



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/262/288 OF 2009-2010 OF
M/S.PRINCE INDUSTRIES, VASAI, REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Prince Industries,
Gala No.08,
Khokhani Ind. Estate, Complex No.2
Satali, Vasai (E),
Vasai, 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 above 20 KW consumer of the licensee with C. D. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 09/06/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Prince Industries

Address: - As given in the title

Consumer No : -1). 001849031350 - LT V Ind.

2). 002170781611 - 1 ph. comm.

Reason of dispute: Excessive Energy Bills and PD of 1 ph. com.connection.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/ 536 dated 09/06/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer MSEDCL Sub/Dn. Vasai Road East filed reply vide letter No. DYEE/VS/B/5065, dated 29/06/2009.

- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 12/03/2009. The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 09/06/2009.

- 5). The Member Secretary and Member of the Forum heard both the parties on 29/06/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri R.G.Gharat UDC, 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.
- 6). The following grievances raised by the consumer in its letter dated 02/03/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 29/06/09 with CPL filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). As to grievance No. (1) – Regarding refund of difference between MD based tariff & H. P. based tariff & P. F. penalty recovered in the bills for Aug.08, Oct.08, Dec.08, Jan.09 and Feb.09 :- The Consumer Representative (CR) submits that the licensee has charged MD based tariff to the consumer without 100% metering and its such action is illegal. He relies on operative order dtd. 20.6.08 of MERC in case No.72 of 2007, MSEDCL circular No.81 dt.7.7.08 in support of his contention. He further submit that as per order dated 12.9.08 of MERC in case 44 of 2008, the licensee can not impose MD based fixed charges, PF penalty and demand penalty/incentive without MD based tariff being made applicable to the

concerned consumer but in the instant case, the licensee has applied the above charges or penalties without MD based tariff being applicable to it and hence such action of licensee is illegal. He further submit that thus the licensee has violated the Act, rules and orders of MERC and hence is liable for action under section 142 and 146 of the Electricity Act 2003. He further submits that therefore the licensee be directed to refund the amounts of such illegally recovered charges together with interest at the rate which it applies to the defaulting consumer. The CR submits that the consumer claims refund of an amount of Rs.2650.00 towards the difference in between the fixed charges as per MD based tariff and HP based tariff and PF penalty of Rs.9353.11 charged in the bills for the months Aug.08, Oct.08, Dec.08, Jan.09 and Feb.09.

---As against above contention, the LR submits that the licensee has applied MD based tariff from Aug.08 on completion of 100% TOD metering and as per directives given in Clause 10.5 of Com. Circular No.81 dt.7.7.08. He therefore submits that whatever charges and PF penalty based on MD based tariff, are recovered by the licensee from the consumer are correct and legal and therefore the question of refunding the same to the consumer does not arise.

While deciding the question regarding the applicability of MD based tariff to the LT above 20 KW industrial units, the Hon. Electricity Ombudsman vide order dated 6.5.09 in representation No.33 of 2009, M/s. Crystal Industries V/S MSEDCL, relying on the MSEDCL's circulars dtd. 05.02.09 held that the MSEDCL has suo moto decided to start MD based tariff for LT V consumers from April 09 inspite of 100% installations of MD

meters completed in Aug.08 and therefore the MSEDCL is liable to refund the excess fixed charges and PF penalty recovered from such consumer. Therefore following the above referred decision, the licensee is directed to refund the amount of MD charges collected over and above the fixed charges recoverable as per HP based tariff and the PF penalty recovered from the consumer prior to the billing period of April 2009 together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 8) As to grievance No. (2) - Regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 : The consumer claims that the licensee was to refund of an amount of Rs.11,584.13 on this count as the charges of the relevant period were reverted back to the HP based tariff from MD based fix charges, due to non completion of installation of MD meters in entire Maharashtra, however, the licensee has credited an amount of Rs.8065.32 only. Therefore the licensee be directed to refund the remaining amount of Rs.3518.81 with interest. The licensee claims that it has refunded such balance amount in June 09. However, it has not filed copy of the CPL for June 09 or any other document showing such refund of the balance amount. Therefore, the licensee is directed to verify the total amount of such difference between the MD based tariff charges recovered and HP based charges of the period Oct. 06 to Feb. 07, the amount refunded by it and to refund the remaining amount of such difference together with interest at the bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after a period of 30 days.

- 9). As to grievance No. (3) – Regarding Security Deposit : The consumer claims that while giving new connection in Oct.03, the consumer has paid SD of Rs.19,500/- + Rs.11700/-. However, the bills were showing SD as zero. Thereafter the bill for Jan.07 was showing SD of Rs. 19500/- only. Thereafter in Oct.07, the connected load was increased from 65 to 107 HP and at that time addl. SD of Rs.24000/- + Rs.7000/- = Rs.31,000/- was paid and the same is being displayed in the bills. The consumer claims refund of SD of Rs.31,200/- and interest of Rs.5967/-. As against this, the licensee claims that the connection has been given on 10.11.03. The SD paid at the time of connection i.e. Rs.19500/- is displayed in the bills. However, the ASD of Rs. 11,700 is not displayed in the bills. It will be displayed in the bills and interest will be paid as per rules. The consumer should produce original receipts for further action. In view of above contentions of the parties, the licensee to verify the correct amounts of SD from its record, record with the consumer, calculate the proper SD at this stage, and refund the excess amount of SD and interest on total SD at the Bank rate of RBI by giving credit of such amount in the ensuing bill after a period of 30 days from the date of decision in this case.
- 10). As to grievance No. (4) – Regarding amount of RLC in respect of earlier consumer no.002170781549:- The consumer claims that the earlier electric connection to its unit with Contract Demand of 54 KVA was bearing consumer no. 002170781549. The said consumer no. was changed to the present consumer no.001849031350 in Oct.07 when the CD was enhanced to 80 KVA. The initial supply of 65 HP was given in Oct.03. Thus the RLC was collected for about 33 months from it during the period in which the

said connection was having earlier consumer no. and according to it such amount comes to about Rs.41500/-. The licensee, however, did not credit further installments of the RLC to its credit in the new consumer no. Therefore the licensee be directed to credit further installments of RLC since the time of change in the consumer no. together with interest till this date to its new consumer account no. 001849031350. The consumer has raised this grievance vide rejoinder dated 29.6.09 on the date of hearing and requested the forum to consider it as the said grievance is revealed from the copy of CPL which the licensee has supplied to it on that day only. It is a fact that the licensee supplied the copy of CPL to the consumer on the date of hearing and therefore the forum accepted the request of consumer to consider this grievance. A copy of the said rejoinder was given to LR and LR undertook to file its reply. However, the licensee did not file reply to the said rejoinder till this date. It is, however, clear from the reply dated 29.6.09 filed by the licensee and the copies of the bills filed by the consumers that the concerned LT V correction with industrial tariff at the units of the consumer is presently bearing consumer No.001849031350 and the same connection was earlier bearing consumer No.002170781549. Therefore the consumer is entitle to get further installments of RLC amount of the said connection, if any, credited into the account of its connection with new consumer no. Therefore the licensee is directed to credit the amount of RLC of further installments from the time when the consumer no. was changed, if any, together with interest at the bank rate of RBI into the account of new consumer

No.001849031350 by giving credit of such amount in the ensuing bill after period of 30 days from the date of decision in this case.

- 11). As to grievance No.(5) – Regarding SD amount of permanently disconnected 1 phase connection with consumer no.002170781611: The consumer claims that the above referred 1 ph. Connection at its unit was disconnected, at the time when the C.D. of its LT-V connection was enhanced, but the licensee has not refunded Rs.2000/- of SD of the said connection. Therefore the licensee be directed to refund the amount of total SD of Rs.2466/- with interest by crediting the same into its LT V connection account. The licensee did not file say to the above contention of consumer in its reply dated 29.6.09. The CPL of the connection in the name of consumer bearing consumer no.002170781611 filed by the licensee shows that the said connection was in the name of consumer and the same was live upto Nov.08 and therefore may have been permanently disconnected thereafter as claimed by the consumer. Therefore the licensee is directed to credit the amount of SD in the said account with consumer no. 002170781611 together with interest at the Bank rate of RBI into the account of LT V connection with consumer no. 001849031350 within 30 days from the date of decision in this case.
- 12). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The grievance application is allowed.

- 2) The licensee to comply the directions given in above para Nos. 07 to 11.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) The Consumer can file representation against this decision with the Ombudsman at the following address.

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

Representation can be filed within 60 days from the date of this order.

- 5). Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

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

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”

Date : 23/07/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan