



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/273/300 OF 2009-2010 OF
M/S. SHAILESH JALANDHWALA, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

M/s. Shailesh Jalandhwala
Gala No. 24-A, Shivam Industrial Estate,
Village-Sativali, Vasai (E)
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 conformed 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 above 20 KW consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 26/06/2009 for Excessive Energy Bills. The details are as follows: -
Name of the consumer :- M/s. Shailesh Jalandhwala
Address: - As given in the title
Consumer No : - 002170781646
Reason of dispute: Excessive Energy Bills.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/591 dated 26/06/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/5483, dated 13/07/2009.
- 4) The consumer has raised these grievances before the IGRC and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 13/04/2009. 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 26/06/2009.
- 5). The forum heard both the parties on 13/07/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri S. B. Hatkar, A.A. 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 11/04/09 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. 13/07/09 filed by the licensee, record produced by the parties, and submissions made by the parties, the findings or resolution on each of such grievance is given against it, for the given reasons.
- 7) As to grievance No. (1) (a) and Grievance No. (1) in Rejoinder dt. 15/07/09 – Regarding refund of P.F. penalty recovered in the bill for Aug. 08 : The consumer claims that in the bill for July 08, KVAH reading is shown as Zero and then in the bill for Aug. 08, reading of KVAH for two months is shown and it resulted in reduction of PF to half i.e. 0.36 and excess PF penalty of Rs. 13,449.39 is recovered and therefore, the licensee be directed to refund the said amount of PF penalty. As against this, the licensee claims that it will take review of the said PF penalty imposed on the consumer and action will be accordingly taken. It is clear from the bill for July 08 that previous KVAH reading as on 05/06/08 was 241475 and the current KVAH reading as on 05/07/08 was 241475 and thus the total consumption in KVAH was zero and no PF penal charges were charged to the consumer in the said month. It is also clear from the bill for Aug. 08 that previous KVAH reading as on 05/07/08 was 241475 and the current KVAH reading as on 05/08/08 was 252970 and thus the total consumption in KVAH was 11495 and PF penal charges of Rs. 13,349.39 were charged to the consumer. It is thus clear that the licensee considered total consumption in KVAH of two months i.e. July 08 and Aug. 08 for imposing PF penal charges in the bill for Aug. 08. Therefore, the possibility of excess charging of PF penal charges (penalty) cannot be ruled out. Therefore, the licensee is directed

to retrieve the MRI report of the concerned meter of two months i.e. July 08 and Aug. 08 and find out the correct consumption in KVAH in each of the said month and then recalculate the PF penal charges to be charged in each of the said month, and refund the excess PF penal charges 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.

- 8) As to grievance No. (1) (b)– Regarding the bills for Nov. 08 and Jan. 09 :
The consumer claims that the bills for Nov. 08 and Jan. 09 issued by the licensee are on the blank proforma without mentioning the details and therefore, it could not verify such charges. The licensee has given copy of the CPL of the period from Dec. 07 to July 09 including the above referred two months to the consumer at the time of hearing in this case and therefore, the consumer can very well verify the correctness of the charges recovered in the said two months from the CPL of the concerned months. Therefore, this grievance stands resolved.
- 9) As to grievance No. (1) (c) and Grievance No. (1) in Rejoinder dt. 15/07/09 – Regarding refund of excess fix charges as per MD based tariff, PF penalty and demand penalty recovered during the period from Aug. 08 to March 09 : The consumer claims that the licensee has recovered total excess fix charges of Rs. 5100, PF penalty of Rs. 36,598.33 and demand penalty during the period from Aug. 08 to March 09, by illegally applying MD based tariff from 1st Aug. 08 without completion of 100% work of installation of MD meters and therefore, the licensee be directed to refund the said above referred amount together with interest to the consumer. The consumer relies on order dt. 20/06/08 passed by MERC in case No. 72

Grievance No. K/E/273/300 of 2009-2010 of 2007, circular No. 81, dt. 07/07/08 and the order dt. 12/09/08 passed by MERC in case No. 44 of 2008 in support of its such contention. As against this, the licensee claims that on completion of 100% TOD metering and as per directions given in circular No. 81, dt. 07/07/08, MD based tariff is applied to the consumer from Aug. 08 i.e. at the rate of Rs. 100 per KVA per month for 65% of maximum demand or 40% of contract demand whichever is higher and charging of such charges is correct and hence the consumer is not entitled for any refund on this count.

- 10) As far as the consumer's prayer for refund of alleged excess fix charges and PF penalty charged by the licensee during the period from Aug. 08 to March 09 is concerned, it is an admitted fact that this Forum vide order dt. 18/03/09 in grievance application No. K/E/159/181 upheld the action of licensee of applying MD based tariff from 1st Aug. 08 to the above 20 KW Industrial consumers and the consumer in the said case filed representation No. 33 of 2009 before the Hon. Electricity Ombudsman against the above referred decision of this Forum. The Hon. Electricity Ombudsman vide order dt. 6th May 09 in the above referred representation though rejected the contention of the consumer to the effect that the Commission has not yet allowed the licensee to start MD based tariff for LT-V Industrial consumers, relying on the circular dt. 05/02/09, issued by the licensee held that as per the said circular, the licensee, in spite of completion of 100% metering work, decided to levy MD based tariff for LT-V Industrial consumers from April 09 and hence directed the licensee to refund the amount of MD charges collected over and above the fix charges recoverable as per tariff and also to withdraw PF penalty/incentive levied prior to April 09. It is also an admitted fact that the licensee challenged the above referred order of Hon. Electricity Ombudsman before the Hon. High

Court vide Writ Petition No. 1273 of 2009 MSEDCL V/s. Crystal Industries.

The licensee has filed copies of the petition filed by it before the Hon. High Court, affidavit in reply of the respondent No. (1), order dt. 17/07/09 passed by the Hon. High Court and the application dt. 31/07/09 filed by it for clarification of the above referred order dt. 17/07/09, in the said Writ Petition. The relevant extracts from the order dt. 17/07/09 passed by the Hon. High Court in the said Writ Petition reads as under :

“ We have heard the learned Counsel appear for the parties. In the order dt. 6th May 09 passed by the Electricity Ombudsman, it has been recorded as under :

“7. It is clear from the above that the respondent MSEDCL is
.....

8. As regards applicability of power factor penalty
.....

2. The Learned Counsel appearing for Respondent No. 1 has not been able to demonstrate before us by reference to any cogent documents on record that the Petitioner has failed to complete 100% installation of meters which was a condition precedent to the circular issued. It is further clear from the record that the petition has agreed to refund the penalty and not to charge penalty and they would be entitle to MD based TOD tariff. In these circumstances afore-noticed, Rule. The operation of the order dt. 6th May 09 to remain stayed, but the Petitioner will not be entitle to charge any penalty and, in fact, if penalty recovered, shall be refunded or adjusted towards further bills.

11) It is thus clear from the above referred order that the Hon. High Court has stayed the effect and operation of the above referred order of Hon. Electricity Ombudsman regarding non applicability of MD based tariff and

refund of PF with effect from 1st Aug. 2008 and the said question regarding applicability of MD based tariff and PF penalty with effect from 1st Aug. 08 is now for consideration before the Hon. High Court in the above referred Writ Petition. It is submitted by the representative of consumer (CR) that the licensee has sent a letter dt. 01/08/2008 to MERC informing that it has completed 100% metering work and therefore, is starting applying MD based tariff. Therefore, it should have charged the electric charges as per MD based tariff for the consumption in Aug. 08 in the bill for Sept. 08, but it has charged such electric charges as per MD based tariff in the bill for Aug. 08 naturally for the consumption in July 08 which it could not do and therefore, the licensee be directed to refund such excess fix charges charged in the bill for Aug. 08. He further submits that as per Regulation No. 12.2 of MERC (Electric Supply Code etc.) Regulations 2005, the licensee was suppose to give three months time after applying MD based tariff to the consumer to take effective measures to raise the average power factor or control harmonics of his installation to a value to less than such norms, in accordance with Regulation 12.1, after applying charges as per MD based tariff for the consumption in August 08 in the bill for Sept. 08. Therefore, the licensee could not have charged PF penalty for the months of Oct. 08, Nov. 08 and Dec. 08 and therefore, PF penalty imposed by the licensee to the consumer in the said months be directed to be refunded to the consumer. He further submits that the above referred grounds for the refund of excess fix charges charged in the month of Aug. 08 and refund of PF penalty imposed during the period from Aug. 08 to Dec. 08 have not been pleaded in the above referred Crystal case and therefore, the said points are not under consideration of the Hon. High Court in the above referred Writ Petition. Therefore, this Forum can direct the refund of

excess fix charges and PF penalty imposed by the licensee in the month of Aug. 08, and during the period from August 08 to Dec. 08, respectively. It is clear from the above discussion that the larger question about the legality of the applicability of MD based tariff to such consumers like the present consumer is under consideration before the Hon. High Court in the above referred Writ Petition, and though the consumer in the said Writ Petition did not raise the grounds raised by CR as above, the consumer in the said Writ Petition can very well raise these grounds in the said Writ Petition at the time of final hearing. As far as the question regarding PF penalty is concerned, though the Hon. High Court by the above referred order issued certain directions regarding the penalty recovered, the licensee has filed application for clarification of such directions and the said application is pending before the Hon. High Court. It is true that the present consumer is not party to the above referred Writ Petition before the Hon. High Court. However, the finding of Hon. High Court on the above referred point would be binding on the licensee and the licensee will have to follow such finding and other directions which the Hon. High Court may issue in that regard, to all consumers including the present consumer, and thus such finding and directions will be applicable to all consumers including the present consumer. Moreover, if the present consumer wishes that it should be heard by the Hon. High Court in the said petition, it can apply for permission to be intervener in the said Petition. Therefore, in our considered view, it would not be proper for this Forum to consider the prayer of consumer for the refund of fix charges charged in Aug. 08 and PF penalty imposed from Aug. 08 to Dec. 08 at this stage and it would be proper to direct the consumer to file grievance application about the same together with refund of fix charges and PF penalty recovered during further

period, before this Forum, if necessary, within 60 days from the final decision of Hon. High Court in the above referred Writ Petition. Hence the consumer is directed accordingly.

- 12) As far as the prayer of consumer for the refund of demand penalty allegedly charged in Aug. 08 is concerned, it is clear from the copy of the bill for the month of Aug. 08 filed by the consumer that the licensee has not charged any demand penalty or charges for excess demand to the consumer in the said month and therefore, the question of refunding the amount of such demand penalty does not arise. Therefore, the consumer's request for such refund is rejected.
- 13) As to grievance No. (2) - Regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 989.48, Rs. 745.16, Rs. 976.26 and Rs. 275.64 in the bills for Sept.07, Aug.07, March 07 and Jan. 07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that the first amount is of TOSE for March 06 to Sept. 06, second amount is of TOSE of the period from Sept.05 to Feb. 06, third amount is of IASC charges for Jan.07 and the fourth amount is of tariff difference of Oct. 06/Nov. 06. The CR has relied upon the order dated 24th May 2005 passed by MERC in case No. 28 of 2004 in support of his contention that the licensee has earlier refunded the TOSE charged for the above referred periods as per the above referred order, but has again charged the same as above without any further order of MERC about it. The licensee has not filed any such order of MERC passed after the above order which enabled it recharge the TOSE. In view of the facts as discussed above, the licensee is directed to give in writing an explanation as to how it has recharged TOSE as claimed particularly in reference to

the order dated 24/05/2005 passed by MERC in case No. 28 of 2004, to the consumer within a period of 30 days & on failure to do so, or in case of unsatisfactory explanation, refund the excess amount if any, recovered as above first two amounts together with interest at the bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after 30 days.

- 14) As far as the above referred third amount is concerned, the licensee claims that the same is as that of IASC charges for Jan. 07. It is clear from the order dated 17.09.08 passed by MERC in case No.45 that the MERC directed the licensee to refund the incremental ASC for the period Oct.06 to Apr 07 to all the consumers who have contributed towards ASC. The licensee claims that it has filed normal petition vide case No. 42, dt. 10/12/08 in respect of the concerned MERC's Order dt. 18/09/2008 in case No. 45. It has however, not filed copy of any such petition. Therefore, the licensee is directed to get any such petition filed by it before MERC decided within one month from the decision in this case, and on failure to do so or rejection of such Petition and in case the consumer has contributed ASC for the said month Jan. 07, refund the above referred amounts of IASC 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 two months from the date of decision in this case.

- 15) As far as the above referred fourth amount is concerned, the licensee claims that the said amount is of tariff difference of the months Oct. 06/Nov. 06. Thus the licensee has given proper explanation of the said amount and therefore, the consumer is not entitle for the refund of such amount. Therefore, such request of consumer is rejected.

- 16) As to grievance No. (3) - Regarding refund of IASC during the period Feb. 07 to May 07 : The consumer claims that the licensee is to refund IASC charges recovered during Feb. 07 to May 07 as per order dated 15.9.08 passed by MERC in case No.45 of 2005, and such amount is Rs. 637.58, (Rs. 256.08 -- Mar. 07 , Rs. 381.50 – Feb. 07 i.e. total Rs. 637.58) and therefore licensee be directed to refund the said amount to the consumer. The licensee claims that it has filed normal petition vide case No. 42, dt. 10/12/08 in respect of the concerned MERC's Order dt. 18/09/2008 in case No. 45. It has however, not filed copy of any such petition. Therefore, the licensee is directed to get any such petition filed by it before MERC decided within one month from the decision in this case, and on failure to do so or rejection of such Petition, refund the above referred amounts of IASC 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 two months from the date of decision in this case.
- 17) As to grievance (4) – Regarding refund of Excess SD & interest on SD : The consumer claims that the licensee gave the said connection to it in January 2004. The licensee has collected SD of Rs. 19,500/- + Rs. 11,700/- as additional S.D. = Rs. 31,200/- at the time of giving new connection but the bills till May 2008 were showing SD as NIL. Thereafter the consumer paid Rs. 31,200 as additional SD. Therefore the licensee be directed to refund Rs. 31,200/- in the next billing cycle. The licensee be also directed to pay the interest of Rs. 9,477/- on the total SD as per the calculation sheet annexed by the consumer. As against this, the licensee claims that the connection has been given on 24.01.2004. The Security Deposit of Rs. 19,500 and addl. SD of Rs. 11,700 i.e. total Rs. 31,200 paid at the time of connection is not displayed in the bills, the same will be

displayed in the bills and interest will be paid as per rules. Considering the average bill, keeping the deposit balance, excess SD will be refunded to the consumer on submission of the original receipts. 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.

- 18) As to grievance No. (5) - Regarding appropriation of Security Deposit amount : The consumer claims that the licensee collected Rs. 16,100 as Security Deposit (SD) in June 08 by appropriating amount from the amount of monthly bill paid by him. The licensee has collected DPC and interest of Rs. 569.64 while recovering the arrears of earlier bill resulted due to the appropriation of amount of bill of earlier month paid by the consumer and consumer also suffered loss by loosing PPD (prompt payment discount) of Rs. 180 and therefore, as per the order dated 23/03/09 passed by Hon. Ombudsman in representation No. 23 of 2009, licensee be directed to refund the said amounts of DPC, interest and loss on account loosing PPD i.e. total amount of Rs. 749.64. The licensee claims that the Corporate office will take decision regarding refund of DPC plus interest plus PPD, action will be taken after reply from Head Office. The CPL for the month of March 2008 shows SD, SD arrears and SD demand as zero. CPL for the month April 08 shows that the said bill was issued for net amount of Rs. 16,954.09. SD was zero, SD arrears was Rs. 16,100 and SD demand was Rs. 16,100, as per the CPL for April 08. The CPL for the month of May 08

shows that the net bill amount was Rs. 19,430.98, SD arrears were Rs. 16,100, SD was zero and the amount lastly paid by the consumer was Rs. 18,060 on 18/04/08. The CPL for the month June 08 shows that the SD was Rs. 16,100 and other amount received was Rs. 3150 on 19/05/08. The licensee does not claim that the consumer has paid the said amount of SD separately. Moreover, the net bill amount of Rs. 42,957.24 shown in the CPL for June 08 clearly show that the said amount was inclusive of the SD demand or arrears of Rs. 16,100. It is thus clear from the CPL of the above referred months that the licensee has earlier included the demand of SD into it's regular bill and there after appropriated amount of SD from the amount of regular bill for the month of May 08 paid by the consumer on 19/05/08, which it could not do and it was inappropriate to do so as per the above referred decision of Hon. Ombudsman. The total of the amount of Rs. 3,150 as paid of the regular charges and Rs. 16,100 as SD shown in the CPL for the months June 08, makes the total Rs. 19,250 i.e. less than the amount of regular bill for the month of May 08 which was Rs. 19,430.98. It is however clear from the CPL for June 08 that the said bill has been issued net amount of Rs. 42,957.24. It is also clear from the bill for June 08 that though the said bill was issued for Rs. 42,960, it was duly mentioned in the said bill that in case the said bill is paid before 23/06/08, an amount of Rs. 42,710 be accepted as the payment towards the said bill. The CPL for July 08 shows that accordingly the consumer has paid an amount of Rs. 42,710 on 23/06/08. It means that the consumer has got the advantage of PPD. The bill for June 08 shows that though the amount of Rs. 525.75 as delayed payment charges (DPC) are mentioned in it, the same have not been recovered from the consumer. The CPL for July 08, however shows that, the licensee has recovered an amount of Rs. 62.1

towards the interest. The licensee has charged the said interest treating the consumer as defaulter, even though he has deposited the entire amount of the bill of the earlier month, due to appropriation of some amount out of the total amount deposited by the consumer towards additional SD. Therefore, the licensee is directed to refund the said amount of Rs. 62 of interest 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.

- 19). As to grievance No.6: Regarding refund of excess ASC in the bills for Nov.06, and from June 07 to Oct.07 readwith para-3 in the rejoinder dt.15.7.09 – The consumer claims that the licensee has collected excess ASC by showing wrong B.C. as 3172 instead of 3485 in the bills for the months Nov.06, and from June 07 to Oct.07 and collected excess ASC to the extent of Rs.1999.55, and therefore the licensee be directed to refund the said amount together with interest. As against this, the licensee claims that the ASC charged during the relevant period is as per rules and therefore the question of any refund on this count does not arise. It is true that the bills for the months of Oct.07, July 07 and June 07 filed by the consumer mention previous years average as 3172 units, whereas the bills for the months of July 08, June 08 contains recitals to the effect that the Benchmark consumption during the period Jan.05 to Dec.05 is 3485 units. In view of such difference of benchmark consumption mentioned in the bills as discussed above, the licensee is directed to verify the B.C. for the consumer during the months Nov.06 and from June 07 to Oct.07 and the recalculate the ASC which could be charged to the consumer during the said months and refund excess ASC recovered during the said months, 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.

20. As to grievance No.7: 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. 3518.81 with interest. As against this, the licensee claims that it has refunded an amount of Rs. 8065.32 in May 07 and the balance amount in June 2009. The CPL for the month of June 07 show that the licensee has given credit of Rs.2213.74 paise as arrears, and credit of Rs.2217.96 towards credit adjustment. It is not understood as to how credit of such two different amounts have been given. Therefore the licensee is directed to verify and inform the consumer as to credit of how much exact amount towards such refund has been given to the consumer in June 09 within one month from the date of decision in this case and give the credit of balance amount, if any, to the consumer in the ensuing bill after a period of 30 days from the date of decision in this case.
21. As to grievance No. (2) as per Rejoinder dt. 15/07/09 – Regarding refund of Rs.666.95 charged as DPC & Interest in the bill for the month of Jan.09 : The consumer claims that the bill for Jan. 09 was not issued and therefore, the consumer collected hand written bill of the said month personally from the Sub-Division office and paid the amount but the licensee charged Rs. 666.95 as DPC and interest and added the same as

arrears. Bill date and due date were not given to the consumer. It was mistake of the licensee. Therefore, the licensee be directed to refund the said amount of Rs.666.95 to the consumer. The consumer has raised such grievance in it's rejoinder dt. 15/07/09. Therefore the say of licensee to the said rejoinder including this grievance could not be obtained as the consumer has raised it in it's rejoinder dt. 15/07/09 filed on 16/07/09, after the hearing on 13/07/09. The consumer has not filed copy of such hand written bill for the month of Jan.09. However, CPL for the month Jan. 09 shows that the bill for the said month was for Rs. 33,475.20 and the date of the said bill was 12.1.09 and the due date of the said bill was 27.1.09. The CPL for Feb. 09 shows that the consumer has deposited an amount of Rs. 33,412.00 on 31/01/09 as per the said bill dt. 12/01/09 for Jan. 09. The consumer has not filed copy of bill for Jan. 09 given to him to show that it was hand written one without date of issue and due date. However, normally the consumers are given about two weeks time to pay the bills from the date of bill and considering the said fact and the due date as 27.1.09 mentioned in the CPL for Jan.09, it is clear that the consumer has deposited the amount of the said bill for Jan. 09 after due date and therefore, prima facie, the licensee was justified in charging DPC and interest in the bill for next month i.e. Feb. 09. Therefore, the consumer is not entitle for refund of such amount of Rs. 666.95 charged as DPC and interest as claimed and hence his request for the same is rejected.

- 22) 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, 11, 13, 14, 16 to 20.
- 3) The grievance No. 1 (b) stands resolved as observed in para 8.
- 4) The grievance Nos. 1 (c) and Grievance No. 1 in Rejoinder dt. 15/07/09 are not considered and the consumer is at liberty to file fresh grievance application in respect of such grievances within 60 days from the date of the final decision of Hon. High Court in Writ Petition No. 1273 of 2009 MSEDCL V/s. M/s. Crystal Industries.
- 5) Prayers of consumer for refund of demand penalty charged in Aug.08, an amount of Rs.275.64 as the amount of bill adjustment are rejected as observed in above para Nos.12, and 15 respectively.
- 6) Grievance No. 2 in Rejoinder dt. 15/07/09 is rejected as observed in above para no.21.
- 7) The Compliance should be reported to the forum within 90 days from the date of decision.
- 8) 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, 003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

Grievance No. K/E/273/300 of 2009-2010

“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 : 25/08/2009

Mrs.V V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan