



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in**

---

**IN THE MATTER OF GRIEVANCE NO. K/E/386/440 OF 2010-2011 OF**  
**M/S. MAHENDRA INDUSTRIAL MFG. COMPANY, VASAI REGISTERED**  
**WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,**  
**KALYAN ABOUT EXCESSIVE BILLING.**

M/s. Mahendra Industrial Mfg. Co.  
Gala No. 01,  
Vora Ind. Estate No. 01,  
Navghar, Vasai (East)  
Dist. : Thane – 401 202

(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. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 05/10/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Mahendra Industrial Mfg. Co.

Address: - As given in the title

Consumer No : - 1)001849034210 – 107 HP

2)001610261333 – Single Phase

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/490 dated 05/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9308, dated 29/10/2010.
- 4) The Chairperson and Member of the forum heard both the parties on 29/10/2010 @ 15.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. M. Bangar, Dy. Ex. Engr. representative 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) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Vora Ind. Estate No. 01, Navghar, Vasai (East) in the year 2000. According to consumer licensee is supposed to refund the RLC amount from July 2008 onwards. RLC paid for the single phase connection since it is to be merged in three phase meter, collected RLC is required to be refunded but not refunded so far with interest vide chart enclosed. According to consumer licensee as per the directions in MERC case No. 144 of 2008 did not refund the amount of ASC vide chart enclosed. It is further contended that single phase meter No. 001610261333 is not required since it is to be clubbed with three phase meter consequently single phase meter is to be permanently disconnected and the amount of SD/ASD/RLC collected by licensee in this context needs to be refunded with interest. By letter dt. 18/02/10, 04/08/10 consumer claimed the amounts on the above counts but licensee did not respond therefore consumer moved the I.G.R. Cell but in vain hence lodged this grievance with prayer to direct the licensee to refund the amount of RLC, ASC and SD/ASD/RLC collected in the context of single phase meter in the year 1999 with interest and compensation of Rs. 5000/- for delayed action.
- 6) Licensee opposed the contentions raised above by filing stereotype reply dt. 29/10/10. So far RLC, it is contended it is delayed by one year and that remaining amount alongwith interest will be refunded by the bill of Nov. 2010. So far ASC it will be given on verification of records. As regards single phase connection it has already been permanently disconnected and the SD/ASD/RLC collected in this context will also be refunded as per rules.

- 7) So far refund of RLC, at the outset learned representative for licensee has pointed out that this amount is delayed by one year. This amount was paid by the consumer to the licensee as loan in the difficult time during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2007 clearly depicted methodology as regards refund of RLC. When the amount was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC in case No. 72 of 2007 and Ombudsman in case No. 39 of 2006 and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect.
- 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) So far permanent disconnection of single phase meter and refund the amount collected in this context, it is contended by the licensee that it has been disconnected long back and the refund of SD/ASDC/RLC with interest is being given. In fact, while permanently disconnecting the single phase meter licensee should have refund the amount collected in this context and not after the period of one year. This delayed action of one year indicative

of gross negligence, inaction and lethargy on the part of the officials of the licensee. Due to delayed action consumer suffer mental agony and torture, he must have suffered loss is necessary to be saddled the licensee with compensation of Rs. 2,000/-. Consequently the grievance application will have to be partly allowed.

- 10) 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 partly allowed.
- 2) Licensee is directed to work out the amount of RLC and ASC as per the directions of Hon. MERC in case No. 72 of 2007, 144 of 2008 and Ombudsman in case No. 39 of 2006 and if collected excess, to refund the same with 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/RLC collected in the context of single phase connection with R.B.I. rate of interest to the consumer if not refunded earlier, within 45 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. 2000/- (Rs. Two Thousand only) to the consumer as per directions given in para No. 09 as above within 90 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 : 14/12/2010

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

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan