



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/0128/0146 OF 08-09
OF M/S. SAROSH ICE FACTORY REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

M/s Sarosh Ice Factory
Jahangir Maidan,
Murbad Road,
Kalyan – 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Executive Engineer, Kalyan (W) Division.
licensee)

(Here in after
referred to
as

- 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. The consumer registered grievance with the Forum on dated 15/07/2008 for excessive energy billing.

The details are as follows: -

Name of the consumer: - M/s. Sarosh Ice Factory.

Address: - As above

Consumer No: - 020020812924

Reason for Dispute:- Excessive energy bill due to charging of load management charges.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/193dt.15/07/2008 to Nodal Officer of licensee. However, the letter is un-replied.
- 4). The Member Secretary & Member of the Forum heard both the parties on 04/08/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri C. S. Aryana, Consumer & Shri J. A. Pardeshi Consumer's representative & Shri D. B. Nitnaware Nodal Officer, Shri G. T. Pachpohe, Deputy Executive Engineer, Shri B. R. Karande, Executive Engineer, Shri C. S.

Sakpal (LDC), Shri S. G. Dinkar, Junieur Manager representatives of the licensee attended hearing.

- 5). The consumer stated that the licensee charged them Rs.3426/- for the period from 04.05.05 to 04.06.05 and Rs.4055/- for the period 04.06.05 to 01.07.05 against Load Management Charges (LMC) when it was not applicable at that time. They stated that they made No. of correspondence (i.e. dated 11.04.08, 29.09.07, 01.04.08, 13.05.08, 21.06.08 & 23.06.08) with licensee to waive this illegal charges and to give energy bill separately. After one year, they gave a reply vide letter No.2174 dt. 28.6.06 in which the licensee clearly committed that they have not replied the consumers letters for about one year. They without referring our letters plainly confirmed that whatever charged against Load Management is correct and required to pay by the consumer.
- 6). On this Licensee Ex. Engineer in his letter No.5036 dt. 31.10.07 stated that the Load Management Charges (LMC) for the month of June 05 and July 05 are charged as per the directives of Head Office by IT section as per their internet software programme. In the letter No.223 dt. 15.1.08, the licensee stated that an amount of Rs.7481/- charged against LMC and Rs.2020/- against interest upto Nov.07 charged on this amount (Total Rs.9501/-) is waived and balance amount of Rs.43930/- is to be paid within three days from the date of receipt of this letter. The consumer stated that they have

paid Rs.12000/- vide cheque No.066636 dt.12.08.05 but the licensee has not given the Money Receipt or not refunded the amount till to-day.

- 7). On this query, the licensee in their letter No.5036 dt. 31.10.07 stated that cheque payment of Rs.12,000/- by the consumer, might have refused, being small amount as against the total arrears of Rs.30510/-. One side consumer states that they have made a cheque payment of Rs.12,000/- on 12.08.05 and the licensee neither given the receipt nor refunded the amount and the other side licensee states that the cheque payment of Rs.12,000/- might have been not accepted being small amount against total arrears of Rs.30510/- as on 05.08.05.
- 8). The consumer stated that the licensee disconnected our factory supply in Jan.07 without giving any notice, even though they are ready to pay the bills except L. M. charges. We have approached No.of times to the licensee but instead of solving the dispute the licensee Temporarily Disconnected (TD) the supply in Jan.07. Even after T.D. the meter reader was coming to our premises for taking meter reading. we were requested to revise the bill by keeping dispute amount aside, and issue current bill upto Jan. 07.(upto Jan.07 we have supply and licensee disconnected supply in Jan.07 same is repeatedly informed to licensee). But licensee was not ready to remove the illegal LMC alongwith its interest or issue

current bill. Therefore this put into dispute and arrears accumulated for which the licensee is responsible. Due to un-authorized disconnection of supply of our factory is closed since one and half years. The licensee as per their letter No.5036 dt. 31.10.07 informed their decision to waive the LMC. But on 15.1.2008 (vide letter No.223 dt.15.1.08) they informed that LMC Rs.7481/- and interest Rs.2020/- (Total Rs.9501/-) charged on this upto Nov.07, is waived, but informed to pay balance amount of Rs.41930/- within three days, without giving any details/justification which are not acceptable to us.

- 9). The Licensee stated that they have neither temporarily disconnected nor permanently disconnected the supply. The consumer might have disconnected the supply during load shedding period (when whole supply was not available).
- 10) The forum asked the licensee on what basis you have charged the LMC to the consumer. In reply licensee stated that the Load management charges is levied to the consumer by IT Section as per their Internet Software Programme. After came to know that this is not applicable, the same has been waived and credit/adjustment given to the consumer from their outstanding amount (i.e. upto Dec. 07 and informed to the consumer vide letter no. 223 dated 15/01/2008). The forum asked to the licensee; even after making PD why you were sending bills to the consumer? The licensee replied that

the consumer was paying the bills. They have paid last bill in Jan.08. The forum asked the licensee that while making PD in Jan.07 there was about Rs.39,000/- arrears with the consumer. What action you have taken during 6 months to recover the arrears from the consumer? And why made TD without notice? And why made PD so late i.e. after one year also without notice? The licensee had no reply or could produce any documents to support all these inactions. Only said PD done because the factory was not working and machineries there, was getting rusted.

- 11). Forum observed that L.M.Charges Rs.7481/- are recovered in June & July 05. Despite the request made by the consumer vide their letter dated 14.07.05, to waive this illegal additional charges and issue regular energy bills subject to settlement of dispute LMC, the licensee did not waived the LMC or gave energy bills separately. Therefore the consumer was not able to pay bills onwards for want of knowing the exact amount of energy bills. So the consumer issued an amount Rs,.12,000/- vide cheque No.06636 dt. 12.08.05 to the licensee. But the licensee did not accept the cheque nor gave any receipt. The licensee waived the LMC and interest on the LMC and communicated on 15.01.08, but charged interest/DPC on the current bills. The consumer did not pay the current energy bills for want of giving separate current energy bills. Here there is no fault on the part of the consumer. Therefore, consumer is

also not liable to pay the interest/DPC on energy bills from June 05 to Jan.07. (20 months). Moreover, the licensee recovered LMC Rs.7481/- from the consumer, illegally, through the bills of June 05 & July 05 used it for 29 months, till it is adjusted in Dec.07. The licensee took these long time to waive the LMC wrongly charged and inform the consumer. If the LMC is not required to be charged to this consumer, the licensee would have waived the LMC with interest charged to them immediately on their application dated 14.7.05. All these episode are happened only due to negligence on the part of Licensee.

- 12). Forum asked the consumer whether you received letter No.223 dt. 15.01.08 wherein it was mentioned that LMC is wrongly charged through IT Section, which is waived and you have to pay balance amount of Rs.43930/-? The consumer replied that we have received this letter, but we are not agree with the revision as there was no proper clarification.
- 13). The consumer at first said the cable is disconnected and taken away. Then said supply is disconnected from pole. And finally said supply is disconnected from the Distribution Box(DP). The licensee denied all these and said we have not disconnected the supply. The consumer might have disconnected the cable, to dispute the issue to avoid payment of arrears, as they want to close the factory. Due to all these contradictory replies from the consumer as well as from

licensee, the forum members decided to visit the site along with all members and verify the factual position. Therefore the hearing stopped for sometime and requested all to come to the site for inspection. When physically visited the premises it was found that cables are available upto meter. But the cable is found to be disconnected condition from Distribution Box (Feeder Pillar) where the main supply is given by the licensee. The meter box found in tact position.

- 14). After visiting the premises of the consumer, all the members again attended the CGRF office and continued the hearing.
- 15). Forum asked the licensee that the consumer have written letters to licensee to issue current bills subject to finalization of the dispute. If the current bills were issued, MSEDCL's revenue would not have been blocked. The licensee had no reply.
- 16). Forum observed that the cheque No. 066636 dated 15/08/05 of Rs. 12000/- said to have been issued by consumer is not at all reflected in the CPL as well as in the arrases statement given vide letter no. No.EE/KLN-W/Billing/3080 dt. 27.08.08. & the today's status of above cheque have become invalid.
- 17) Forum observed that though the licensee refused regarding disconnection (TD/PD) the forum observed during physical inspection on 04.08.08 that supply was not available to the consumer and found in disconnected condition from Feeder Pillar. The all activities of feeder pillar i.e. maintenance as well

as any changes should be carried out by licensee. However, the licensee in reply to the consumer letters dated 03.05.07 and 6.10.07, stated vide L.No.5036 dt. 31.10.07 that they have not permanently disconnected the supply. On this consumer further intimated to the licensee as per their letter dt. 08.05.08 that the supply was disconnected from Jan.07. On this, there is no action appears to have been taken by the licensee to physically verify the position, inspite of repeated appeal from consumer. Hence forum has no alternative than to accept the date of disconnection as **Jan.07** as intimated by the consumer. It is also noticed that the supply is disconnected without notice. Therefore the consumer is entitle for compensation as per The Electricity Act 2003 Section 56(i).

- 18). As per licensee's reply No.EE/KLN-W/Billing/3080 dt.27.08.08, the actual arrears as on Jan.07 which required to pay by the consumer, excluding the L.M.charges and including all the payment made by the consumer after **Jan.07** is **Rs. 406.40** details of which is as below:

Month	O p e n i n g arrears	Addl.	Less	Arrears	Remarks
Jan.07	31086.79	-	-	31086.79	Arrears at the end of Dec.06
Jan.07	31086.70 3529.67	-	-	34616.46	Jan.07 bill
	34616.46	-	-6618.70	27997.76	ASC refunded in April 07
	27997.76	- 850.64	-	28848.40	Debited in Aug.07
	28848.40	-	- 9501.00	19347/40	Bill revised in Dec.07 7481/- + 2020/-

	193347.40	-	18941.00	406.40	LMC refund + int. paid on 22.01.08
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19) National Consumer Dispute Redressal Commission New Delhi

in Revision Petition No 604 of 2003 dated 29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others has held that compensation need to be given to consumer for disconnecting electric supply for no reason. In the present case M/s. Sarosh Ice Factory was paying bills regularly. The consumer approached the licensee regarding illegal disconnection/reconnection/actual energy current bill but there was no response from licensee. The consumer informed that the supply to the Ice factory is disconnected in Jan.07 without serving notice of disconnection. Thus the factory remained disconnected for 19 months. Needless to say that there was gross deficiency in service & the negligent staff is accountable for the harassment done by disconnecting supply of Ice factory. We take serious view of the default committed by the officers of licensee. It is certainly not a good situation. We can put ourselves in the position of the consumer & realise as to how they might have suffered. In our view there is clear mis-carriage of justice and we would grant the compensation of Rs.3500/- to the consumer.

- 20) 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 licensee should recover the arrears of Rs.406.40 (refer para No. 18 above) within one month from the date of this decision.
- 2). The supply should be reconnected after payment of arrears by the consumer, as above, without collecting disconnection charges.
- 3). The licensee should pay the compensation of Rs.3500/- (Rupees three thousand five hundred only) to the consumer against disconnection without notice, within 90 days (refer para-19 above).
- 4). Compliance should be reported to the forum within 90 days from the date of this 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

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 :- 28/08/2008.

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan