

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/275/302 OF 2009-2010 OF
M/S.THERMO PLASTIC & PHENOLIC MOULDERS, VASAI (E)
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

M/s. Thermo Plastic & Phenolic Moulders
Gala No.34B,Godavari, Tungreshwar
Industrial Complex, 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 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 > 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 29.06.2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s.Thermo Plastic & Phenolic Moulders

Address: - As given in the title

Consumer No : - (i) 001849029950-107 HP from June 07

(ii) 002170271427 – 65 HP till May 07

(iii) 002170272237 – 1 phase Comm. Till May 07

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/600 dated 29/06/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/5596, dated 16/07/2009.
- 4) The consumer has raised these grievances before the IGRC and the Superintending Engineer, Vasai Circle, on 29/04/2009. 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 29/06/2009.
- 5). The forum heard both the parties on 16/07/2009 @ 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 25/04/09 sent to the Superintending Engineer, Vasai Circle, of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 16/07/09 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 (1) as per main grievance application and grievance (i) made in rejoinder dated 16.6.09 sent to Superintending Engineer, Vasai Circle – Regarding refund of Excess SD & interest on SD : The consumer claims that the licensee gave the said connection with 65 HP load and consumer No.002170271427 to it in Feb.1989. The licensee has collected SD of Rs. 2600/- at the time of giving the above referred connection and Rs.19500/- on 23.11.1998, but the said deposits were not been displayed in the bills Thereafter the consumer got the load extended to 107 HP in June 07 and therefore its consumer no. was changed to 001839029950. Thereafter the consumer paid Rs.24000/- as Security Deposit and subsequently addl. SD to make the total SD as Rs.66900/-. The said total SD of Rs.66900/- is displayed in the bill for the new consumer no. However, the previous SD of Rs.2600/- has disappeared. Therefore the licensee be directed to refund the said of Rs.2600/- with interest of Rs.312/- . As against this, the licensee claims that the said connection with load of 65 HP was given on 12.4.89. The said of SD is displayed in the bills upto PD of the said connection. Thereafter the said connection was converted

into Special LT. The interest will be paid as per rules and the same with earlier SD of Rs.2600/- will be credited to the Spl.LT bill. Therefore the licensee be directed to credit the SD of Rs.2600/- of earlier consumer no. 002170271427 together with interest at the bank rate of RBI, into the account of connection with consumer No.001849029950, calculate the total SD in the said consumer No. 001849029950 paid by the consumer and then the SD which is required to be kept in the said connection considering the average consumption and refund the excess SD amount together with interest at the prevailing rate to the consumer by crediting such amount into its ensuing bill after period of 30 days from the date of decision in this case.

- 8). As to grievance no.2 in rejoinder dt.16.7.09 sent to the Superintending Engineer, Vasai Circle: - The consumer claims that it was earlier holding 1 phase commercial connection with consumer No.002170272237 and the licensee collected Rs.500/- as SD in the said connection. The said connection has been permanently disconnected and therefore the licensee should credit the said amount of SD in the said connection with interest of Rs.313/- into the account of its present 107 HP connection. The licensee did not file any reply to the said rejoinder dt. 16.6.09 containing this grievance. The consumer also did not file copies of either receipt of such SD amount or any bill of the said connection in support of its such contention. Therefore, the licensee is directed to verify as to whether the consumer was holding any such single phase connection with such SD and if so, credit such amount of SD in the said connection together with interest at prevailing rate in the ensuing bill of present connection with consumer no. 001849029950, after 30 days from the date of decision in this case.

- 9). As to grievance No.2 in main grievance application - Regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 2603.91, Rs. 1063,63, in the bills for 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 IASC charges for Jan.07 and the second amount is of tariff difference of Oct. 06/Nov. 06.
- 10) As far as the above referred first 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 did not file CPL for Jan. 07 to verify as to whether the licensee has charged ASC to the consumer in the said month. The licensee in other similar grievance applications 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 verify as to whether it has charged ASC to the consumer in Jan.07 and 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 in Jan.07, refund the above referred amount 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.
- 11) As far as the above referred second 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.

- 12). As to grievance No.3 in main grievance application - 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.11,584.18 + Rs.397.52 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 in May 07. Therefore the licensee be directed to refund the remaining amount of Rs.3916.33 with interest. As against this, the licensee claims that it has refunded the amount of such difference in Jan.07, May 07 and June 2009. The licensee, however, did not produce on record CPL of the month June 09 or any other document to show that it has really paid such remaining amount to the consumer in the said month. 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.
- 13). As to grievance No.4 in main grievance application – Regarding refund of Excess amount collected as penalty for violation of connected load: The consumer claims that the licensee has not refunded the penalty of Rs.40,958/- for violation of connected load during the period from March 04 to Oct. 04, recovered in Nov.04, as per directions of MERC vide order dt. 14/07/05 in case No. 2, and the consumer is entitle for refund of total

amount of Rs. 1,01,174/- including the interest on this count. As against this the licensee claims that consumer's such claim is barred by limitation. However, it is verifying its record. Since excess recovery of connected load and power factor penalty is to be refunded as per the above referred directions of MERC, limitation of two years would not apply to the same as observed by Hon. Ombudsman in order passed in representation No. 39 of 2006, as contended by the consumer. As per the para No. 33 (e) (3) of above referred order of MERC, assessment for violation of excess load penalty during the period from 1st Dec.03 onwards is to be done as under: *"If exceeding the sanctioned load has been measured by maximum demand recorded by meter, then two times the tariff applicable for the exceeding portion of the load (maximum demand minus sanctioned load). No penalty will be applicable if exceeding of sanctioned load is claimed on the basis of connected load method"*. Therefore, the licensee is directed to verify whether the penalty for excess load, recovered by it from the consumer for the period from March 04 to Oct. 04, is as per para 33 (e)(3) of the order dt. 14/07/05 passed by MERC in case No. 2 of 2003, and refund excess amount recovered if any, together with interest as directed in the said above referred order of MERC.

- 14). As to the grievance No.5 – Regarding refund of Rs.12800/- and SD of Rs.4800/- -- The consumer claims that the licensee has also collected SLC of Rs.12800/- and SD Rs.4800/- i.e. total Rs.17,600/- along with the penalty as above, but did not regularize the load and therefore the licensee be directed to refund the said amount together with interest of Rs.4865/- as per Annexure-8. The licensee did not give any say to such a grievance. The representative of the consumer (CR) submitted at the time of hearing that he will file the receipts of the above referred amounts, if available or

else this grievance may not be considered and consumer shall file fresh grievance about it after getting the receipts. The consumer did not file receipts of the above referred amount till this date. Therefore this grievance is not considered and the consumer is given liberty to file fresh grievance about it, within two months from the date of decision in this case.

- 15). As to the grievance No.6 in the main grievance application – regarding refund of RLC amount with interest in respect of old consumer No.001849029950/new consumer No.002170271427. The consumer claims that the licensee has to refund the RLC amount paid from Dec. 03 to Sept. 06, in 58 installments out of which 09 installments are due in the year 2008-2009. The consumer No. of the consumer was changed in June 07 while the load of 65 HP was extended to 107 HP. However, the installments of the RLC have not been paid or credited in this new consumer No. since then. It further claims that such RLC amount for the consumer comes to Rs. 01,96,686/- including interest and the same is to be refunded in 58 monthly installments. The licensee is also liable to pay interest at 6% if the refund had not started by July 08, as per the directives by the MERC. It further claims that such amount together with interest for the consumer comes to Rs. 01,96,686/- including interest. As against this, the licensee claims that the RLC amount shall be transferred to the new consumer. It is an admitted fact that after enhancement of the load, earlier consumer No.002170271427 of the consumer is changed to consumer No. 001849029950. Therefore, the licensee is directed to credit all the due installments of RLC from the old consumer No. 002170271427 into the new consumer No. 001849029950 of the consumer in the ensuing bill after 30 days from the decision in this case and go on crediting the remaining

installments of RLC of the consumer into the said new consumer number, as per directions of MERC.

- 16). As to the grievance No.7 – regarding refund of RLC amount with interest in respect of 1 phase commercial connection with consumer No.002170272237. The consumer claims that the licensee has to refund the RLC amount paid from Dec. 03 to Sept. 06, in 58 installments out of which 09 installments are due in the year 2008-2009. The consumer was having the above referred 1 phase commercial connection till May 07 and the licensee did not refund further installments of RLC amount in the said connection since the time the said connection was permanently disconnected in May 07, and therefore the licensee be directed to pay the further installments of the RLC amount in the said connection in the account of its new connection with consumer no.001849029950. The licensee claims that the concerned 1 phase connection was in the name of M/s.Anand Plastic, whereas the consumer's name is M/s.Thermo Plastic & phenolic moulders. However, after verification the amount will be credited to the live consumer. Therefore, the licensee is directed to verify whether the concerned M/s.Anand Plastic was the predecessor entitle for the present unit i.e. M/s.Thermo Plastic & Phenolic Moulders from its record and the record from the consumer and if the said fact is found to be correct, credit all the due installments of RLC from the said 1 phase electric connection with consumer No. 002170272237 into the new consumer No. 001849029950 of the consumer in the ensuing bill after 30 days from the decision in this case and go on crediting the remaining installments of RLC of the consumer in the said connection into the new consumer number no. 001849029950,, as per directions of MERC.

- 17) 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, 08,10, 12, 13, 15 and 16.
- 3) The grievance No.2 to the extend of second amount of Rs.1053.68 is rejected as observed in above para no.11.
- 4) The grievance Nos. 5 is 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 final decision in this case. as observed in para 14.
- 5) The Compliance should be reported to the forum within 90 days from the date of decision.

- 6) 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.

- 9). Consumer, as per section 142 of the Electricity Act, 003, 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 : 27/08/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan