



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/268/295 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. 4 to 7-A, 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 : - 001840600731

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/566 dated 12/06/2009 to Nodal Officer of licensee. The licensee through Dy. Ex. Engr. MSEDCL Sub-Dn. Vasai Road filed reply vide letter No. DYEE/VSI/(E)/B/5252, dated 03/07/2009.
- 4) The consumer has raised these grievances before the IGRC and Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 12/03/2009. The said Internal Redressal Cell 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 03/07/2009 @ 15.00 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 Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 03/07/09 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 refund of Excess SD & interest on SD:
The consumer claims that the licensee gave the said connection to it on 28.11.96. The licensee has collected SD of Rs. 19,500/- + Rs. 9750/- = Rs. 29,250/- at the time of giving new connections to the industrial consumers during the said period. Therefore, it takes that it has also paid similar amounts as S.D. However, bills were showing as SD zero upto May 08. Thereafter the licensee collected Rs. 17,400/- as SD from the consumer in June 08. Therefore the licensee be directed to refund Rs. 29,250/- with interest of Rs. 17,855/-. As against this, the licensee claims that the connection has been given on 28.11.96 for 65 HP load. The Security Deposits of Rs. 19,500 + Rs. 9,750 = Rs. 29,250 were paid at the time of connection but the same are not displayed in bill, the same will be refunded for which original receipt may be submitted. 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 Rs. 8,065.32, out of the total amount of the MD based charges charged from Oct. 06 to March 07 has been refunded in May 07 and the balance amount has been refunded in June 09. The licensee, however, did not produce on record CPL of June 09 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 an amount of Rs. 1402.23 recovered as arrears in the bill for April 08 : The consumer claims that the licensee has charged Rs. 1402.23 as arrears in the bill for April 08. The licensee should justify the said arrears and if not, it should refund the said

amount with interest. As against this the licensee claims that the said amount of arrears is being verified and action will be taken accordingly. In view of the above say of licensee, the licensee is directed to verify as to how it has charged the said amount of Rs. 1402.23 as arrears in the bill for April 08 and give such justification in writing to the consumer within one month from the date of decision in this case and in case such arrears are not justified, refund the said amount together with interest at the Bank rate of RBI by giving credit of such amount to the consumer 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 excess ASC during the period from January 08 to March 08 : The consumer claims that the bills for Jan. & Feb. 08 are issued with average consumption and the bill for March 08 has been issued as per the actual meter readings at the starting of Jan. 08 and while issuing bill for Mar. 08, and the licensee has given benefit of cheap power for one month only and it resulted in charging excess ASC of Rs. 4150.72 and therefore, the licensee be directed to refund the said amount together with interest of Rs. 249.04. As against this the licensee claims that the consumer has been given credit of the amounts paid by it as per the bills for Jan. 08 and Feb. 08, in the bill for Mar. 08. However, ASC charges charged during the said period are under scrutiny and action will be taken accordingly. In view of the above contentions of the parties, the licensee is directed to find out the actual consumption of the consumer during each of the said months from Jan. 08 to March 08 by retrieving MRI report of the concerned meter of the concerned months and then recalculate ASC charges for each of the said month and then refund excess ASC recovered if any, together with interest at the Bank rate of RBI

to the consumer by giving credit of such amount 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 refund of excess ASC charged during the period from August 08 to Oct. 08 (it should be from Aug. 07 to Oct. 07) :

The consumer claims that the licensee has recovered excess ASC during Aug. 08 to Oct. 08 by taking Benchmark Consumption (BC) as 3212 units instead of 3531 and therefore, the licensee be directed to refund such amount of excess ASC together with interest amounting to Rs. 1280.38. As against this the licensee claims that the BC was in fact 3212 units and therefore, the ASC charges recovered during the said period are correct. It is noted during the hearing and on perusal of the copies of the concerned bills (Annex. 4 - a, b, c) that the consumer is infact claiming refund of such ASC charged during the period from Aug. 07 to Oct. 07. It is clear from the copies of the bills of the said months that the BC is shown as 3512 units in the said bills, whereas BC is given as 3531 in the copies of the bills for May 08, April 08, March 08, Feb. 08, Jan. 08 filed by the consumer. On calculation of average monthly consumption of the period from Jan. 05 to Dec. 05 billed in the bills for the months Feb. 05 to Jan. 06, the BC comes to 3225 units. In view of such different BC given in the bills issued during the period Aug. 07 to Oct. 07, in the bills for months in 08, and the BC calculated as above, the licensee is directed to verify the correct BC during the period from Aug. 07 to Oct. 07 and then recalculate the ASC which could be charged during the said period and refund excess ASC recovered if any, together with interest at the Bank rate of RBI to the consumer by giving credit of such amount in the ensuing bill after a period of 30 days from the date of decision in this case.

- 12) As to grievance No. (6) as per rejoinder dt. 03/07/09 – Regarding refund of excess P.F. penalty and demand penalty charged during Aug.08 to Jan. 09:
The consumer claims that the P.F. displayed and MD displayed during the period from Aug. 08 to Jan. 09 are abnormal and erratic and the same resulted in excess charging of P.F. penalty and demand penalty and therefore, the licensee be directed to find out such correct parameters and consumption from the MRI report and refund the excess demand penalty and PF penalty recovered together with interest. 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. The P.F. and M.D. displayed in the months from Aug. 08 to Jan. 09 as 0.84, 22 KVA ; no, 22 KVA ; 0.20, 22 KVA ; 0.56, 22 KVA ; 0.76, 40 KVA ; 1.00, 22 KVA respectively alleged by the consumer are confirmed from the CPL of the concerned months and the same does not appear to be in order. Therefore, the licensee is directed to find out such correct parameters and correct consumption in each of the said month from Aug. 08 to Jan. 09 by retrieving MRI report of the concerned meter during the said period and then recalculate the P.F. penalty and MD penalty which could be charged to the consumer during the said period and intimate such findings and calculations in writing with copy of concerned MRI report of the said period to the consumer within a period of one month from the date of decision in this case, and refund excess amount on such counts if earlier recovered, together with interest at the Bank rate of RBI to the consumer by giving credit of such amount in the ensuing bill after a period of 30 days from the date of decision in this case.

- 13) As to grievance No. (7) as per the rejoinder dt. 03/07/09 – Regarding compensation of Rs. 500 : The consumer has claimed compensation of Rs. 500 for such abnormal and erratic parameters shown in the CPL for the months from Aug. 08 to Jan. 09. However, we do not feel this to be a fit case for granting such compensation to the consumer and hence consumer's such request for compensation is rejected.
- 14) As to grievance No. (8) as per the rejoinder dt. 03/07/09 – Regarding refund of RLC : The consumer claims that the licensee was to refund RLC in 58 monthly installments. The consumer was being given credit of Rs. 941.85 on this count regularly upto Dec. 08. The licensee is not giving credit of such amount of RLC installments since Jan. 09 and therefore, the licensee be directed to do so. 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. Therefore, the licensee is directed to verify about the refund of RLC to the consumer, and refund the remaining amount of RLC in installments as per the directions given by MERC.
- 15) 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 12 and 14.

- 3) The prayer of consumer for compensation of Rs. 500 is rejected as observed in para 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 : 04/08/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan