

**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/276/303 OF 2009-2010 OF**  
**M/S.SARVOTTAM POLYMER PVT.LTD. VASAI (E) REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE BILLING.**

M/s. Sarvottam Polymer Pvt.Ltd.  
Gala No.7,Caveri, Tungareshwar  
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 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 > 20 KW consumer of the licensee with C. D. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 30.06.2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s.Sarvottam Polymer Pvt.Ltd.

Address: - As given in the title

Consumer No : - (i) 001849029930 – 107 HP from June 07

(ii) 002170271141 – 65 HP till May 07

(iii) 002170271150 – 1 phase Com – PD in 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/604 dated 30/06/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/5648, dated 17/07/2009.
- 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 30/06/2009.
- 5). The forum heard both the parties on 17/07/2009 @ 15.00 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. 17/07/09 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 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. 002170271141 to it in Feb.1989. The licensee has collected SD of Rs. 2600/- at the time of giving the above referred connection and Rs.37300/- on 13.03.1997, but the said deposits were not been displayed in the bills Thereafter the consumer got the load extended to 107 HP in April 08 and therefore its consumer no. was changed to 001849029930. Thereafter the consumer paid Rs.24000/- as Security Deposit and subsequently addl. SD Rs.66400/-. The said total SD of Rs.90400/- 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 amount 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 1.2.89. The said amount 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. In view of the above contentions of the parties, the licensee is directed to credit the SD of Rs.2600/- of earlier consumer no.002170271141 together with interest at the bank rate of RBI, into the account of connection with consumer No.001849029930, calculate the total SD in the said consumer No. 001849029930 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 - Regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charge of Rs. 3057.25, in the bill for March 07. The licensee should justify such adjustment amount and refund if the same is not justified. The licensee claims that the said amount is 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.

- 9). As to grievance No.3 - 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.11,548.18 + 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.
- 10). As to grievance No.4 - regarding refund of RLC amount with interest in respect of old consumer No.002170271141/new consumer No.001849029930. 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.02,17,493/- 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. 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.002170271141 of the consumer is changed to consumer No. 001849029930. Therefore, the licensee is directed to credit all the due installments of RLC from the old consumer No.002170271141 into the new consumer No. 001849029930 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.

- 11). As to grievance No.5 - regarding refund of SD amount and RLC amount with interest in respect of 1 phase commercial connection with consumer No.002170271150. The consumer claims that the licensee has to refund the SD amount and 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 June 07 and the licensee did not refund the SD amount and further installments of RLC amount in the said connection since the time the said connection was permanently disconnected in June 07, and therefore the licensee be directed to refund the SD amount and to pay further installments of the RLC amount in the said connection in the

account of its new connection with consumer no.001849029930. The licensee claims that the SD amount and remaining instalments of RLC amount of the said 1 phase connection will be credited into the connection with new consumer No.of the consumer. Therefore, the licensee is directed to credit the SD amount and due installments of RLC from the said 1 phase electric connection with consumer No. 002170271150 into the new consumer No. 001849029930 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. 001849029930,, as per directions of MERC.

- 12) 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 allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 11.
- 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.

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