



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph: – 2210707 & 2328283 Ext: - 122**

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**IN THE MATTER OF GRIEVANCE NO. K/ E/279/307 OF 2009-2010 OF**  
**M/S. TUBEFIT ENGINEERS, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

M/s. Tubefit Engineers  
Unit No. 2 & 3,  
Swamini Industrial Estate  
Opp. Varun Industries,  
Village-Waliv, 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 15/07/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Tubefit Engineers

Address: - As given in the title

Consumer No :- 001841880761

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/636 dated 15/07/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer, MSEDCL Vasai Road (East) filed reply vide letter No. DYEE/VSI/(E)/B/6057, dated 04/08/2009.
- 4) The consumer has raised these grievances before the IGRC and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 12/05/2009. The said Internal Redressal Cell, Executive Engineer, Dy. Ex. Engr. did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievances before this Forum on 15/07/2009.
- 5). The forum heard both the parties on 04/08/2009 @ 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 12/05/09 sent to the concerned Executive Engineer, letter to Dy. Ex. Engr. of which copies, the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 04/08/09 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 fix charges as per MD based tariff, PF penalty recovered during the period from Aug. 08 to March 09 : The consumer claims that the licensee has recovered excess fix charges, PF penalty 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. 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 entitle for any refund on this count.
- 8) As far as the consumer's pray 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, the licensee should refer the MERC latest order

No. 1 of 2009, dt. 17/08/09 (refer para No.14 of this order) and take appropriate action in the matter of Non-compliance of the Commission's Order dated May 31, 2008 and March 3, 2007, and compliance report to the Forum within 30 days from the date of this decision.

9) As to grievance No. (2) - Regarding refund of Excess SD & interest on SD :

The consumer claims that the licensee has collected Rs. 11,700/- as additional S.D. But the same is not displayed on the bills of the consumer. So consumer requested to licensee to displayed it on the bill and add respective interest as per Electricity Act 2003 Section 62 (6) for 17 months from Jan. 08 to June 09 for Rs. 995. As against this the licensee claims that the connection has been given on 22.01.08 for 65 HP load. The addl. Security Deposit of Rs. 11,700 paid at the time of connection is not displayed in the bills, the same will be displayed the in the bills and interest will be paid as per rules. In view of the above contentions of the parties, the licensee is directed to verify the correct amounts of SD paid 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.

10) As to grievance No. (3) - Regarding refund of Service Connection Charges:

Consumer claims that while issuing new connection, the licensee's demand note displays as Rs. 14,000 as service connection charges. As per schedule of charges under Regulation Section 18 vide MERC order No. 70 dt. 9<sup>th</sup> Sept. 06, Service Connection (SC) charges for overhead connection is Rs. 6,500. So the consumer request to confirm the matter and if collected by mistake, then refund the difference of Rs. 7,500. The licensee

submitted that the connection has been given to consumer on dt. 22/01/08 for 65 HP on underground cable. Hence the charges collected of Rs. 14,000 is correct as per schedule of rates. Hence question does not arise to refund. Since statements of both the parties found to be contradictory, Member Secretary and Member of the forum decided to personally check the installation of this consumer and accordingly inspected the consumer's premises on 29.9.09 with advance intimation to both the parties. During the inspection, it is confirmed that the supply is given by a cable of an adequate capacity through underground from T/F No.4359136, Swamini Ind.Estate, Opp.Varun Industries, upto the point of supply (i.e. meter ) and then to Feeder Pillar and distributed onwards. Thus it is confirmed that the statement of licensee that the supply is given through underground cable and not by overhead, is correct. Therefore the consumer is not entitle for any refund on this count.

- 17) Before giving the decision, a site visit by Member Secretary and Member of forum alongwith licensee representatives and consumer representatives were required. To arrange such an inspection by co-ordination, it took some time. Therefore there is some delay in giving the decision in this case.
- 18) Since the Chairman has tendered his resignation to the post of Chairman, this decision is given by Member Secretary & Member of the Forum.
- 19). The forum had asked certain information from licensee vide letter No.EE/CGRF/Kalyan./514 dt. 7.8.09 on or before 12.08.09. The licensee has failed to submit the information till to day.
- 20) 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. 7, 8 and 9.
- 3) The grievance No.3 is hereby rejected as per para (10) above.
- 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.

- 6) 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 : 30.09.2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan