

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

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

Date:

Case No. 250

Hearing Dt. 05/02/2009

**In the matter of bill revision**

**M/s. Mahakali Yarn Dyeing Pvt. Ltd..**

- Appellant

Vs.

**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.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of consumer**

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

**C - On behalf of Utility**

- 1) Shri S. Rajendra Prasad, Bhiwandi.
- 2) Shri Paresh Bhagwat, Manager, TPL.

**Preamble :**

Consumer registered his grievance with this Forum on 12/01/2009 vide case no. 250. He appealed to CGRF since he could not get any response from ICGRU of MSEDCL & T.P.L. First hearing was held on 29/01/2009 but representative of TPL were not present hence it was postponed to 05/02/2009 when both the parties were present.

During the reading in the month of Sept.-2006, it was observed that there was a drastic fall in Y phase of CT current which results in fall of unit consumption and maximum demand recorded & on this assumption utility has charged the consumer for less recorded units and maximum demand (MD). Consumer registered his grievance with this Forum along with the above and also mentioned the points regarding power factor incentive, excess ASC charges and FCA also on refund of RLC and interest there on.

**Consumer's say :**

Consumer is having dyeing unit at Bhiwandi with HT supply having consumer no. 13019001510 with sanctioned contract demand is 160 KVA and sanctioned load is 160 KW.

This consumer was having two HT meters connected on two different feeders bearing no. 02184481 and 02214107 under consumer no. 0103019001510 in the name of M/s. Mahakali Yarn Pvt. Ltd.

In the month of Sept.-06 consumers meter no. 02184481 became faulty and utility charged assessment arbitrary for Setp.-06 to Feb.-07 towards units consumption and maximum demand which is not recorded. In the month of Sept-06 one meter i.e. 02214107 M.D. was recorded 120.42 where as no record was available on meter no. 02184481. However utility charged excess 04 KVA i.e.  $120.42 + 44 \text{ KVA} = 164.42 \text{ KW}$  which is wrongly calculated and hence penalty charged of excess 4 KVA MD is wrong & should be withdrawn.

2) Unit consumption charged during Sept.-06 to Dec.-06 is also wrongly calculated which is not on the basis of past average consumption from April-06 to August-06 which comes to 19552 units. Hence total excess units charged to

the consumer for the period Sept.-06 to Dec.-06 are 34631 units, which should be withdrawn. Moreover, utility had not read the meter for four months. Hence the compensation should be awarded as per S.O.P.

3) Utility (MSEDCL) have charged load penalty during Sept-06 for Rs. 700/- though there is no MD recorded on either of meter which is baseless and should be withdrawn. The utility (MSEDCL) recovered excess MD charges during October 2006 to Jan. 2007 for 139 KVA for an amount of Rs. 48650/- should also be refunded.

Subsequently the utility (TPL) has charged excess MD for the month of Feb.-07 is also wrong and should be refunded.

4) Utility have not awarded PF incentive for the period Sept.-06 to Dec.-06 i.e. meter by-pass period for an amount of 36557/- which should be awarded to the consumer.

5) The utility has still not refunded the recovered amount towards RLC in time and hence he be paid interest thereon.

**Utility Say :**

In the present case the partial period is of MSEDCL and remaining of TPL. They have submitted their say as follows :

**Point No. 1** M.D. charged during the period of Oct.-06 to Jan.-07 is as per rules and which is not excess, is as follows :

Oct-2006	-	M.D. 145 KVA (Assessed) }	
Nov.-2006	-	M.D. 145 KVA (Assessed) }	As per previous consumption &
Dec.-2006	-	M.D. 145 KVA (Assessed) }	contract demand
Jan 2007	-	M.D. 109 KVA (As recorded)	

**Point No. 2** : For Sept.-06, the MD recorded for 99 KVA, but actual M.D. is 164 KVA, sanctioned M.D. is 160 KVA, hence penalty charged for  $164-160 = 4$  KVA (Rs.  $175 \times \text{M.D. } 4 = 700.00$ ). The penalty charged is corrected.

**Point No. 3** : The bill for Feb-07 is billed by M/s. Torrent Power Ltd..

**Point No. 4 & 5** : In the period of Sept.-06 to Dec.-06, the metering was by-passed, hence the reading is not taken. Therefore there is no question of SOP. The units charged between this period are according previous year consumption, after calculating the average consumption per day. The assessment charged is correct.

**Point No. 6** : The bills for Sept.-06 to Dec.-06 are on the basis on assessment provided by field officer, hence there is not question of P.F.. incentive.

**Point No. 7** : ASC charged to consumer is as per non continuous tariff. The ASC is correct and as per rules.

**Point No. 8** : RLC amount is refunded according to Head Officer guidelines through energy bills.

**Excess M.D. Charges** : in Feb.-07, bill demanded was calculated as 109 KVA i.e. highest of the below :

- a) 50% of contract demand i.e. 160, which comes to 80 KVA.
- b) 75% of previous 11 months highest demand i.e. 145 KVA of Oct-06, which comes to 109 KVA.
- c) Highest recorded from B Zone to E Zone i.e. 107 KVA, in B zone.

As per MSEDCL bill of Jan.-07, previous 11 months highest demand of Oct.-06 as 145 KVA was considered.

**Applicability of Tariff :**

- 1) Consumer vide letter dtd. Mar. 16, 2004 has applied for double feed arrangement to avail continuous uninterrupted supply to his continuous process industry. The same was sanctioned on April, 22, 2004 vide letter no. SE/BWDC/T/EST/T3/1594 & was commissioned on Sept. 26, 2004. The photocopies of the referred letters are enclosed herewith for ready reference.
- 2) Accordingly the consumer was billed as per tariff category of HT-1 C.

What ever state in above is correct, the bills are issued to consumer is as per rules. The cause of action in this matter is occurred on Sept-06 & consumer never complained this matter till 07/11/2008. As per C.G.R.F. and Ombudsman regulations Reg. No. 6.6, this matter is beyond the period of two years. It is time barred matter. Hence it is prayed to reject the consumer complaint.

**Observations :**

1) After hearing both the sides and documents on records it reveals that the consumer's M/s. Mahakali Yarn Dyeing Pvt. Ltd. was supplied electricity through two different feeders (i.e. double supply) having independent metering system. In the month of Sept.-2006, utility (MSEDCL) observed that out of two meters, one meter no. 02214170 was showing fall in current in Y phase which leads to less recording of consumption. Another meter of this consumer bearing meter no. 02184481 was found faulty in the month of Sept.-2006 which was by passed by utility (MSEDCL) on 08/09/2006. Accordingly the utility charged the assessment for the month of Sept.-2006 to Dec.-2006 considering the highest passed recorded consumption. Which was disputed by the consumer and expected to be charged on the average consumption recorded for April-06 to August-06 which comes out 19552 units/per month and demanded the refund for excess 34631 units charged during above period.

The utility (MSEDCL) charged the consumer considering the percentage drop of Y phase current compared with highest recorded & current in R phase, which comes around 62.68%. On the basis of this variation in the current, utility calculated the difference of units to be recorded which was not disputed by the consumer hence Forum does not want to interfere in this matter.

In this situation considering regulation 1.5.4.1 of MERC (Electric supply code and other conditions of supply) regulations 2005 which state as under:

**1.5.4.1:**

*In case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three moths, based on the average metered consumption for twelve months*

*immediately preceding the three months prior to the month in which the billing is contemplated.*

The Forum observes that the proper course of billing should have been done by utility considering the average of past twelve months consumption prior to bypassing of faulty meter

2) Similarly the utility charged the KVA, MD in month of Sept.-2006 on the calculation basis considering the drop of current in meter no. 02214107 and worked out 164 KVA, which exceeds the sanctioned MD of 160 KVA and charged the penalty of Rs. 700/-.

The utility's calculation base itself is not correct and utility (MSEDCL) was unable to prove it's correctness hence Forum feels that considering the last 12 months recorded MD of this consumer which never crossed the sanctioned limit. Hence utility should withdraw the excess MD charged of Rs. 700/-.

In the month of Oct. to Dec.-2006 utility (MSEDCL) charged MD of 145 KVA, which is assessed, and on calculation basis and has not considered the past 11 months recorded MD of this consumer.

From the record available with the Forum it is observed that the highest MD recorded in past 11 months is 132 KVA and the same base should be used for billing during the period for Oct. & Dec.-2006 i.e. 75% of 132 KVA.

In the month of Jan.-2007, it is observed from the records, consumer's recorded MD is 108 and utility billed him as 109 KVA which is 75% of assessed 145 KVA, MD which itself is nor correct and need to rectification/revision, hence consumer should be billed as per recorded MD of 108 KVA. Similarly in the month of Feb.-2007, consumer should be billed only on the recorded MD i.e. 107 KVA.

3) The utility have not awarded the PF incentive for period of Sept-2006 to Dec.-2006 i.e. for the period of by passed meter. During the course of hearing representative of utility stated that it is the practice of utility that it neither awards PF incentive nor charged the consumer penalty for the by-passed period of faulty meter. Forum observed from the record that the meter which is in service or in

working condition was continuously or regularly showing the power factor in the range of 0.99 to unity which clears that the consumer is maintaining his power factor in the incentive range hence consumer is entitled for the PF incentive for the by-passed metering period i.e. Sept.-2006 to Dec.-2006.

4) The consumer also claims for RLC not refunded in time since there is a delay from utility on this count the consumer should be refunded his due amount of RLC with interest at Bank rate.

## **ORDER**

1) As observed above the bills of the consumer from Sept.-2006 to Dec.-2006 as regards to assessed units consumption and incentive of PF should be revised. Similarly as mentioned in the above observation the assessed MD charged should be corrected for the period of Sept.-2006 to Feb.-2007.

2) In the course of hearing the consumers representative requested for grant of additional time to submit few important papers and also submitted the rejoinder and hence the prescribed time of two months could not be observed.

Compliance should be reported to the Forum within a month from the date of receipt of these orders.

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

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**

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

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