

Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/738/882 of 2013-14

Date of Grievance: 23/10/2013

Date of order :31/01/2014

\Period Taken :99 days.

IN THE MATTER OF GRIEVANCE NO. K/E/738/882 OF 2013-14 IN RESPECT OF M/s. LALIT PROFILES & STEEL IND.LTD.,S.NO.77,VILLAGE VARASKOL, NEAR KHARDI RLY.STATION (C.R.), TAL.SHAHAPUR, DISTRICT-THANE-421 304 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCEESSIVE ENERGY BILL.

M/s.Lalit Profiles & Steel Ind.Ltd.,
S.No.77,Village Varaskol,
near Khardi Rly. Station (C.R.).
Tal. Shahapur, District-Thane. Hereafter referred as consumer)
Consumer No.015749019945

Versus

Maharashtra State Electricity Distribution
Company Limited though its
Dy.Exec.Engineer, Kalyan (Hereinafter referred as Licencee)

Appearance : For Consumer- Shri B.R.Mantri Consumer's Representative
For Licensee - Shri N.A.Khan-Nodal Officer,
Shri Kasal Asst. Engineer,
Shri Chavan - UDC

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] 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, (36/3003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other

conditions of supply) Regulations 2005'. 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 and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience.

2] The Consumer is Industry having HT connection bearing consumer No. 015749019945. Consumer approached this Forum on 23/10/2013, with grievance that consumer is having supply to the industry, it is HT-IN. However, Licencee changed it to HT-IC from 2012 and recovery is done which is not proper. Though it's refund was sought approaching the Officers of Licencee on 29/4/2013, 12/6/2013 and to IGRC on 26/8/2013. There is no any compliance or response, hence he sought relief for such refund with interest at the rate of 12% per annum.

3] In this matter the papers pertaining to above grievance were sent by this Forum vide letter No. EE/CGRF/Kalyan/0464 dated 25/10/2013 to Nodal Officer of Licencee. In response there is no reply as such filed in detail. However on 28/11/2013, it is made clear that consumer's tariff category from HT-IC to HT-IN is already changed in the billing month of August 2013 and the refund of tariff difference, from June 2012 to July 2013, is, in the process of refund, which will be complied in the next billing month. In continuation of it, a further communication is given on 10/1/2014, intimating that category of consumer is changed in August 2013 and refund for the period from June 2012 to July 2013 to the tune of Rs.15,93,526/- has been given in the month of November and December 2013, bill. Further, it is contended that revised calculation sheet, considering the debit tariff, difference, adjusted amount in the month of September 2012, is, in the process which approximately comes to Rs.31,051/-.

4] Though position is admitted about the requirement of change of tariff category to be effected. The change effected is also clarified and refund for the disputed period is given. However, Licencee, prior to this communication has filed an

application, seeking interest at the rate of 12% on the refund amount and it is also contended that difference in the month of September 2012 is not adjusted.

We find, this letter, is, taken into account by Licencee and in the letter dated 10/1/2014, Licencee submitted as noted above details of the amount refunded are quoted. But said letter dated 10/1/2014, is, silent on the aspect of interest claimed. Accordingly, main dispute is settled, pertaining to change of category and the refund of amount. Only dispute remained towards interest which consumer has claimed.

Quantification of interest is also seen in the sheet enclosed with the consumer's letter dated 16/12/2013 and it is to the tune of Rs. 1,70,040/-. In respect of interest amount, there is no any specific reply from the Licencee sought either in the letter dated 10/1/2014 or at any subsequent date.

5] However, consumer's grievance required to be considered in the proper sprit. Admittedly, till 29/4/2013, consumer has not sought refund of this amount, which was paid as per the demand of Licencee. Said demand was due to wrong classification of tariff. It is recovered wrongly. We find, interest is to be awarded on the excess amount so recovered that too from the date of deposits. Though demanded refund amount, not immediately paid it's compliance is shown in the month of November and December 2013.

Interest is to be awarded on the refund amount as per bank rate from the date of respective date of deposits. Accordingly, grievance of the consumer is to be allowed.

Hence, the order.

ORDER

1] Consumer's grievance is hereby allowed.

2] Already Licencee has changed the tariff category of consumer from HT-IC to HT-IN from August 2013, hence no any direction, now required on that count.

3] Licencee has already adjusted the refund of Rs.15,95,526/- for the month of November and December 2013, in the bill of consumer. Hence, in that respect, no any direction is required. The tariff difference and adjustment in the month of September 2012 to the tune of Rs.35,051/-is being adjusted in this month by the Licencee hence no any order is required towards it.

4] Licencee to pay interest on the said refund, from the respective date of deposits as per R.B.I. Bank rate. This interest amount be calculated and paid/adjusted in the consumer's account within 45 days from the date of receipt of this order and report compliance thereafter within 15 days.

Dated: 31/01/2014.

I agree

I agree

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

(Chandrashekhhar U. Patil)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

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 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”

5 Judgment in Grievance No.738/882/2013-14

- c) 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.