



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/263/289 OF 2009-2010 OF
M/S. RELIABLE METAL INDUSTRIES, VASAI, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Reliable Metal Industries
Gala No.08, First floor,
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 conformed 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 107 HP consumer of the licensee with C. D. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 10/06/2009 for Excessive Energy Bills. The details are as follows: -
Name of the consumer :- M/s. Reliable Metal Industries
Address: - As given in the title
Consumer No : - 002179015393 - LT V Ind.
Reason of dispute: Excessive Energy Bills.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/544 dated 10/06/2009 to Nodal Officer of licensee. The licensee through Nodal Officer, IGRC Vasai Circle filed reply vide letter No. SE/VS/A/C/HTB/8681 dt. 13/07/2009.
- 4) The consumer has raised these grievances before the Chairman IGRC, Vasai Circle MSEDCL, Vasai 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 10/06/2009.
- 5). The Forum heard both the parties on 30/06/2009 @ 15.00 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 Superintending Engineer, Vasai Circle, Vasai, and also to the Chairman, IGRC of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 13/07/09 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 during the period from Aug.08 to Oct.08.:- 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.480.00 towards the difference in between the fixed charges as per MD based tariff and HP based tariff and PF penalty of Rs.8570.68 charged in the bills for the months Aug.08 to Oct.08.

---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 further submit that the MD based tariff (i.e. Rs.100/- per KVA per month) is applied to the consumer from Aug.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 by giving its credit to the consumer in the ensuing bill after period of 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 Feb. 07 : The consumer claims that the licensee was to refund of an amount of Rs.19,690.77 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.9286.50 only. Therefore the licensee be directed to refund the remaining amount of Rs.10404.27 with interest of Rs.1248.51 of two years. The licensee did not give any say to the above contention of consumer, in it say dt.13.7.09. 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 from the date of decision in this case.
- 9). As to grievance No. (3) – Regarding Security Deposit : The consumer claims that the licensee was to refund SD of Rs.24000/- in May 06 but it has refunded the same in Sept.08. Therefore the licensee should credit the interest on the said SD amount of Rs.24000/- for 24 months @ 26% which comes to Rs.3360/-. As against this, the licensee claims that the interest on the SD of Rs.24000/- for 24 months @ 6% per annum amounting to Rs.3360/- has been adjusted in the bill for the month of July 2009. The licensee however did not file copy of the CPL or the bill for the month of July 09 in support of its such contention. Therefore the licensee is directed to give credit of Rs.3360/- towards interest on the SD Rs.24000/- to the

consumer in the next ensuing bill, if the same is not already given in the bill for July 09.

- 10). 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 09.
- 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, 003, 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 : 24/07/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan