



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/270/297 OF 2009-2010 OF
M/S.MADAN METALS, VASAI, REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Madan Metals
Gala No. 05,
Tirupati Udyog Estate
Waliv, Sativwali Road, Vasai (E)
Tal : 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 15/06/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Madan Metals

Address: - As given in the title

Consumer No : - 001840603462

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/575 dated 15/06/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer MSEDCL Sub/Dn. Vasai Road East filed reply vide letter No. DYEE/VSIB/5267, dated 04/07/2009.
- 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 04.04.2009. 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 15/06/2009.

- 5). The Chairman and the Member Secretary of the Forum heard both the parties on 04/07/2009 @ 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. 30/03/09 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 No. (1): – Regarding refund of Excess SD & interest on SD
: The consumer claims that the licensee gave the said connection to it on 26/05/97. The licensee has collected SD of Rs. 19500/- + Rs. 13650/- = Rs. 33150/- at the time of giving new connections to industrial consumers with 65 HP during the said period. Therefore the consumer takes that it has also paid the SD of such amounts at the time of taking new connection on 26/05/97. However, bills upto May 08 were showing SD as zero. Thereafter the licensee demanded SD of Rs.15800/- but actually collected Rs.19790/- as SD in June 08 from the consumer. Therefore the consumer has prayed for directions to the licensee to retain Rs.15800/- as SD and refund various amounts of Rs.19500/-, Rs.13750/- and Rs.3990/- collected as SD together

with interest of Rs.20843/-. The consumer vide rejoinder dated 3.7.09 also claimed that SD of Rs.19790/- shown in the bill for July 08 has been reduced to Rs.7790/- in Mar 09, without informing the consumer. The consumer claims that such act of licensee is against the provisions of MERC (supply code etc.) Regulations 2005 and the consumer may be granted compensation for the same. As against this, the licensee claims that the connection was released to the consumer on 26.5.07. The SD of Rs.19500/- + Rs.13650/- = Rs.33150/- paid at the time of giving connection, is not displayed in the bill. A detailed statement about it will be submitted in the case. The licensee also claimed that it will also file detail statement regarding reduction of SD in Mar 09 bill as alleged by the consumer in rejoinder dt.3.7.09. The licensee, however, did not file any such detailed statements as above, till this date. In view of the above, contentions of the parties, the licensee is directed to recalculate total amount of SD, display the same in the bill, recalculate the proper SD amount at this stage and refund excess SD amount together with interest on the total amount of SD at the bank rate of RBI, to the consumer by crediting the total amount in the ensuing bill after period of 30 days from the date of decision in this case.

- 8). As to grievance No. (2): – Regarding refund of difference of MD based charges and HP based charges from Oct.06 to Mar 07 : The consumer has claimed refund of balance amount of 3518.81 out of total 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 and that the licensee has refunded an amount of Rs.8065.32 only out of the said

amount. As against this, the licensee claims that such remaining amount has been refunded in June 09. The licensee has not filed CPL for June 09 or any other document to show that it has paid such remaining amount in June 09. Therefore, the licensee is directed to verify the total amount of such difference to which the consumer is entitled and the amount if any refunded by it to the consumer and inform about it in writing to the consumer within 30 days and refund excess amount if any, together with interest at the Bank rate of RBI, to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 9). As to grievance No. (3): regarding refund of excess ASC recovered in Dec.07 and Jan.08: The consumer claims that the licensee issued the bills for the month of Dec.07 and Jan.08 with average consumption but considered the benefit of cheap power of one month only and thereby recovered excess ASC. It claims refund of Rs.2724.08 with interest of Rs.190.67 i.e. total Rs.2914.76 on this count. As against this, the licensee claims that the bill for the month of Dec.07 issued on average basis, has been refunded in Jan.08. However, the ASC charges charged are under scrutiny and action will be taken accordingly. It is clear from the bill for Dec.07 that it is issued for average consumption giving the previous reading as on 1.11.07 as 37455 and the current reading as on 1.12.07 as zero, and from the copy of the bill for the month of Jan.08 that it has been issued for the consumption of 4291 units as per the above referred previous reading as on 1.11.07 and the current reading as on 2.1.08. Thus the said bill for the month of Jan.08 has been practically issued for the consumption of two months. It is however clear from the said bill that credit

of an amount of Rs.14643.20 of the bill of the previous month has been given to the consumer in the said bill. However, possibility of giving benefit of cheap power of one month only as alleged by the consumer can not be ruled out. Therefore, the licensee is directed to find out the actual consumption in each of the said month i.e. Dec.07 and Jan.08 by retrieving the MRI report of the concerned meter and then recalculate the electric charges which can be charged to the consumer in each of the said month, and refund the excess amount 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 30 days from the date of decision in this case.

- 10). As to grievance No. (4) as per rejoinder dtd. 3.7.09 – regarding refund of RLC installments: The consumer claim that the licensee has given credit of Rs.652.14 to the consumer regularly upto Dec.08 and the same could be of the RLC installments. The licensee has stopped giving credit of such amount to the consumer since Jan.09 as is clear from the CPL. Therefore, the licensee be directed to credit RLC installments to the consumer since Jan.09. As against this, the licensee has claimed that the matter is under scrutiny and action will be taken accordingly. In view of the say of licensee as above, the licensee is directed to verify as to how much amount is to be credited to the consumer in each month as RLC installments and credit all the earlier RLC installments into the ensuing bill after 30 days from the date of decision in this case and credit the future monthly installments of the RLC regularly as directed by MERC.
- 11). 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 allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 10.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) 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 : 06/08/2009

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan