



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/ 0126/ 0143 OF
08-09 OF SHRI JAIWANTI N. BULCHANDANI REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Jaiwanti N. Bulchandani
Plot No.443, Shed No. 5
Industrial Area, OT section,
Ulhasnagar – 421 003

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer, Sub Division III,
Ulhasnagar.

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on dated 21/06/2008 for excessive billing. The details are as follows: -

Name of the consumer: - Shri Jaiwanti N. Bulchandani

Address: - As above

Consumer No: -021510381375

Reason of dispute: Excessive Billing against excess MD penalty.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/162 dated 21/06/2008 to Nodal Officer of licensee. They replied vide letter no.DyEE/Sub-Divn-Camp-III/ 1094 dated 19/07/2008.
- 4) The Member Secretary & Member of the Forum heard both the parties on 24/07/2008 @ 15 Hrs. In the meeting hall of the Forum's Shri R. P. Ramrakhaya & Shri N. R. Bhagnani of the consumer's representative & Shri S. K. Sawale Deputy Executive Engineer, Shri J. R. Patil (UDC), Shri P.

M. Kakade (LDC), representatives of the licensee attended hearing.

- 5) Consumer repeated their grievance that they have been charged MD penalty, exceeded in Sept.06, Nov.06,

Dec.06, Jan.07, Feb.07 & Mar.07 together in the month of Oct. 06/ Mar.07/ Apr.07 without giving any notice. Consumer stated that they are receiving the bills of false MD penalty regularly alongwith DPC and interest. Whenever they approach the licensee they allowed part payment. Consumer stated that the licensee tried to take MRI two-three times but the MRI report was not projected. Therefore consumer stated that the MD penalty levied to them is vogue, baseless and illegal. Hence the same should be waived completely alongwith DPC/interest charged to them.

- 6) The licensee in their reply stated that while taking meter reading it is observed that the consumer has exceeded the sanctioned Maximum Demand (i.e. 24.86 KVA) during the month of Sept.06, Nov.06, Dec.06, Jan.07, Feb.07 & Mar.07 by 7.34 KVA,9.24 KVA,9.34 KVA, 11.04 KVA, 11.03 KVA & 11.03 KVA respectively and MD penalty charged to them Rs.3225.60 in Oct.06, Rs.4061.20 in Mar.07, Rs.4105.20 in Mar.07, Rs.4861.20 in Mar.07, Rs.4853.20 in Apr.07 & Rs.4853.20 in April 07. The consumer has paid

an amount of Rs. 3225.60 on dated 20/11/2006 against the total MD penalty of Rs. 25,959.60 raised to them.

- 7) The licensee stated that though separate intimation letter is not issued to the consumer, signature of the consumer/representative have been obtained in every month in the meter reading card. However, in few cases signatures of the consumer/representative has not been taken.

- 8) Forum observed that in each event where M.D. is exceeded the same should be intimated to the consumer so that consumer will be aware of this and also they will be in a position to take precautionary measures. If the MD is exceeded more than 2-3 times, then the licensee has to write a letter to the consumer informing them to get addl. MD sanctioned. The licensee has not done so and instead they taken the signature of the persons available at the time of taking meter reading.

- 9) Forum further observed that it is the responsibility of the licensee to levy the penalty immediately in the next bill as soon as it is found that the MD is exceeded in the particular month. While taking meter reading in the month they have to retrieve the MRI report, particularly in cases where MD is exceeded beyond sanctioned limit & L.T.M.D. meter is available. But the licensee charged the consumer together in a bill after 2-3 months without having MRI report.

- 10) The licensee have not submitted any authentic proof regarding exceeding of maximum demand for which they imposed penalty if Meter Reading Instrument (i.e MRI report). of LT MD meter is available with the forum it is very easy to establish the MD penalty.
- 11) Further licensee has not intimated and charged to the consumer month to month basis whenever MD observed exceeded.
- 12) The circular/ guidelines regarding imposing of excess MD penalty are not submitted by the licensee as demanded by forum.
- 13) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum unanimously passed following order.

O- R- D- E- R

1. The excess MD penalty amounts charged by the licensee Rs.3225.60 in Oct.06, Rs.4061.20 in Mar.07, Rs.4105.20 in Mar.07, Rs.4861.20 in Mar.07, Rs.4853.20 in Apr.07 & Rs.4853.20 in April 07 respectively are quashed with interest and DPC and set aside.

2. If the consumer paid any excess MD amounts against above mentioned penalties at Sr. No. 1 of the order, should be refunded within 60 days from the date of decision.
3. The demand of the consumer regarding refund of extra amount Rs.41000/- paid by him with interest till date, is hereby rejected as the total excess MD penalty is already waived.
4. Complaint should be reported to the forum within 60 days from the date of decision.
5. Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*

Appeal 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 400 005”*

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 :- 31/07/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF Kalyan