

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

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

Date :

Case No. 267

Hearing Dt. 19/05/2009  
& 03/06/2009

**In the matter of wrong billing**

**M/s. Sijo Fabrics Pvt. Ltd.** - Appellant

Vs.

**MSEDCL/T.P.L. (Bhiwandi)** - Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri G.B. Singh, consumer representative.

**C - On behalf of Respondent**

- 1) . Shri S. Anand, Ex. Engr. & Nodal Officer, Bhiwandi.

### **Preamble :**

Consumer registered his grievance with this Forum on 05/05/2009 vide case no. 267. Consumer made an appeal with this Forum against the decision given by I.C.G.R.C. of T.P.L. vide letter no. Chairman/TPL/ICGRC/BWD/09-05/26, dtd. 28/05/2009. Accordingly hearing was fixed on 19/05/2009, which was postponed on request of MSEDCL due to non availability of their legal staff. Hence the hearing was held on 03/06/2009.

### **Consumer say :**

Consumer registered his grievance with T.P.L. as well as MSEDCL's IGRC. He got the relief from M/s. T.P.L. (Bhiwandi) about reference consumption and A.S.C. charged thereon, but he did not get any response from ICGRC MSEDCL (Bhiwandi). Hence he approach with this Forum.

1) Consumer stated that as per the TPL report, the amount Rs. 29723.04 is refundable for the year 2008-09 towards RLC charges. In the accordance with MSEDCL's circular no. 81, dtd. 07/07/2008 as against the R.L.C. recovered amount to Rs. 191761.55 from the date of connection till October – 2006 which should be refunded.

However, consumer stated that, instead of refunding the said amount though energy bills, Respondent (MSEDCL) adjusted against interest and D.P.C. for the arrears which is supposed to be credited against the subsidy by Govt. of Maharashtra, which is illegal and not liable to the consumer.

Consumer representative also reiterated that Respondent (MSEDCL) has collected the subsidy amount from Govt. of Maharashtra upto 2007-08, but arrears from the bills are not withdrawn. Consumer is paying his bills regularly but Respondent

MSEDCL has not passed the credit of subsidy till date, which leads to appearance of arrears in the energy bills and the same should be withdrawn. Moreover amount of Rs. 29723.01 for the year 2008-09 which is adjusted against DPC and interest should be credited in the current bill.

2) Appellant also reiterated that, similarly interest on Security Deposit is also adjusted by the Respondent (MSEDCL) against the arrears which is suppose to be credited as subsidy from Govt. of Maharashtra.

The Appellant claims that interest on S.D. should be credited in the current bills.

**Prayer of the Consumer:**

1) RLC amount of Rs. 29732.04 should be refunded by adjusting into current bill with interest applicable.

2) Interest on S.D. since date of connection till date should be refunded along with the interest for this on delay.

3) The arrears appears in energy bills is not amount payable to the consumer but it is a subsidy amount to be credited from Govt. of Maharashtra as it is granted upto 2007-08. Hence it should be withdrawn with DPC and interest upto March-08.

**Utility Say :**

The Respondent in its written submission filed on 03/06/2009 stated that as per prevailing practice of the company any refund payable to the consumer is always being adjusted first against the outstanding arrears payable by the consumer. Hence the consumer's request for crediting the interest and DPC amount through energy bills cannot consider.

It is a fact that Govt. of Maharashtra gives subsidy for power loom consumers and the same is credited to the consumer as per approval of Govt. of Maharashtra as and when received. As such till the release of fund against the subsidy claim, the amount receivable as subsidy is shown as arrears in consumer's bill and same will be credited only after actual receipt of subsidy from Govt. of Maharashtra.

The power loom subsidy for the year 2005-06 and 2006-07 has not been received by this office till this date. This office is persuing the matter to corporate office and Govt. of Maharashtra.

Further, it is confirm from the corporate office, the funds against the subsidy are likely to be received shortly.

### **Observations :**

The matter was heard on 03/06/2009. Shri Anand, Ex. Engr. & Nodal Officer, Bhiwandi represented on behalf of Respondent (herein after referred as Respondent) and Shri G.B. Singh, appeared as a Appellant representative (hereafter referred as Appellant).

Documents on records and submission from both the parties it reveals that the relief against the dispute of reference consumption was solved by IGRC, TPL, Bhiwandi, which is admitted by the consumer during the course of hearing.

Forum feels that the arrear shown in the energy bills of the consumer is a part of subsidy.

The record and statement submitted by the Appellant which he received under RTI Act 2005 from the corporate office of the Respondent (MSEDCL) reveals that Respondent received the subsidy amount from Govt. of Maharashtra towards power loom from the year 2001 to 2008.

But from the document on records of Appellant it is observed that the credit against the subsidy is not pass in the consumer bills, which leads to huge arrears in consumer's bills. Respondent is charging DPC and interest for non payment of these arrears to the consumer.

Forum observed that the consumer is entitled of refund of RLC charges which Respondent recovered in past.

The records show that the Respondent credited the RLC amount to the consumer by adjusting it against the arrears of subsidy. From the facts it is observed that the Govt. of Maharashtra already granted subsidy amount for 2001 to 2008. The Respondent did not credited his subsidy from the date of connection i.e. 21/10/2005.

The Respondent admitted the fact that it is practice that Govt. of Maharashtra awarded as subsidy for power loom consumer. According to Respondent any credit to be passed to the consumer is adjusted against the arrears payable by the consumer. But at this instant consumer is not entitled to pay the arrears of subsidy shown in the energy bills as it is deem to be adjusted with the granted fund for subsidy by Govt. of Maharashtra.

Forum feels that the arrears shown in the bills is against subsidy on power loom and the amount refundable towards RLC & interest on security deposit are two different issues which should be deal separate. Forum is of opinion that Respondent should process for awarding the subsidy as granted by the Govt. of Maharashtra with rigorous follow up with corporate office and Govt. of Maharashtra.

The Respondent should credit R.L. charges recovered up to March – 09 and interest on S.D. with applicable interest thereon for delayed effect of credit. The effect of credit should be given in the forth coming bill of consumer.

## ORDER

1) Recovery made towards RLC upto March-09 should be credited in the monthly bill of the consumer and interest applicable for delayed credit should be awarded to the consumer.

2) Similarly interest on security deposit along with interest as applicable should be credited in the forth-coming bill of the consumer.

No orders as to cost.

Both parties should inform accordingly.

Compliance should be reported to the Forum within two months from the date of 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 18<sup>th</sup> of June 2009.

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

**MRS. M.P. DATAR  
MEMBER  
CGRF, BHANDUP**

**R.M. CHAVAN  
MEMBER SECRETARY  
AND I/C CHAIRMAN  
CGRF, BHANDUP**