted in the order of case no. 61 of 2011 "The Commission was of the view that MSEDCL should not be looking towards the aforesaid 70 consumers cases only, but it should come-up with a plan of action so as to refund the claimed amounts to all the concerned consumers. Since the entire plan of refund seems to be based on the mapping and work of updating of software by the IT Dept. of MSEDCL the concerned officer/s of the IT Department of MSEDCL should be involved in the matter and should be present in the next hearing to be held before the Commission". In this case also the refund mechanism of RLC is incorporated in the billing software as directed by the MERC. The Opponent further stated that the field officers are not directly involved in this issue as per commercial circular no. 80 dtd. 10/05/2008. Hence concerned officer of the IT Dept. of Thane Circle may please be involved in this matter so as to resolve the matter in the wide interest of all consumers.

The matter was heard on 15/03/2012 both the parties were present, the arguments during the hearing and perusal of documents produced by both the parties reveals that, due to change in billing unit, the major part of the RLC refund is balance with the utility the billing unit 3653 was operative till Aug-2005 when utility has collected RLC from the consumer. However while refunding the RLC from July-08, the amount so collected ` 1,16,701/- should have been refunded in equal installment as directed by the Hon'ble Commission alongwith 6% interest thereon. The utility should verify its own record from the I.T. Section, and immediate effect should be given to this consumer alongwith applicable interest of 6% p.a. for the balance period of Jan-04 to Aug-05. The utility should decide whether the effect should be given by manual feeding of B-80 or through the any other system. The Forum feels that Respondent utility should inform the reason for stoppage of RLC refund from Oct-2011.

ORDER

The utility is directed to refund the RLC amount balance as elaborated in above paragraph alongwith the interest at @ 6% p.a. from July-08 onward for the unpaid period of Jan-04 to Aug-05.

The compliance should be reported within 60 days both the parties be informed according

No order as to the cost

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 19th of June 2012.

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP