



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/284/313 OF 2009-2010 OF
M/S. RAJ PLASTICS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Raj Plastics
Gala No.4, Rajashree Ind.Estate
Agrawal Udyog Nagar, Valiv
Vasai (East) Dist.Thane.
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 28/07/2009 for Excessive Energy Bills. The details are as follows: -
Name of the consumer :- M/s. Raj Plastics
Address: - As given in the title
Consumer No : - 001840604132
Reason of dispute: Excessive Energy Bills.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/686 dated 28/07/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer, MSEDCL Vasai Road (East) filed reply vide letter No. DYEE/VSI/(E)/B/6378 dt.18.08.2009.
- 4) The consumer has raised these grievances before the IGRC and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 02/06/2009. 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 28/07/2009.
- 5). The forum heard both the parties on 18/08/2009 @ 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 02/06/09 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. 18/08/09 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) and points Nos. 1 to 5 in Rejoinder dt. 18/08/09 - 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. The consumer relies on order dt. 20/06/08 passed by MERC in case No. 72 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.

- 8) 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, 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 amounts of bill adjustments : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 1607.96, Rs. 1047.32, Rs.1931.26 and Rs.429.68 (Credit diff. Rs.2970.57 less Rs.2540.89) 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 Mar 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 licensee has not filed any such order of MERC passed after the above order which enabled it charge 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 charged 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.

- 10). As against the forth amount of bill adjustment, the consumer claims that the licensee recovered in Jan.07 Rs.429.68 (credit differ. 2970.57 less Rs.2540.89). The licensee be directed to give the explanation regarding this amount. As against this, the licensee claims that Oct.06 / Nov.06 is charged against tariff difference. Therefore, the licensee is hereby directed to verify this amount and suitably reply should be given to the consumer in writing. If amount is collected excess, the same should be refunded within 30 days from the date of this decision together with bank ratae of RBI.
- 11). Grievance No.(3) - regarding Incremental ASC collected Rs.665.85 in Feb.07, Rs.372.90 in March 07, Rs.335.28 in April 07and Rs.392.70 in May 07 total Rs.1766.73 may be refunded. 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 amount of Rs. 1766.73 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.
- 12). As to grievance No. (4) - Regarding Security Deposit. and Additional Security Deposit and interest on it : The consumer claims that the licensee has collected Security Deposit (SD) of Rs. 19,500/- at the time of giving new connection in July 1997 and Rs.13650/- as 6 months minimum charges total Rs.33650/- but bill was showing SD as nil upto June 08. Thereafter the consumer paid Addl. Security Deposit Rs.31800/-. According to the consumer the licensee has to refund SD amount of Rs.33150/-

alongwith interest of Rs.21506/-. As against this the licensee claims that the connection has been given on 9.7.97 for 65 HP. The SD paid at the time of connection Rs.19500/- and Rs.13650/- (6 months charges) total Rs.33650/- has not been displayed on bill. The same will be displayed on the bill and interest will be paid as per rules. Therefore, the licensee is directed to display the said amount of Rs. 33650/- of SD in the bills and credit the interest on it at the Bank rate of RBI, in the ensuing bill after a period of 30 days from the date of decision in this case.

- 13). As to grievance No. (5) - Regarding appropriation of Security Deposit amount : The consumer claims that the licensee collected Rs.31800/- 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.2971/- and interest Rs.412.14 in June 08 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) 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. 3383,14. The licensee claims that the matter is referred to higher authority for direction regarding refund of DPC and interest Therefore, the licensee is directed to verify as to whether it has charged DPC and interest of Rs. 3383.14 and the consumer lost PPD due to such appropriation of Rs. 31800/- as SD from the amount deposited by the consumer in pursuance to the bill for electric charges for the month May 08 and if so, refund the said amounts of DPC and interest and also the amount of prompt payment discount which the consumer may have lost due to such appropriation, to the consumer as observed by Hon.

Ombudsman in order dated 26/03/09 in representation No. 23 of 2009 by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision.

- 14). As to grievance No.(6) – regarding refund of excess ASC charged in the bill for Nov.06 : The consumer claims that the licensee has charged excess ASC in Nov.06 by applying Benchmark consumption as 5415 units. So 91% comes to 4927. The consumption is 5071 units i.e. reduced by 6.35% of BC. So 2.65% is applicable i.e. 134 units whereas the licensee have charged 4609 units hence the licensee be directed to refund ASC 475 units i.e. @ 1.15 = Rs.546.25. Therefore the licensee is directed to find out actual B.C and refund excess ASC 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.
- 15). As to grievance No.(7) regarding refund of ASC charges. The consumer claims that ASC were collected to excess in Aug.07 bill. Aug.07 and Sept.07 consumption combined and cheap power for one month was considered and collected extra amount $Rs.4819 \times 1.36 = Rs.6553.84$. As against this, the licensee claims that the case is under scrutiny and action will be taken to refund excess amount, if applicable. Therefore licensee is directed to retrieve the MRI report of said meter and find out actual consumption of Aug.07 and Sept.07 and found any excess ASC recovered from the consumer, it should be refunded within 30 days from the date of decision in this case together with interest at the bank rate of RBI.
- 16). As to grievance No. (8) - Regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar. 07 : The consumer has claimed refund of an amount of Rs.3,518.81 with interest 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 claims that it has refunded MD based tariff charged from Oct.06 to Mar 07 has been refunded in Jan.07, May 07 and June 09. The licensee has not made clear as to how much such balance amount is being remitted in June 09. Therefore, the licensee is directed to verify the total amount of such difference between the MD based tariff charges recovered and HP based charges of the period Oct. 06 to Mar. 07, the amount refunded by it and to refund the remaining amount of such difference together with interest at the bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after a period of 30 days.

- 17). As to grievance No. (9) made in the rejoinder dt.18/8/09 : The consumer claims that from Aug.07 to July 08, the licensee shown in the CPL the excess amount of Rs.1,00,775.51. The licensee be directed to verify the amounts and refund excess collected amount together with interest at RBI rate. As against this, the licensee has not submitted any reply to this rejoinder till to-day. Therefore the licensee is hereby directed to check the amounts given in consumer's statement along with rejoinder and refund excess amount, if any, to the consumer along with interest at the bank rate of RBI within 30 days from the date of decision in this case.
- 18). Since the Chairman has tendered his resignation to the post of Chairperson of the CGRF, this decision is given by Member Secretary & Member of the Forum.
- 19). 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. 08 to 17.
- 3) The Compliance should be reported to the forum within 45 days from the date of this 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, 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 : 23/09/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan