



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 29/04/2015

Date of Order : 23/02/2016

Total days : 302

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/879/1074/2015-16 IN  
RESPECT OF BHAVI INDUSTRIES, GALA NO.11, RAJPRABHA UDYOG  
INAGAR, WALIV, VASAI ( E ) - 401 208, DIST. PALGHAR REGISTERED  
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,  
KALYAN REGARDING REFUND OF SD + ASD & PF PENALTY.**

Bhavi Industries,  
Gala No.11,  
Rajprabha Udyog Inagar,  
Waliv, Vasai (E),  
Dist. Palghar,  
Pin Code-401 208  
(Consumer No.001840868776)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its MSEDCL, Addl. Ex. Engineer,  
Vasai Circle, Vasai ( E), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.  
For Licensee : Shri Umberje-AEE, Vasai (E) S/Dvn.

( Per C.U.Patil-Executive Engineer – cum- Member Secretary )

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

The consumer Bhavi Industries, having its industry at Gala No. 11, Rajprabha Udyog Nagar, Waliv, Vasai ( E ) holding connection for 40 HP with consumer No. 001840868776 approached to IGRC with Form "X" dated 04/08/2014.

In response to the above "X" Form, the IGRC has not provided any remedial action. The hearing was not conducted at IGRC level within two months period specified for it. Hence consumer approached to CGRF by submitting his grievance in Schedule "A" dated 28/4/2015 which

was registered by allotting No. K/E/879/1074 dated 29/4/2015. The consumer claimed for refund of ( a ) PF Penalty of Rs 67,583/- with lost PF incentive @ Rs. 5,700/- ( b ) SD of Rs 12,000/- and ASD of Rs. 7,200/- ( c ) refund of all above excess collected amount with interest.

The hearing for the above matter was scheduled on 19/5/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 137 dated 02/05/15 with its copy to the consumer.

The hearing was conducted on 19/5/15 and then was adjourned to 27/5/15, 4/6/15, 29/6/15, 10/8/15, 2/9/15, 9/10/15, 16/10/15, 27/10/15, 03/11/15, 18/11/15, 24/11/15 and lastly on 9/12/15. During the hearings the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by them vide letter No. 6118 dated 20/7/15 and vide Letter No. 8161 dated 22/09/2015.

During the course of hearing, it was noted by the Forum that the grievance of the consumer is redressed by Licensee and CR has also shown acceptance / consent towards the proposal of the Licensee's Officer for sorting out the grievance.

It is observed that the grievance regarding power factor penalty is common almost in all the cases in which Genus meter is installed for connection and the manufacturer of meter has also produced his analysis report to the Licensee with observation that "PF calculation programe was wrongly programed for Lag + Lead, which is reprogramed in these meters for Lag only calculation for rectification." Manufacturer also suggested the

MSEDCL to bill the consumer accordingly. On this back ground, the Licensee's Officers made corrections in other number of such cases and they have now clarified to the Forum that in this case also they have made necessary corrections in the wrongly applied PF penalty and accordingly sorting out the issue of consumer.

On the hearing date 09/12/15, the consumer's representative submitted in writing on his letter head dated 8/12/15 and clarified that the B-80 ( - ) credit of Rs 56,304/- is given by the Licensee in the bill of October-15. He also clarified that the B-80 ( - ) proposal for Rs 32,070/- towards SD + ASD with interest is complied by the Officers of the Licensee and hence further reported that their grievance is now over as sorted out satisfactorily by the Licensee. He further submitted that they do not demand any extra interest or any compensation under SOP 2014.

Considering the submission vide letter dated 22/09/15 of AEE, Vasai ( E ) S/dn and consent submitted by CR dated 8/12/15 as mentioned above, the Forum observed that the remedial action has been taken by Licensee and the refund / adjustment towards wrongly charged PF penalty, SD and ASD is complied by the Licensee.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 08/12/2015 and their submissions are heard on that day and clarification taken on 08/12/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

### **ORDER**

The grievance application of the consumer is disposed off as B-80 ( - ) credit of Rs 56,304/- is given by the Licensee towards PF penalty in the bill of October-15. CR also clarified in his letter dated 8/12/15 that the B80 ( - ) proposal for Rs 32,070/- towards SD + ASD with interest is also complied by the Officers of the Licensee.

**Dated: 23/02/2016.**

**I agree**

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

**(Chandrashekhhar U.Patil)  
Chairperson-cum- Member Secretary  
CGRF, Kalyan.**

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

#### **NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.*
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) 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”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

