

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 & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

The consumer Mahendra Shivaji Patel, Gala No.B-11 Shivangi Ind. Estate, Nalasopara Phata , Vasai (E), Dist. Palghar, Pin Code-401 208 holding the connection for 65 HP with consumer No. **001840325489** has approached to IGRC with Form "X" dated 07/08/2014.

In response to the above "X" Form, the IGRC has not provided any remedial action. The hearing was not conducted at IGRC level within two months period specified for it. Hence consumer approached to CGRF by submitting his grievance in Schedule "A" dated 28/4/2015 which was registered by allotting No. K/E/877/1072 dated 29/4/2015. The consumer

claimed for refund of (a) amount wrongly charged power factor penalty of Rs.1,00,369/- with lost incentive @ Rs.16500/- & (b) excess collected amount with interest.

The hearing for the above matter was scheduled on 19/5/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 133 dated 02/05/15 with its copy to the consumer.

The hearing was conducted on 19/5/15 and then was adjourned to 4/6/15, 29/6/15, 10/8/15, 2/9/15, 9/10/15, 16/10/15, 27/10/15, 03/11/15 18/11/15, 20/11/15, 24/11/15 and lastly on 9/12/15. During the course of hearings, the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by them vide letter No. 6120 dated 20/07/15 and vide Letter No. 8168 dated 22/09/2015.

During the course of hearing, it was noted by the Forum that the grievance of the consumer is being redressed by Licensee and CR has also shown the acceptance / consent towards the proposal of the Licensee's Officers for redressal of the grievance.

It is observed that the grievance regarding power factor penalty is common in almost all the cases in which this particular lot / batch of Genus meter is installed for connection and the manufacturer of meter has also produced his analysis report to the Licensee with observation that "PF calculation programe was wrongly programed for Lag + Lead, which is reprogramed in these meters for Lag only calculation for rectification." Manufacturer also suggested MSEDCL to bill the consumer accordingly. On this back ground, the Licensee's Officers made corrections in all other such number of cases and they have now clarified to the Forum that in this

case also they have made necessary corrections in the wrongly applied PF penalty and accordingly resolving the issues of consumer.

On the hearing date 09/12/15, the consumer's representative submitted in writing on his letter head dated 8/12/15 and clarified that the B-80 (-) credit of Rs.97, 589.50 Ps is given by the Licensee in the bill of November-15 and hence reported that their grievance is now over as sorted out satisfactorily by the Licensee. He further added that they do not demand any extra interest or any compensation under SOP 2014.

Considering the submission vide letter dated 22/09/15 of AEE, Vasai (E) S/dn and consent submitted by CR dated 8/12/15 as mentioned above , the Forum observed that the remedial action has been taken by Licensee and the refund / adjustment towards wrongly charged PF penalty is given by showing and giving the credit towards the amount involved in the month of November 2015.

This matter could not be decided within time as Licensee sought adjournment from time to time to provide the details and those were provided on 8/12/15 and their submissions were heard on that day and clarification was taken on 8/12/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

ORDER

The grievance application of the consumer is hereby disposed off as the Licensee has sorted out the grievance of the consumer during the pendency of the case with the Forum by giving the credit of Rs.97,589.50 Ps in the billing month of November 2015 towards wrongly charged PF penalty.

Dated: 23/02/2016.

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF,Kalyan.**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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.

Grievance No. K/E/877/1072/2015-16