



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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**IN THE MATTER OF GRIEVANCE NO. K/E/380/433 OF 2010-2011 OF**  
**SMT. SONAL S. NEGANDHI VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

Smt. Sonal S. Negandhi  
Gala No. 17, Bldg. No. 1,  
Merchant Ind. Estate, Waliv,  
Vasai (East), Dist. : Thane

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Vasai Road (East) Sub-Dn.  
Vasai, Dist. Thane.

(Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the

grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T.- V consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 27/09/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Smt. Sonal S. Negandhi

Address: - As given in the title

Consumer No : - 1)001840852322 – 65 HP

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/458 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/9252, dated 27/10/2010.
- 4) The forum heard both the parties on 27/10/2010 @ 16.00 Hrs. in the cabin of Executive Engineer Vasai Division office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri R. S. Sanap Ex. Engr., Shri S. M. Bangar, Dy. Ex. Engr. representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.
- 5) Consumer has taken electricity connection from the Distribution Licensee (DL) to the company premises situated at Merchant Ind. Estate, Waliv,

Vasai (East) in 1999. It is contended by the consumer that during the period July 08 to Sept. 08 their T.O.D. was not working, reading was shown zero, KVA MD reading was also not available and inspite of this licensee wrongly recovered P.F. penalty running in thousands as per the chart enclosed. It is further contended that licensee collected two months ASC of April 08 and June 08 and excess connected load penalty contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06. It is averred while taking 65 HP connection in 1999 licensee collected SD/ASD, however did not refund the same though original receipts produced, therefore, the licensee is liable to refund the amount on the above counts vide chart enclosed with interest. Consumer claimed the amount vide applications dt. 15/04/10, 07/08/10 but not responded hence moved the I.G.R. Cell but in vain. Consequently consumer filed this grievance to direct the licensee to refund the amounts as above with interest and compensation Rs. 5000/- for delayed action.

- 6) Licensee filed stereotype reply dt. 27/10/10 contending that excess collected P.F. penalty will be refunded in the ensuing bill, so far ASC excess charged is also being refunded with interest. It is contended amount of excess connected load penalty since time barred cannot be refunded. As regards refund of Security Deposit according to licensee receipts are untraceable.
- 7) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes

below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer in the month of July, August and Sept. 08 P.F. penalty was wrongly charged and the same to be refunded with interest. Licensee is under obligation to calculate power factor penalty as per the formula as approved by the Hon. MERC. Based on the MRI data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer.

- 8) As regards ASC this Forum in case No. 394 and 424 of 2010 filed by representative Shri Harshad Sheth clearly pointed out on the compliance of the directions of Hon. MERC in case No. 144 of 2008. In para 8 (g) Hon. MERC pointed out as to how ASC to be calculated categorywise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and refund the excess amount collected if any, bearing in mind that concerned order of Hon. MERC is of 2008 and now we are at the fag end of the year 2010 and as such sufficient time has elapsed.
- 9) According to consumer vide letter dt. 07/08/10 excess connected load penalty amounting to Rs. 01,79,415/- vide chart needs to be refunded. Licensee vide reply dt. 27/10/10 pointed out that this amount is not in lakh but in thousands. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 92 HP officials of the licensee collected excess connected load penalty and the same needs to

be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and Ombudsman as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty.

- 10) About refund of Security Deposit though original receipts produced it is surprising according to licensee they are untraceable. When consumer produced receipts, licensee is under obligation to refund the amount with interest without delay. This Forum in many cases including Case No. 393 and 438 of 2010 clarified on this aspect. It is seen from the record consumer produced original receipt alongwith application dt. 15/04/10 and till today this amount is not refunded indicative of gross negligence, in action on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement consumer not produced receipts, on perusal of F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee cannot obviate it's liabilities. For non receipt of the amount in time, consumer suffer mental agony and torture, he must have suffered loss on this count is necessary to be compensated saddling the licensee with compensation of Rs. 3000/-. Considering all the points referred to above licensee will have to be directed to calculate the amount

of excess P.F. penalty, ASC, excess connected load penalty and to refund the same to the consumer with interest including the amount of SD and compensation. Consequently the grievance application will have to allowed.

- 11) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

### **O-R-D-E-R**

- 1) The grievance application is allowed.
- 2) Licensee is directed to calculate the amount of P.F. penalty, ASC, and connected load penalty as per the directions of Hon. MERC and Ombudsman and if recovered excess and not paid earlier, refund to the consumer with R.B.I. rate of interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 3) Licensee is directed to refund the amount of SD/ASD with R.B.I. rate of interest to the consumer if not paid earlier as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 30 days from the date of receipt of this order and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

4) Licensee is directed to pay compensation of Rs. 3000/- (Rs. Three Thousand only) to the consumer as mentioned in para No. 10 above within 90 days and compliance should be reported to the forum within 100 days from the date of receipt of this decision.

5) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

Date : 09/12/2010

(Mrs. S.A. Jamdar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan