



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/291/320 OF 2009-2010 OF
M/S. JAYCO PLASTIC, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Jayco Plastic
Gala No. 8 & 9 ,
Neminath Industrial Estate No. 4
Navghar, 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. 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. Jayco Plastic

Address: - As given in the title

Consumer No :- 001610357918

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/724 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/6943, dated 02/09/2009.
- 4) The consumer has raised these grievances before the IGRC and the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 18/06/2009. 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 Member Secretary and member heard both the parties on 02/09/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer, Dr. P. K. Chopade as Spectator &

Shri N. V. Waghmare, LDC. 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 18/06/09 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) - Regarding refund of excess fix charges as per MD based tariff, PF penalty recovered during the period from Aug. 08 to Feb. 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) - 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 April 1996 and Rs. 9,750/- as additional security deposit but bill displays Rs. 1500 as on May 08. Thereafter licensee collected Rs. 81,300 as a additional SD. This may retain with licensee & refund Rs. 29,250 + SD interest as per statement Rs. 20,548. Licensee claims that connection has been given to consumer on dt. 22/04/96 for 60 HP. The SD paid at the time of connection for Rs. 19,500 and Rs. 9,750 – Total Rs. 29,250 has not been displayed on the bill. The same will be refunded to the consumer alongwith interest as per rule for which original receipt may be submitted to the licensee. Therefore, the licensee is directed to display the said amount of Rs. 81,300/- 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) - 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 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.

- 11) As to grievance No. (4) & point No. (e) of 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 submitted that the matter is referred to Head Office, on receipt of reply, further action will be taken. 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.
- 12). 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.

- 13). 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 11.
- 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 Bldg, 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