



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/580/687 OF 2011-2012 OF
M/S. LIBERTY OIL MILLS LTD. VILLAGE – BAMNE, TAL : SHAHAPUR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT REFUND OF EXCESS CHARGED
AGAINST 2% VOLTAGE SURCHARGE.

M/s. Liberty Oil Mills Ltd.
Village - Bamne
Tal : Shahapur, Dist : Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Kalyan Circle - II

(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 H.T. consumer of the licensee. The Consumer is billed as per H. T. Industrial tariff. Consumer registered grievance with the Forum on 24/01/2012 for Refund of excess charged against 2% voltage surcharge.

The details are as follows :

Name of the consumer :- M/s. Liberty Oil Mills Ltd.

Address: - As given in the title

Consumer No : - 015589009611

Reason of dispute : Refund of excess charged
against 2% voltage surcharge

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0115, dated 24/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KCK-II/Tech/1158, dated 04/03/2012.
- 4) Hearing was held on 06/03/2012 @ 15.30 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri B. R. Mantri Consumer Representative & Shri Kale Nodal Officer, Shri V. H. Kasal, Asstt. Engr., representatives 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.

- 5) The brief facts of the case are that on 22 KV line the electric supply was given to the complainant. It is with express feeder. The grievance of the complainant is that the meter was not installed at EHV Sub-Station end i.e. how additional 2% voltage surcharge unit in monthly billing was charged. According to the grievance of the complainant this is contrary to the directions given by Hon. MERC in Case No. 71 of 2009, dt. 05/03/2010, so he has requested either to refund that 2% extra charged or to adjust with interest in the subsequent bills to be issued by the licensee.
- 6) We have heard both the sides, the admitted facts are that the required electric supply to the complainant was 4410 KVA but as there was no 33 KV supply line from the Sub-Station, the connection was given to complainant on 22 KV supply line. One more thing which is admitted is that from Sub-Station to the complainant there is only one connection of complainant on this express feeder. It appears the decision given by Hon. MERC in Case No. 71 of 2009, dt. 05/03/2010 the interpretation was not properly done by licensee and in this case also considering Non Dedicated Feeder the 2% voltage surcharge was levied.
- 7) If we go through the decision of Hon. MERC in Case No. 31 of 2011, it is clear from para No. 08 the interim relief was granted by the Hon. MERC to charge 2% additional voltage surcharge to the consumers connected on non-express feeder i.e. more than one connection on the said feeder and that too from March 5, 2010. It is made clear in this judgment in Sub-Clause 'd' of para 08 that the responsibility of installing of meters of same class of accuracy at both Sub-Station and consumer ends resets with

MSEDCL. The complainant cannot be held responsible for the same and as meters have been placed at both ends MSEDCL should not find any problem in billing the higher of the either meter readings.

- 8) In Sub-Clause 'e' of para 08 of the judgment in case No. 31 of 2011 dated 02/06/2011 also elaborate "As the complainant is fed from the Express feeder, the Commission directs MSEDCL to refund amount collected from the complainant against the said voltage surcharge for the period April 2010 to October 2010 within 30 days from the issue of this order". So far our case is concerned, the period is March 2010 to August 2011. The reason is obvious, the meter at the Sub-Station was installed in the month of August 2011. So as per the directions of the Hon. MERC in the above case it is binding to this Forum. The grievance of complainant is liable to be allowed hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2.a) Licensee is directed to raise and issue the fresh bill to the complainant and collected excess amount towards 2% voltage surcharge to refund the same with R.B.I. rate of interest within 30 days and compliance be reported within 45 days from the date of receipt of this order.

OR

- 2.b) Licensee with the consent of complainant may adjust the total amount with R.B.I. rate of interest which is to be refund in subsequent bills.

- 3) The Consumer can file representation against this decision with the Hon. Electricity 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”.

- 4) 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”

Date : 22/03/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.K. Chaudhari)
Chairperson
CGRF Kalyan