



**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/290/319 OF 2009-2010 OF**  
**M/S. IMRAN ABDUL JALLEL SIDDIQUE, VASAI REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE BILLING.**

M/s. Imran Abdul Jallel Siddique  
Gala No. 10 & 11, Neminath Ind. Estate No. 4  
Navghar, Vasai (East)  
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. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 11/08/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Imran Abdul Jallel Siddique

Address: - As given in the title

Consumer No : 001610866286

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/7209 dated 11/08/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer, MSEDCL Vasai Road (East) filed reply vide letter No. DYEE/VSI/(E)/B/6944 dt.02.09.2009.
- 4) The consumer has raised these grievances before the IGRC and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 11/06/2009. 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 11/08/2009.
- 5). The forum heard both the parties on 02/09/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri Waghmare, LDC representative of the licensee, Dr. P. K. Chopade, Spectator, 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 11/06/09 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. 02/09/09 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 Rejoinder dt. 06/08/09 & points Nos. (a) to (c) in Rejoinder dt. 02/09/09 - 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 Feb. 09 by illegally applying MD based tariff from 1st Aug. 08 without completion of 100% work of installation of MD meters which is illegal. Refer Omb.rep. No.33 of 2009 dated 6.5.09 and refund the MD fix charges and PF penalty with 6% interest as per Electricity Act 2003 Section 62(6)and therefore, the licensee be directed to refund the said above referred amount together with interest to the consumer. As against this, the licensee submits that on completion of 100% TOD metering and as per directions given in circular No. 81, dt. 07/07/08, clause No. 10.5 MD based tariff is applied to the consumer from Aug. 08 is correct and hence the consumer is not entitle 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 Feb. 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) & point No. (d) in Rejoinder dt. 02/09/09 - 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 Dec. 2003 and Rs. 11,700, total Rs. 31,200/- but bill was showing SD as only Rs. 9600 as on May 08. Thereafter the consumer paid Addl. Security Deposit Rs. 97,300/-. According to the consumer the licensee has to refund SD amount of Rs.31200/- alongwith interest. As against this the licensee claims that the connection has been given on 09.08.2003 for 25 HP. Therefore, the licensee is directed to display the said amount of Rs. 97,300/- 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.
- 10). As to grievance No. (3) & Point No. (e) in Rejoinder dt. 02/09/09 - Regarding appropriation of Security Deposit amount : The consumer claims that the licensee appropriate SD amount from his main account due to which DPC is charged and Prompt Payment Discount (PPD) is lost. Licensee be directed to refund the DPC as well as PPD as per Hon. Ombudsman order No. 23 of 2009, dt. 26/03/09. The licensee has not produced any details regarding this point. Therefore, licensee is directed to act as per Hon. Ombudsman Representation No. 23 of 2009 dt. 26/03/09 and if found excess amount recovered from consumer, same may be refunded to the consumer alongwith interest at Bank rate of RBI in the ensuing bill after 30 days from the date of this decision.

- 11). As to grievance No. (4) & point No. (f) of Rejoinder dt. 02/09/09 – Regarding refund of excess ASC charges : The consumer claims that the licensee has collected excess ASC first time sanctioned load was increased from 25 HP to 45 HP i.e. by 80% in May 2005. The consumer further claims that load was further increased to 65 HP in Dec. 05 i.e. by 45% making total 125% increase in sanction load. As per MERC clarificatory order dt. 24/08/2007, 11/09/07 and ATE modifying the clause 7.4 (g) to take Benchmark consumption (BC) as a consumption in equal ratio as was before the load increase. This ratio is to be coincided after six months period. Further consumer claims that in his case 125% of 6673 comes 15014 units , the coinciding consumption is 15333 achieved in Feb. 2007. Further consumer submit the statement of BC and ASC excess collected for Rs. 66,929.75 (ASC + 6% electricity duty + 6% interest as per RBI). The licensee has not produced any documentary proof. 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.
- 12) As to grievance No. (5) - 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. 11,584.13 (Oct. 06 charged 5925.33 less actual 1950.00 and Nov. 06 to Feb. 07 charged 3581.11 instead of actual 1950 – difference 1902.20 x 4 months) 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.

- 13). As to grievance No.(6) regarding refund of ASC charges. The consumer claims that excess ASC collected by licensee in Feb. 08 bill shown no consumption under "Locked" condition. In March 08 two months consumption shown but cheap power consumption of only one month shown. If average considered, no ASC is applicable, so amount to be refunded for  $13719 \times 1.36 = \text{Rs. } 18,657.84 + \text{interest @ } 6\% \text{ for } 14 \text{ months} = \text{Rs. } 1306.05$ , Total Rs. 19,963.89. The licensee claims that the average bill charged in Feb. 08 has been credited in March 08. However, they will take review and action will be taken accordingly for refund of ASC charges if applicable. The licensee is hereby directed to retrieve MRI report of said meter and calculate accordingly ASC charges. If found excess, same may be refunded to the consumer alongwith interest within 30 days from the date of this decision.
- 14) 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.
- 15). 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 16.
- 3) The Compliance should be reported to the forum within 60 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 : 25/09/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan