

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

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

Date :

Case No. 273

Hearing Dt. 22/06/2009

Rehearing dt. 01/08/2009

**In the matte of bill Revision and refund of S.D/SLC**

**M/s. S. Kumar & Nation vise Ltd.**  
Vs.

- Appellant

**MSEDCL, (TPL) Bhiwandi**

- Respondent

**Present during the hearing**

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

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

**B - On behalf of Consumer**

- 1) Shri Shakeel Ansari, Consumer Representative.
- 2) Shri Sachin Mistry.

**C - On behalf of Utility**

- 1) Shri Niraja Shah TPL.
- 2) Shri Jeevan Clerk, Manager,  
M/s. Torrent Power Ltd., Bhiwandi

## Preamble

M/s S. Kumar & Nation wide Ltd. is a commercial consumer with a sanctioned load of 49 kw under consumer No.13272794124. Consumer registered his grievance with this Forum on 4<sup>th</sup> June 2009. Vide case No.273. He approached this Forum for interim Order for restoration of disconnected supply. On this, Forum fixed up hearing on dt. 22/06/2009 but one of members went on 3 months leave and the post of Chairperson was vacant hence only a member secretary alone could not make any order. On appointment of the chairperson rehearing was kept on 01/08/2009.

## **Consumers say :**

M/s. S. Kumar Nation Wide Ltd. is having 3 electric connections at Building No.J-6 Shree Arihant Compound Kopar, Bhiwandi. The Appellant has filed his grievance to the I.G.C.R.U. of Utility on 15/03/2008 but has got no response hence approached this Forum. The matter was heard on 22/06/09. and next on 01/08/2009. Shri Shakeel Ansari represented the case on behalf of consumer, (here in after referred to as Appellant) As per the submission of Appellant he was given connection of 49 KW in the month Dec 06 and his premise was not in use in the month of Jan 07, but utility (TPL) has wrongly charged on average consumption of 4900 units. While handing over from MSEDCL to TPL, MSEDCL has read his meter for 52 units but Utility (TPL) has arbitrarily charged on average consumption from Jan 07 to Jan 08.

He agreed that average bill from Feb. 07 to Jan 08 is revised and credit of Rs. 326785.65 has been passed through the bill but slab benefits in three slabs is not given. He also reiterated that bill for the month Jan 07 is still not revised from Utility.

The Appellant also claimed that Utility have not charged as per the tariff order revised by MERC from time to time i.e. as per

case no.54/2005 & case no.65/2006 hence utility should bill accordingly and rectify bill should be issued.

The Appellant reiterated that he had applied on 30/01/2009 for reduction of load from 49 KW to 12.7KW but Utility is still billing on sanctioned load of 49 KW and charging 100% of M.D. Charges which is against ruling as given in case no 72/2007.

The Appellant further stated that he had applied for refund of security deposit, which was deposited for sanctioned load of 49 KW. However he is using only 12KW hence on reduction of load his balance security deposit amounting Rs.37 000/- for reduction of 37 KW load should be refunded.

In the submission appellant was asking for refund of SLC that was collected after 11/09/06, which should have been exempted as per MERC case no.70 of Sep.2006 but latter this demand was withdrawn in the rejoinder submitted to Forum on dt 22/07/2009. Stating that he had not paid any amount towards SLC.

The appellant also demanded the cost of cable, which he had purchased during the release of his connection amounting Rs 6.500/- as Utility were not having cable in stock and he was in haste to get connection released early. The Appellant further submitted in his rejoinder that utility should charge the M.D. charges in accordance with the commercial circular of its own no. PR-3/Tariff no. 4039, dtd. 05/02/2009 such enclosure was found with the rejoinder. However he stated in that utility should collect M.D. charges: -

i) 65% of the actual maximum demand recorded in the month during 06.00 hrs. to 22.00 hrs. Or

ii) 407 of the contract demand as mentioned in case no. 72 of 2007 of MERC dtd. 20/06/2008.

Which ever is higher of the above, but utility collected 100% of the recorded M.D., which is violation of MERC directives.

**Utility Say:**

The utility filed its written statement of defense on 22/06/2009 during the course of hearing held on 22/06/2009 and subsequent on 01/08/2009. Shri Nisarg Shah and Shri Jeewan Clerk was representing on the behalf of utility herein after referred to as Respondent. As per submission of the Respondent a similar complaint initially filed before IGRC, Bhiwandi and had appealed in this Forum vide case no. 220/08 the said appeal was resolved by Forum. The Respondent further added that revision of average bill for month of Jan-07 is of the time of MSEDCL and hence Appellant should approach to MSEDCL officials for necessary revision for the rest of period I.e. Feb.-07 to Jan.-08 average billing is rectified and credit of Rs. 326785.65 already passed in the bill for the March 2008 and submitted CPL in this support. Moreover the credit of Rs. 1800.00 is also passed on 23/02/2009 towards S.O.P. as per Forum's order in case no. 220/08.

The Respondent further stated that it was decided in case no. 220/08 that this consumer's activity is commercial and to billed accordingly. Further, Respondent explain to the Forum that consumer is already billed in three slabs as defined in MERC tariff order based on sanctioned load.

As mentioned in submission, consumer has given a simple letter on 30<sup>th</sup> June 2009 for reduction of load from 43 kw to 12.7 kw. and not in prescribed requisition form and that too without any payment of necessary registration charges. During the course of hearing Respondent agreed to give the effect of load reduction from date of application i.e. 30/01/2009 provided Appellant should supply all detail information in prescribed form and paid charges as per schedule approved by MERC.

On the ground of MD charges the Respondent clarify that maximum demand charges are recovered at the rate of Rs. 150/- per kVA as per MERC tariff order dtd. 20<sup>th</sup> June 2008. Respondent reiterated that the refund of SLC, SD and cost of cable pertains to MSEDCL and being the old matter i.e. before handing over from MSEDCL to D.F. (YPL). Appellant should approach to MSEDCL officials; no one was present from Nodal Officer, MSEDCL to represent their side. The Respondent also added that utility is not responsible for losses suffered by Appellant due to disconnection as it is solely because of the default in payment of energy bills. Further the Respondent also mentioned that the last payment made by Appellant was on 17/03/09 and as on today the total arrears of the consumer is Rs. 217277.07, hence before seeking any type of relief Forum should ask Appellant to make total payment of energy dues.

**Observation :**

From the facts of the case on record and submission made by the parties, Forum observed that Appellant has made application for reduction of load on 26/12/2006 submitted to Respondent (MSEDCL) on 27/12/2006, under the title of declaration of actual load in use but Respondent took no cognizance. However, Appellant has not made any correspondence with this for next 2 years. Thereafter on 30/01/2009 Appellant made an application for reduction of load and application of tariff as per MERC tariff order while billing. As regards to reduction of load, Forum feel that Appellant have never approach to Respondent in between Dec-06 to Jan-09, hence Forum does not find any merit in the Appellant prayer for consideration of his old application. Also Forum observed that Appellant have not taken any efforts for payment of necessary registration charges and for new agreement or submission of A1 form, which could be, consider as agreement for LT consumer as required in reduction of load. Forum feel that Respondent should consider application submitted by Appellant on 30/01/2009 and effect of load reduction should be given from this

date after payment of necessary registration charges as approved by MERC in case no. 70 of 2005.

From the record Forum also observed that same consumer had registered his grievance for rectification of bill charged on average basis vide case no. 220/08. Where Forum had issued order to rectify bill as per reading for the period from Jan-07 to Jan-08. In the present case same issue is repeated by consumer which is already resolved, hence Forum will not repeatedly made any statement and Respondent (MSEDCL) should observed it seriously and should note that compliance is awaited. Non-compliance will be viewed seriously and matter will be referred to MERC.

As regards to the second prayer of Appellant for charging of M.D. as per the MERC directives in case no. 72 of 2007 i.e. billing demand for LT V categories and LT II category having M.D. based tariff.

Monthly billing demand will be the higher of the following :

- a) 65% of the actual max demand recorded in the month during 06.00 hrs. to 22.00.
- b) 40% of the contract demand.

In the above it is worth to note that this tariff is applicable to the consumer having M.D. based tariff and it is very clear and explicit that it is mandatory on utility to charge consumer as per rate given in case no. 72 of 2007 having load above 27 HP. However, the consumer having load below 27 HP/20 kw this tariff was optional. In such case consumer should have opted LT MD tariff. From the submission of Respondent it is clear that a separate notices were given to the consumer for declaration of there contract demand and also notice were given on the bill read as.

*"As per MERC tariff order, MD based tariff for LT-II and LT-V consumers having loads above 20 kw/27 HP is being implemented. You are requested to declare your contract demand in kvA in writing within*

*one month, failing which your sanctioned load as per our records shall be considered as your contract demand for the purpose of billing".* But the consumer fails to produce any documentary record for declaration of his contract demand. When consumers request for reduction of his load from 49 kw to 12.7 kw is considered from the date of his application i.e. 30/01/2009 then declaration of contract demand is not required as being was for consumer having load 20 kw or more but in such cases MERC tariff order of 1<sup>st</sup> June 2008 clearly stated that *"the LT MD tariff is optionally available to LT II non domestic below 20 kw and LT V industrial below 27HP"*. However during the course of hearing consumer could not produce any documentary record whether he has to opted LT MD tariff or not. From the above Forum feel that utility should billed this consumer from the date of application i.e. 30/01/2009 as per the MERC tariff order of 1<sup>st</sup> June 2008 and charged demand charges at the rate of 150/- per connection per month only and excess billing made with the higher rate for above 20 kw shall be withdrawn.

Appellant third prayer was for refund of security deposit in accordance with reduction of load from 49 kw to 12.7 kw. Forum feel that Appellant is entitled to get the proportionate refund of security deposit for reduction of 36.3 kw load. However prayer of refund of cost of cable could not be granted as Appellant was very keen to get supply immediately and hence decided to purchase the cable at his own cost suo-moto.

### **ORDER**

- 1) The respondent, utility should reduce Appellant load as requested by him from 49 kw to 12.7 from his date of application i.e. 30/01/2009.
- 2) The demand charges should strictly be recovered in accordance with the tariff rate fixed in tariff order dtd. 1<sup>st</sup> June 2008 and excess recovered charges should be refunded to the Appellant. As mentioned in above para.

3) Security deposit should be paid to consumer in accordance with the reduction of load. Provided Appellant should produce original paid receipt or necessary affidavit on bond paper.

Compliance should be reported to the Forum within a month from 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> August 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.

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**