

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

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

Date :

Case No. 453

Hearing Dt. 18/06/2012
& 07/07/2012

In the matter of effect of S.D., Refund of RLC and refund of fixed charges

M/s. Jupiter Scan Imagine Centre. - Applicant

Vs.

MSEDCL, Sarvodaya S/Dn., Mulund. - Opponent

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 Opponent

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

ORDER

Shri Harshad Seth was present to represent the case, as per his statement, the MSEDCL demanded ` 22,270/- towards additional security deposit in the month of April-2008, the same is paid by the consumer in the next month of May-2008. However the MSEDCL utility

had recovered the S.D. at the time of giving this connection which should be either refunded to the consumer or should be added to the consumers original available deposit amount and the interest from the date of connection to till date should be awarded to this consumer. The consumer representative submitted the copy of bill for dtd. 10/04/2002 which shows that the Respondent is holding a security amounting to ` 10,500/- which was not displayed on bill from March-2003. Hence interest is not awarded till today which may be awarded and amount should be added to the existing available security deposit amount.

The another issue of dispute of this consumer was the billing charged by the utility from June-2008 to March-2010 was as per LT M.D. tariff and that too was with the consideration of 37 KVA where as the sanctioned load of this consumer is 34.5 KW which should have calculated while converting from KW to KVA as per the Hon'ble MERC directives and utilities own circular no. 78 dtd. 28/03/2008 it comes out to be 46 HP. Hence the excess collected fixed charges should be refunded to this consumer. Moreover the utility has billed this consumer on the basis of KVA demand charges whereas the parameters of the meter was not read by the utility, it means that the utility has billed this consumer as good as the consumer is with Kwh meter and not as TOD meter, hence, the Respondent utility should billed to the consumer on the basis of H.P. tariff with rate of ` 60/- per HP on the 50% of the sanctioned load.

With this arguments the consumer representative also submitted the MERC order no. 26 of 5th March 2010 speaks that :

"The Commission rules that the levy of MD based tariff on MSEDCL's consumers with effect from August 1, 2008 is in accordance with the Commission's directions in this regard. However, it is clarified that the MD tariff can be implemented for any consumer only after installation of the appropriate tri-vector meter for that consumer, and hence, for all such individual cases where the MD meter was not installed before August 1, 2008 the MSEDCL will refund the amount collected through MD charges for the period from August 2008 till such time as the MD meters were installed for that

respective consumer, and change these consumers on the basis of the earlier approved HP based tariff. The refund should be given to the respective consumers along with the first monthly bill after issue of this order.

The Representative of consumer reiterated that the utility has billed wrongly in the month of July-2010 with the power factor penalty of ₹ 15,513.03. He further reproduce the bills from Jan-10 to July-10 which shows that, utility has never read the KVAH reading in the above period and hence the P.F. ascertain is wrong and hence utility should withdraw the P.F. penalty along with the interest over this penalty.

As regards to the Regulatory liability charges (RLC), the utility has recovered from this consumer for the period of Dec-03 to Sept-06 in the installment and started refunding as per Commission's order from July-08 onwards. Unfortunately the refund is stopped to all LT consumers from Oct-2011. Hence Consumer Representative requested to refund the balance amount with the interest @ of 6% on the diminishing balance amount from July-08 to till its refund.

On behalf of utility, Shri Bedagkar, Dy. Ex. Engr., was present to represent the utility side he insisted that all the claims of the consumer stated his grievances are too old and hence, time barred, being nor filed within the limitation period of 2 years in terms of Regulation 6.6 of the CGRF Regulations. However he pointed out that the KVA figure out from the consumer's sanctioned load of 34.5 KW is correct as per the directives of Commission and commercial circular no. 78. He further clarified it as under:

- | | | | |
|----|---|---|------------------------------|
| a) | Sanctioned load is | - | 34.5 KW |
| b) | P.F. to be taken as per Commission's order is | - | 0.8 |
| c) | Hence sanctioned KVA of this consumer comes out to be | - | 34.5 KW/0.8 P.F.
= 43 KVA |

Hence, there should not be any dispute for the sanctioned KVA and consumer is bill as per the directives of Hon'ble Commission for the entire period of June-2008 to March-2010 and till date.

He further added that this consumer was under billed towards the fixed charges considering the sanctioned KVA as 37 instead of 43 which need to be recovered from the consumer.

As regards to the RLC refund, the Respondent provide the data which shows that in the month of June-2012 the utility has given refund of ` 16,413.14 towards the RLC and the balance amount will also be refunded shortly along with all other consumers. Moreover the amount of ` 11,642.07 is already credited to the consumer as a part of RLC recovered, hence total amount of ` 28,055/- is refunded out of the recovered amount ` 53,438.50.

The matter was heard on 07/07/2012, both the parties were preset, the documents on record and arguments during the hearing reveals that, the amount of security deposit paid by the consumer at the time of taking new connection for ` 10,500/- is not reflected in the bill of consumer and hence he is deprived of the interest payable on this security deposit. Hence, Forum is of the opinion that the utility should add the old security deposit amount ` 10,500/- to the existing available security deposit and award the interest at the rate of RBI for the period of non awarding interest. About the billing of consumer considering 43 KVA as a contract demand. The Respondent rightly converted the sanction load of 34.5 KW to 43KVA as per the Commission's order. However, as claimed by the consumer taking the base of MERC order no. 26 of 5th March 2010 which is relevant to those consumers where the LT MD meters are yet to be provided and should be bill as per the old tariff of HP base. Forum could not apply this directive to this consumer as the LT MD meter was already provided to this consumer and there is no specific directives in the said case no. 26 that "if all the electrical parameters are not read by the Respondent in such case the KVA tariff should not be apply". Hence Forum finds no substance in this Applicant's prayer in this regards and is hereby rejected.

However, the P.F. penalty charged in the month of July-2010 is found to be baseless; it is seen from the records produced by the Applicant as a copy of bill from Jan-10 to July-10, the Respondent failed to read the KVAH parameter which is one of the parameter to decide the P.F. of the consumer and in the month of July-2010 it was read after the period of six months and this accumulated reading was used to decide the P.F. of the consumer, which seems to be drawn wrongly, hence, it should be withdrawn with the interest charged to the consumer.

As regards to the refund of RLC, the utility has already refunded ₹ 28,055/- out of total recovered amount of ₹ 53,438.50 the balance amount should be with the interest at the rate of 6% p.a. from July-08 on the diminishing balance amount as per the directives of Hon'ble Commission as when decided

ORDER

As elaborated above, the Respondent utility should comply the order in respect of

1. Interest on non-effected S.D. amount ₹ 10,500/- from the date of its payment for unpaid period
2. Add the old security deposit amount to the existing available amount of security deposit.
3. Withdraw the P.F. penalty alongwith interest.
4. RLC should be refunded alongwith interest at @ 6% p.a. from July-08 till its realization on diminishing balance amount as per Commission's directives as and when implemented in the installments.
5. The Respondent has calculates sanctioned KVA correctly, and LT MD meter is provided to this consumer, hence prayer for correction fixed charges on the basis of HP based tariff is deserved to be and hereby rejected.
6. 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 July 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.

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP