



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/267/294 OF 2009-2010 OF
M/S. KESHA ENGINEERING WORKS, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Kesha Engineering Works
Gala No.1 to 3, Akhil Industrial Estate,
Waliv, Tal : 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 65 HP consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 12/06/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Kesha Engineering Works

Address: - As given in the title

Consumer No : - 001840507013

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/563 dated 12/06/2009 to Nodal Officer of licensee. The licensee through Dy. Ex. Engr. MSEDCL., Vasai Road East Sub/Dn. filed reply vide letter No. DYEE/VSI/(E)/B/5174, dated 02/07/2009.
- 4) The consumer has raised these grievances before the Chairman, IGRC MSEDCL., Vasai Circle, Vasai (East) and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 12/03/2009. The said Internal Redressal Cell and the Executive Engineer 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 12/06/2009.
- 5). The forum heard both the parties on 02/07/2009 @ 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 07/03/09 sent to the concerned IGRC and Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 02/07/09 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 (1) – Regarding refund of Excess SD & interest on SD :
The consumer claims that the licensee gave the said connection to it on 06.01.96. The licensee has collected SD of Rs. 15,600/- + Rs. 4900/- = Rs. 20,500/- at the time of taking new connection. However, bills were showing Rs. 16,720 only as SD . Thereafter the licensee collected Rs.12,420/- as ASD from the consumer in June 07. Therefore the licensee be directed to refund Rs. 4,900/- with interest of Rs. 3,216/-. As against this, the licensee claims that the connection has been given on 06.01.96 for 65 HP load. The Security Deposit displayed on bill for Rs. 16,720 is being verified and will be informed accordingly. After confirmation, action will be taken accordingly as per rules. In view of the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with consumer, display the correct amounts

of SD, calculate the proper SD at this stage & refund the excess amount of SD & the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 30 days from the date of decision in this case.

- 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 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. The licensee however refunded an amount of Rs. 8065.32 only. Therefore the licensee be directed to refund the remaining amount of Rs. 3,518.81 with interest. As against this, the licensee claims that the MD charged from Oct. 06 to March 07 has been refunded in May 07 for Rs. 8065.32 and balance in June 09. The licensee, however, did not produce on record CPL of the said month or any other document to show that it has really paid such remaining amount to the consumer. Therefore the licensee is directed to again verify as to whether it has paid such remaining amount on this count to the consumer and if not, refund such remaining amount together with interest at the bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after period of 30 days from the date of decision in this case.
- 9) As to grievance No. (3) – Regarding refund of ASC : The consumer claims that the licensee in the bills for Jan. 08, Feb. 08 and March 08 has shown locked, average and arbitrary false consumption and charged ASC even though it could not be charged, and therefore, the consumer is entitle for

refund of such excess ASC of Rs. 2,862.04 charged in Feb. 08 bill and Rs. 3,307.67 charged in Jan. 08 bill. As against this, the licensee claims that the amount of Rs. 64,304.06 paid as per the bills issued on average basis for the month of Jan. 08 and Feb. 08 has been credited in the month of March 08 and therefore, the consumer is not entitled for any refund on this count. It is clear from the copy of bills for the months Jan. 08 and Feb. 08 that both the said bills are issued for average consumption of 6709 and 6412 units respectively with a previous reading as 123404 as on 01/12/07 and current reading as zero. It is also clear from the copy of bill for March 08 that the same has been issued for actual consumption of 6594 units with previous reading of 123404 as on 01/12/07 and current reading as 126701 as on 03/03/08. Thus the said bill has been issued for the total consumption for three months. It is true that the licensee has given credit of the amount of Rs. 32,546.92, apparently of the payment made towards the earlier bills for the months of Jan. and Feb. 08 issued with average consumption. However, it is not clear as to whether the licensee has given advantage of cheap power of total three months while issuing the bill for March 08. Therefore, the licensee is directed to find out the actual consumption in each of the said months from Jan. to March 08 by retrieving MRI report of the said meter for each of the said month and then recalculate the ASC chargeable in each of the said month from the actual consumption in the said month, and refund the excess recovered ASC if any, together with interest at the Bank rate of RBI to the consumer by giving it's credit 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 refund of ASC charged during the period from April 08 to June 08 : The consumer in it's rejoinder dt. 18/05/09 submitted on 02/07/09 claims that the consumption shown in the month of April 08 does not tally with the use, the bill for May 08 has been issued with zero consumption without taking reading, and the bill for June 08 has been issued for the consumption of two months and it resulted in charging excess ASC and therefore, the licensee be directed to recharge the ASC as per the actual consumption by taking out the MRI report. The licensee did not file reply to the rejoinder even though it's representative undertook to do so at the time of hearing. The copies of the bills for the month April 08 to June 08 justify the suspicion shown by the consumer. Therefore, the licensee is directed to find out the actual consumption in each month of April 08 to June 08 by retrieving MRI reports of the said meter in each of the said month and then recalculate ASC chargeable in each of the said month on the basis of such actual consumption in the said month, and refund excess ASC recovered if any, together with interest at the Bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after a period of 30 days from the date of decision in this case.
- 11) As to grievance No. (5) – Regarding excess charges recovered during the period from August 08 to May 09 : The consumer, in it's rejoinder dt. 18/05/09 filed on 02/07/09 claims that the P.F. displayed and consumption shown as (1) 1.00 – 660 units (2) Not displayed – 0 units (3) 0.83 – 500 units (4) Not displayed – 0 units (5) Not displayed – 0 units (6) 0.57 – 5246 units (change of meter) (7) 1.00 – 736 units and (8) 0.14 – 53 units respectively shown in the CPL for the months August 08 to May 09 resp.

are abnormal, erratic and therefore, the consumer feels that the consumption recorded in each of the said month was incorrect and therefore, excessive charges have been recovered from it. It further claims that the licensee be directed to submit MRI report with copy to the consumer and the consumer be granted compensation of Rs. 1000 for such controversy readings. The CPL for the above referred months justify the suspension of the consumer. However, the earlier meter has been changed in Jan. 09 and if the said meter was showing and the new changed meter also shows such erratic readings in respect of para meters, it's MRI reports would also be faulty and unreliable and hence retrieving MRI reports would not serve any purpose. Therefore, such request of consumer is not granted. However, the licensee is directed to get the earlier meter and present meter installed at the units of consumer tested in the Lab. for it's correctness and take necessary action as per the test reports including revision of the electric bills of the concerned months within a period of 30 days from the date of decision in this case.

- 12) However, in our opinion the facts and circumstances of the case as discussed above, does not justify the claim of compensation of consumer on this count and hence the same is rejected.
- 13) As to grievance No. (6) - Regarding compensation for not taking meter readings for Nov. and Dec. 08 and for taking incorrect reading in Oct. 08 :
The consumer claims that the licensee has not taken meter readings for Nov. and Dec. 08, and took incorrect reading for Oct. 08 and therefore, the consumer be granted compensation as per MERC Regulation 2005. The licensee did not file any reply to the rejoinder containing this grievance

even though it's representative undertook to do so at the time of hearing. It is clear from the CPL for the months Nov. and Dec. 08 that the same reading as 135947 is written as previous readings and current readings and therefore, it can be concluded that no meter readings were taken for the said two months. However, the CPL for Oct. 08 and Jan. 09 shows that readings were taken in the said months as the previous readings and current readings are different in the said months. The fact that any such reading appears to be incorrect cannot be a ground for compensation as per the concerned Clause 7 (1) in the Appendix A to the MERC (SOP etc) Regulations 2005. In view of this and as the meter reading has been taken in the third month i.e. Jan. 09, the consumer is not entitle for compensation as per the above clause and hence it's such request is rejected.

- 14). 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 partly allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 11.
- 3) The prayer of consumer for compensations are rejected as observed in para No. 12 and 13.
- 4) The Compliance should be reported to the forum within 90 days from the date of decision.
- 5) 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 : 24/07/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan