



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/829/1007 of 2014-15

Date of Grievance : 03/11/2014

Date of Order : 17 /12/2014

Total days : 44 days.

IN THE MATTER OF GRIEVANCE NO. K/E/829/1007/2014-15 IN RESPECT OF M/S. K.C.GANDHI ENGLISH SCHOOL, R.P.ROAD,NEAR JOKAR TALKIES,KALYAN (W) DISTRICT THANE PIN – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND TWOARDS TARIFF.

M/s. K.C.Gandhi English School,
R.P.Road, Near Jokar Talkies,
Kalyan (W)
Dist. Thane,
Pin Code-421 301
(Consumer No. 020020536081-LT-IIB)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
The Addl.Executive Engineer,
Sub/Divn-III, MSEDCL,
Kalyan (W).

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri B.R.Mantri-Consumer's representative.

For Licensee -Shri Kailash Jagdale- Addl. Executive Engineer.

Shri Pathak - Asst. Accountant

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the

notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Consumer is a Education Institution having supply from 28/2/1994. Consumer received bills from August 2012 wherein tariff category is shown LT-IIB above 20KW, though consumer’s sanctioned load is 20 KW and contract demand is of 24KVA and category ought to have been shown as LT-XB. Accordingly, it is contended that amount is recovered at higher rate from August 2012 it be refunded. It’s request was not considered inspite of consumer writing letter to Dy. Executive Engineer on 5/11/2012. Consumer approach IGRC on 2/4/2014 and IGRC not passed the order. Hence consumer approached this Form on 5/11/2014.

3] On receiving the grievance it’s copy along with accompaniments sent to the Nodal Officer vide this Office Letter No.EE/CGRF/Kalyan/0396 dated 7/11/2014.

In response to it, Officers of Licencee attended on 15/12/2014, no any written reply is filed but, placed on record bill dated 5/12/2014 pertaining to the consumer wherein refund of Rs.5,01,753.09 Ps. is shown. It is contended that considering the request of consumer said amount is worked out and being adjusted in the ensuing bills. It is submitted that even tariff category is change to LT-XB.

4] **Matter** was taken up for discussion. As submitted by CR Licencee allowed the refund which is quantified to the tune of Rs.5,01,753.09 Ps. which includes even the refund of electricity duty and the interest. Bill produced by Licencee, showing the refund allowed. It is also admitted fact that these refund amount is to be adjusted in the bills of ensuing months. CR submitted that this due payment be treated as received by the Licencee on the due dates of payment of future bills and Licencee be directed to give credit to the said amount and allow incentive etc. whatever permissible, treating as if payment is done by consumer well in advance or well in time. The refund amount concluded includes even the refund of electricity duty which was sought by consumer as it is charitable institution and duty is not applicable. Hence consumer's grievance is to be allowed.

Hence the order.

ORDER

Consumer's Grievance application is hereby allowed. Quantum of refund quantified by consumer and Licencee to the extent of Rs.5,01,753.09 Ps. hereby upheld. Licencee allowed to pay it by adjusting it in ensuing months and further directed to treat the payment of such ensuing bills on the due dates or in advance and allow every incentive permissible if payment would have been done in time.

Licencee to comply and submit report within 15 days after refund amount is totally adjusted.

Dated: 17/12/2014

I agree

**(Chandrashekhar U.Patil
Member Secretary
CGRF, Kalyan**

**(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan**

GRIEVANCE NO. K/E/829/1007/2014-15

NOTE: -

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) 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”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

