



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

No. K/E/831/1009/2014-15

Date of Grievance : 11/11/2014

Date of Order : 23/12/2014

Total days : 42

**IN THE MATTER OF GRIEVANCE NO. K/E/831/1009 OF 2014-15 IN RESPECT OF M/S.BALBIR ALLOYS PVT. LTD. PLOT NO.K-10, ADDL. MIDC, MURBAD, DISTR.THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF EXCESS CHARGED FAC AMOUNT WITH 18% INTEREST.**

M/s. Balbir Alloyz Pvt. Ltd.,

Plot No.K-10, Addl.

MIDC, Murbad,

District-Thane.

.... (Hereafter referred as Consumer)

(Consumer No.018019020297-HT)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

MSEDCL,Kalyan Circle-II

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri Saurabh Jain & Shri Raman Sharma-Manager  
Consumer's representatives.

For Licensee - Shri Khan – Nodal Officer- and Exe. Engineer.

Mrs. C.K.Nagnoti-Sr. Manager (F & A)

Mrs. P.P.Kale – Accountant.

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

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’.

2] This matter is brought before this Forum by consumer vide grievance application dated 11/11/2014. Grievance is towards improper recovery of FAC by misinterpreting the circular issued. AS per the grievance, consumer has worked out refund to the tune of Rs.19,55,434.25 Ps. It covers the period from November 2013 to July 2014. It is contended that in spite of it consumer approaching Superintending Engineer on 21/8/2014, 15/9/2014 and 17/10/2014, there was no response, hence consumer required to approach this Forum.

3] On receiving the grievance, it’s copy along with accompaniments sent to the Nodal Officer vide Letter bearing No. EE/CGRF/Kalyan/401 dated 12/11/2014.

In response to it, Licencee appeared and filed reply on 19/12/2014. Guidance from the Chief Engineer (Commercial) sought by the Officers of Licencee on 13/11/2014. As per the reply filed by Licencee, refund is worked out to the tune of Rs.12,13,046.70 Ps to be paid to the consumer.

4] This matter is taken up for discussion and it is clarified from the Licencee’s side that refund is worked out to the tune of Rs.12,13,046.70 Ps and it will be given credit in the bill to be issued in January 2015. During the

discussion from Licencee side, reliance is placed on the letter issued by Chief Engineer (Commercial) of Licencee in response to the query made by Superintending Engineer, Latur Zone. It is clarified therein that when FAC is to be recovered in the further month, in which the bill is issued as directed therein. Accordingly, it is clear that FAC as directed by the Licencee, if to be recovered in the month of September 2014 then it is to be recovered to the bill issued in the month of September 2014. Considering this position, now it is clear that circular if at all to be complied, it will be for the previous bill to be dealt in the bill issued in further months as directed. Consumer's Representative and Manager are fair enough to concede to this position and they agreed to the refund worked out by Licencee. On this basis this matter is to be partly allowed as claim is now limited to the figure worked out by Licencee.

4] It is necessary to appreciate the efforts taken by Licencee to resolve this particular dispute effectively and efficiently.

5] Last but not least CR pointed out that this particular dispute came up as Licencee has not maintained the terminology consistently. At times words are used as "billing month" or "month" and it created problem. We find that from clarification given by Chief Engineer (Commercial) vide his letter No. 3517 dated 27/11/2014, this particular ambiguity stands clarified.

Hence the order.

### **ORDER**

Grievance of consumer is hereby partly allowed.

Refund worked out by Licencee in its reply to the tune of Rs.12,13,046.70 Ps. is now endorsed by consumer's representative and it to be refunded to the consumer. It be credited in the consumer's bill to be issued in the month of January 2015.

Compliance of it be submitted within 30 days from the date of this order.

Let operative part of this order be issued to both the parties.

Dated: 23/12/2014.

**I agree**

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF, Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan

**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 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”*

- c) 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.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] This grievance is filed towards non compliance of part of the order passed by this Forum in K/E/713/843 dated 29/7/2013. Precisely it is towards less interest paid, applying 6% interest but Forum has directed interest as per Bank Rate.

2] Before proceeding to consider the disputed aspect, it is just necessary to mention that order of this Forum dated 29/7/2013 was challenged by the Licencee before Hon'ble High Court, vide in Writ Petition No. 10936 /2013. Said writ petition

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dismissed on 24/1/2014. Consumer till then had approached Hon'ble MERC towards non compliance of the order passed by this Forum. Hon'ble MERC passed orders therein and order dated 22/3/2014 of MERC is complied by the Licencee showing amount credited in the account of consumer in the bill of February 2014 to the tune of Rs.1,09,94,024.44 Ps. In the said amount, as directed by this Forum, calculation of difference of 2% surcharge and interest is shown. Chart of such payment is placed before this Forum, wherein it is seen interest is calculated at 6%, Accordingly, now dispute is only limited to the interest charge as per 6% which consumer claimed, it is less and not as per the direction of this Forum. On this count, consumer approached SE of Licencee vide letter dated 12/5/2014. As it was not complied Licencee approached this Forum.

3] Consumer herein though filed this application on 28/7/2014, it is registered on 25/8/2014 and during this period attempt was done to verify the position from Licencee side and to find out whether order of this Forum can be complied by the Licencee as per it's true sprit. As the said attempt failed matter is registered and

notice issued to the Nodal Officer, vide letter No. EE/CGRF/Kalyan/0231 dated 25/8/2014. In response to it, Officers of Licencee did appear and they were made aware of the implication of order passed by this Forum towards interest i.e. Bank Rate. They readily conceded to legal position U/s. 62 (6) of Electricity Act and agreed to comply it.

4] As noted above, Officers of Licencee and consumer's representative Mr. Saurab Jain attended on 16/9/2014, Officers of Licencee placed on record calculation chart along with letter and pointed out that interest as per Bank Rate is calculated for the period as directed by this Forum to the tune of Rs.22,54,575.12 Ps and out of it already consumer is paid Rs.15,19,577.86 Ps. and balance amount of Rs.7,34,997.26 Ps. will be credited in the bill of consumer for the month of September 2014. This particular calculation is not disputed by CR though in his Grievance Application he tried to seek interest at prime lending Rate of SBI and had referred to the Judgment of Appellate Tribunal for Electricity in Appeal No.47/2011 and IA No. 73/2011 dated 17/4/2012. As said aspect is not argued and agitated by the consumer's representative,

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we find it not necessary to comment more on it. Suffice it to say consumer's grievance raised in present application is amicably redressed by the Licencee showing readiness to pay by way of credit in the next billing month i.e. September 2014 to the tune of Rs.7,34,997.26 Ps. Under such circumstances, this grievance is to be disposed off.

Hence the order.

### **ORDER**

Grievance application of consumer is hereby allowed.

Licencee already worked out quantum of interest as per Bank Rate to the tune of Rs.22,54,575.12 Ps. and considering interest already paid to the tune of Rs.15,19,577.86 Ps. balance of Rs.7,34,997.26 Ps. is being credited in the September 2014 of consumer. No more thing remains for compliance except Licencee to give credit for said amount in the bill of September 2014. After said bill of September 2014, Licencee to submit compliance before 25<sup>th</sup> October 2014.

Dated:18/9/2014

I agree

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

I agree

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan