

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

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

Date :

Case No.448

Hearing Dt. 31/05/12, 07/06/12,
22/06/2012 & 09/07/12.

In the matter of Refund of RLC

Shri S.D. Vikmani - Applicant

Vs.

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

Present on behalf

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. Harshad Seth–Consumer Representative
- 2) Shri. Mukesh Seth–Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.H. Mane, Dy Executive Engineer, Panch Rasta S/Divn.

ORDER

Shri S.D. Vikmani is a LT consumer with sanctioned load of 21 KW under service no. 700000210066 billed on commercial tariff at Sanghavi Chawl, Lithographic Cottage, Mulund. Initially the utility MSEDCL had collected the loan amount under the head of Regulatory liability charges (RLC) from Dec-03 to Sept-06 at the rate of 50 paisa per unit in the

installments. However, as per the Commissions' directives same were to be refunded in the installment from July-08 onwards in every months bill in installments laid down by the Commission as below :

RLC refunded for July-08 to Aug-09 @ 15.5% for 13 installments

RLC refunded for Sept-08 to July-10 @ 21% for 11 installments

RLC refunded for Oct-10 to Sept-11 @ 16% for 12 installments

However, the installments are stopped from Oct-11 onwards to all LT consumers in the Maharashtra. The reason for this was not given to the consumer.

Shri Harshad Sheth was representing to the consumer (herein after will referred as to the Applicant). He stated that the Respondent utility has collected RLC from Dec-03 to Aug-05 under the billing unit of 3653 and from Sept-05 the billing unit was change to 4739 and there after changed to 4704. He further stated that the Respondent has refunded the amount collected under billing unit 4739 from Oct-05 to Sept-06 in the installment of ` 71.69 per month. He also submitted the details of amount collected from Dec-03 to Aug-05 which is around ` 9,967/- which are not refunded. However he also submitted the details of amount which Respondent refunded of ` 5,413.50 which is for the period of Oct-05 to Sept-06. He further claimed that as utility is failed to refund the amount of ` 9,967/-, hence, the interest at the rate of 6% p.a. from July-08 onwards on the diminishing balance amount should be paid by the Respondent. He also referred the Commission directive in this regards.

Shri S.H. Mane, the Dy. Ex. Engr. was present to represent the Respondent side, he stated that being policy issue the installments are stopped from Oct-2011, the further directives are not received from the Hon'ble Commission as to in what percentage and installment the balance amount of RLC should be paid to the consumers, same will be given after the directives from Commission which are expected in the coming tariff order.

He further stated that the amount balance for payment due to change in billing unit is paid in the bill of June-2012 for an amount of ` 4,982/- out of ` 9,967/- .

The matter was heard lastly on dtd. 09/07/2012 both the parties were present, documents on record and arguments during the hearing reveals that the Respondent should have paid all the amount collected towards RLC to the respective consumer.

The Commission's directives are very much clear that for delayed payment of RLC it will attract the interest at the @ 6% p.a. from July-08 onwards. It is also indeed that when all the consumer get the refund around 52.5% of the total RLC paid why this consumer is deprived of refund. Hence in the first stage Respondent should pay the RLC along with interest which is remain unpaid due to change in billing unit. The balance amount is also has to pay on receipt of the directives from the Hon'ble Commission alongwith interest of 6% p.a. on the diminishing balance from July-08 onwards.

Hence order.

ORDER

- 1) Application is allowed.
- 2) Respondent should pay the interest @ of 6% p.a. on the amount of RLC paid to consumer which was balance due to change in billing unit alongwith 6% interest p.a. from July-08 onwards.
- 3) The Respondent is also directed to pay the balance RLC amount alongwith interest at @ of 6% p.a. from July-08 onwards on receipt of the directives from Commission..

No order as to the cast.

Both the parties are informed accordingly.

Compliance should be reported within 60 days from the receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 21st of Aug 2012.

Note:

If Consumer is not satisfied with the decision, he may file representation the case 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.

3) If utility is not satisfied with order, it may go in appeal 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

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Complainant is present. Respondent is engaged in circle office meeting; therefore on the request of Respondent, both the matters are adjourned till 09/07/2012. Respondent are hereby directed to submit their say & documents if any well in advance by giving copy of it to the complainant. So the matter is adjourned for filing the say as well as for documents if any and for arguments on 09/07/2012.

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
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