

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

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

Date :

In the matter of refund of RLC and change tariff category

Case No. 444

Hearing Dt. 05/06/2012 &
12/06/2012

M/s. Audio Plast - Applicant

Vs.

MSEDCL, Mulund. - Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup

B] - On behalf of Applicant

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

C] - On behalf of Respondent

- 1) Shri S.V. Bedagkar, Dy. Ex. Engr., Mulund Divn.
- 2) Shri Prakash Manik, Asstt. Accttn., Mulund Divn.

ORDER

M/s. Audio Plast is a LT consumer of MSEDCL, having sanction load of 20 HP at 58, Raja Ind. Estate, P.K. Road, Mulund (W), Mumbai - 80. The utility has collected Regulatory Liability charges as a loan from consumer from Dec-03 to Sept-06. However, as per the Commission's

order same has to be refund to the consumer. The refund was started from July-08 in the percentage installments as follows:

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

The representative of the consumer has demanded the refund of RLC for the period of Jan-2004 to Aug-2005 alongwith the interest at the rate of 6% p.a.

The representative of the consumer raised the question as to why utility has stopped the process of refund of RLC from Oct-2011 to the LT consumers. The amount of RLC to be refund as claimed by the consumer representative is ` 18,998/-.

As regards the change of tariff category from LT-II-B to LT-II-A; he stated the brief history as below:

- The sanctioned load of consumer was 20 HP till July-2004.
- From Aug-04 it was changed by utility to 21.34 HP
- In year 2008 the sanctioned load was converted from 21.34 HP to 21.34 kw with the contract demand of 18 kVA and categories to LT-II-B from of LT-II-A
- From Aug-2010 utility changed the contract demand to 27 kVA.

The consumer representative further clarify that as per MERC Regulation 2005, the conversion of HP in to kW is to be done by universally as **1 HP = 0.746 kW**.

It means that 20 kW= 25 kVA= 27 HP. He further added that M.D. tariff was applied in Oct-06 but as utility could not provide M.D. meter to

100% consumers and load data was not converted to kVA, it was reverse back.

In the tariff order dtd. 1st May 2007 the MERC issued guidelines for conversion of contract demand kW to kVA by using 0.8 P.F. for those consumers who has not declared his contract demand.

In Aug-2008 M.D. tariff was implemented for the L.T. consumers having load above 20 kw/27 HP.

The representative further stated that his consumers M.D. never exceeded above 13 kVA. The utility has intentionally changed the tariff category from LT-II-A to LT-TT-B.

He reiterated that since 2007 his sanctioned load is 21.34 HP i.e. 16 kW, if 0.8 P.F. is considered it comes around 20 kVA contract demand so he prayed for

- ❖ Change the tariff from LT-II-B to LT-II-A.
- ❖ Slab wise benefit as per LT-II-A tariff from the date of change of tariff.
- ❖ Power factor penalty should be refunded as it is not applicable to LT-II-A tariff category.
- ❖ Change of TOD tariff as it is not applicable to LT-II-A.
- ❖ Electricity duty should be refunded.
- ❖ Interest as per RBI section 62 (6) on above refund for due period.
- ❖ Compensation for mental torture, documentation and other cost for ` 3,000/-.

On the behalf of utility Shri Bedagkar, Dy. Ex. Engr., Sarvadaya sub-division was present to represent the case. He stated the refund of RLC is effected by the IT department in the installments as directed by the Hon'ble Commission. The necessary amendments in the program by taking back up of old billing unit of 3653 and 4738 of this consumer and RLC refunded by the IT department.

As regards to the contract demand and change of tariff from LT-II-B to LT-II-A; the opponent admitted to take the necessary corrective action as per MSEDCL's circular.

The matter was heard on 05/06/2012 and subsequently on 12/06/2012 both the parties were present, perusal of record and arguments during the hearing reveals that, the RLC refund for the period of Jan-04 to Aug-05 is to be refunded to the consumer along with the 6% interest p.a. for the delayed period till its refund.

As regards to the enhancement of load from 20 HP to 21.34 kW and thereby change in the M.D. tariff considering that consumers sanctioned load is 27 HP from year 2008. The Respondent utility has not produced the copy of CPL for the period Oct-07 to Jan-09 hence it is difficult to ascertain the month of tariff category change; it might be Aug-2008 as the LT MD tariff is made applicable as per Commission's order. Hence Respondent utility should verify their own record and accordingly the tariff category should be change from LT-II-B to LT-II-A and excess recovered amount towards tariff difference should be refund through the bill along with interest of RBI rate. Moreover as the consumer tariff category should have been LT-II-A, no power factor penalty is applicable and hence same should be refund along with interest thereon. While rectification of bill for change in tariff the slab benefit applicable to LT-II-A should be considered and award to the consumer. Accordingly the duty on electricity should be corrected and refund to the consumer through the bill.

The representative of consumer could not substantiate the claim of compensation for mental torture and other cost and hence deserve to be and hereby rejected.

ORDER

- 1) The Respondent utility should confirmed the month of tariff category changed and from then the excess recovered charges should be refunded alongwith interest.
- 2) LT II-A tariff should be applied to the consumer.

- 3) RLC should be refunded alongwith applicable interest of 6% p.a.
- 4) P.F. penalty should be refunded with interest at RBI rate.
- 5) Slab benefit of LT-II-A tariff should be considered.
- 6) Excess duty should be calculated and accordingly refund the excess collected duty charges.
- 7) Prayer for compensation is rejected for above reason elaborated in forgoing paragraphs.

No order as to the cost

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30th June 2012.

Note : 1) If Consumer is not satisfied with the decision, he may have file 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.

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP