



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/264/290 OF 2009-2010 OF
M/S.TRIUMPH HEALTH PRODUCTS, VASAI, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT UNPAID CLAIMS IN RESPECT OF PD CONNECTION.

M/s.Triumph Health Products
Gala No.19,Kailash Sagar Ind. Estate,
Chinchpada, Waliv, Vasai (E)
Vasai , Dist.Thane.

(Here-in-after
referred
as PD 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 PD consumer was a L.T. V below 20 KW consumer of the licensee with C. D. 19 HP. The PD consumer used to be billed as per Industrial tariff. The PD consumer registered grievance with the Forum on 10/06/2009 for unpaid claims in respect of its PD connection. The details are as follows: -

Name of PD consumer :- M/s.Triumph Health Products

Address: - As given in the title

PD Consumer No : - 001590789689

Reason of dispute: Unpaid claims in respect of above PD connections.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/547 dated 10/06/2009 to Nodal Officer of licensee. The licensee through Dy.Ex.Engr. MSEDCL Sub Division Vasai (E) filed reply vide letter No. Dy.EE/VSI/B/5080 dt. 30/06/2009.
- 4) The consumer has raised these grievances before the Chairman IGRC, Vasai Circle MSEDCL, Vasai and Executive Engineer, MSEDCL Vasai(E) on 12/03/2009. The said Internal Redressal Cell and EE 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 @ 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 16/03/09 sent to the Executive Engineer, Vasai (E) Dn., 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. 30/06/09 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 Security Deposit with interest:- The consumer claims that the licensee has given the said connection to it in July 03 and collected required SD at that time. It has paid Rs.5700/- + Rs.3420/- (Rs.300 + 180 per HP) = Rs.9120/-. The licensee should refund the total amount of such refund with interest of Rs.2896/-. As against this, the licensee claims that the said connection has been given on 17.7.03 for 19 HP load and permanently disconnected on 18.11.06 with final reading 36691. The deposit paid at the time of connection i.e. Rs.5700 + 3420 as claimed by the consumer is not displayed in the bill. The amount will be refunded alongwith interest as per rules for which original receipts may be

submitted by the consumer for further action. Therefore the licensee is directed to find out the total amount of SD of consumer from its record, record / receipts with the consumer and refund the same together with interest at the bank rate of RBI to the consumer, by giving its credit to the consumer in the ensuing bill in respect of connection with consumer **No.001590799293** as requested by the PD consumer, after 30 days from the date of decision in this case.

- 8). As to grievance No. 2 & 3 – regarding refund of excess charges recovered in the bills for the months Oct.06 to Dec.06:- The consumer claims that the bill for the month of Nov.06 was given for zero consumption under lock status on reading 36661. The connection was permanently disconnection 18.11.06 with meter reading as 36691. Thus the consumption was only 30 units whereas the licensee collected Rs.4600/- as charges for the month Nov.06. He further claims that the total charges for the month Nov. and Dec.06 which could be recovered by the licensee were Rs.1075.15. However, the licensee collected an amount of Rs.4600/- and therefore the licensee is liable to refund Rs.3524.85 with interest of Rs.493/- i.e. total Rs.4017.85. Therefore the licensee be directed to refund the said amount with interest. As against the above contention of consumer, the licensee claims that the concerned bills are under scrutiny and action will be taken to revise the bill and excess amount shall be paid to the consumer. In view of such say of licensee, the licensee is directed to revise the bills for the months of Oct.06 to Dec.06 in the light of above contentions of the PD consumer and refund the excess recovered amount, if any, together with

interest at the bank rate of RBI to the consumer, by giving its credit to the consumer in the ensuing bill in respect of connection with consumer **No.001590799293** as requested by the PD consumer, after 30 days from the date of decision in this case.

- 9). As to grievance No.4 – regarding refund of installments of RLC : The PD consumer claims that it has paid RLC from Dec.03 to 30.9.06 amounting to Rs.17872/- As per methodology for refund of RLC, 9 installments were to be refunded in 2008-09 and if not paid the licensee has to pay interest @ 6% p/a, and the remaining amount is to be refunded in next 49 installments. Therefore, the licensee be directed to refund the amount of RLC with interest to the PD consumer. As against this, the licensee claims that the action regarding refund of RLC will be taken as per rules and regulations. In view of above contentions of the parties, the licensee is directed to refund the RLC amount of PD connection to the PD consumer as per rules and regulations in that behalf by giving credit of such total amount of RLC into the connection with consumer No. **001590799293** as requested by the PD consumer, in the ensuing bill after period of 30 days from the date of decision in this case.
- 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