

MAHARASTRA STATE ELECTRICITY BOARD
KALYAN ZONE, KALYAN

Phone 1) 2210707
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Office of the Consumer
Redressal
Forum
behind Tejashri,
Cherwanji Road,

Ext-122.

IN THE MATTER OF GRIEVANCE NO. K/E/012/0014 OF 05-06
OF M/S JINAL PLASTICS REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT THE CHARGES LEVIED FOR EXCESS CONNECTED
LOAD BY LICENSEE

M/S Jinal Plastics (Here in after
Gala No 4, Plot No 10, Survey No .46 referred to
Village Asangaon, Mumbai Nasik as consumer)
Highway, Tal: Shahpur

Versus

Maharashtra State Electricity Board, through its (Here in after
Assistant Engineer, referred to
Shahpur Sub Division, Shahpur as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” 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 L.T. consumer of the licensee connected to their 415-volt network using energy for industrial purpose. Consumer disputed charges levied by the licensee in his bill of September 2001 for excess connected load than sanctioned, and penalty, DPC, interest levied in subsequent bills. The consumer has registered his grievance with forum on 21/4/2005. The details are as follows.

Name of the consumer: - M/S Jinal Plastics

Address same as above

Consumer Nos: - 210118208611

Disputed amount: - Rupees One lakhs forty seven thousand six hundred thirty eight (Rs 1,47,638) only, for connected load found to be 77 H.P as against sanctioned load of 67 H.P. & DPC, Interest, & Penalty of Rupees Twenty one thousand eight hundred forty four (Rs 21,844), Rupees Twenty thousand six hundred eighty seven (Rs 20,687), & Rupees Six thousand (Rs 6000) respectively.

- 3) The batch of papers containing above grievance was sent by forum vide letter no. 158 dt. 21st May 2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter no. 1072 dt.24th May 2005.

- 4) Two members present on 26th May 05 heard both the parties from 15 hours to 16 hours in the meeting hall of the forum's office. Shri Navin Dharod, Shri S.W.Deshmukh & Shri Arjun Aryal, represented the case of consumer. Shri H. K. Randive Nodal Officer; Shri S. M. Jadhav Assistant Engineer & Shri S. M. Wishe LDC of licensee represented the case for licensee.
- 5) Shri Navin Dharod, submitted that the flying squad of licensee visited their premises on 30th December 2000 & noticed that the connected load was 77 HP as against sanctioned load of 67 HP. He said that based on this observation licensee charged him in September 2001 Rs.1,47,638/- He further stated that he paid Rs.29,530/- (20% of Rs.1,47,638/-) on 25th September 2001. He further submitted that he protested flying squad observation of 77 HP connected load at his premises and based on this Superintending Engineer (Kalyan) of licensee issued an order in their favor on 24th April 2002 withdrawing the assessment of 1,47,638/-. He further stated that this amount, DPC, interest and penalty levied on excess connected load and penalty levied for non-provision of capacitor has not yet been withdrawn from his bill.
- 6) Shri Randive, Nodal Officer submitted that the amount of Rs.1,47,638/-. D.P.C., interest and penalty levied for connected load has already been credited in the consumers bill in billing months of March 2003, June 2003 and December 2004. He further stated that penalty for non-provision of capacitors has been levied from August 2001 to December 2001 & has not been withdrawn.

- 7) Shri Navin Dharod, could not reconcile this figure with his books of account and requested forum to give some time to reconcile this figure as per licensee's record.
- 8) Nodal Officer agreed to supply within 2 days necessary documents to enable him to reconcile figure with consumer's books of account.
- 9) Forum requested Nodal Officer to submit following documents to the forum on 2nd June 2005.

(i) Debit note showing amount Rs.1,47,638/- in September 2001. Interest of Rs.20,688/-, DPC of Rs 21,844/- and penalty of Rs.6000/- levied to the consumer showing period of levy of these charges.

(ii) Credit note showing withdrawal of amount mentioned in para (i) above.

(iii) Copies of CPL reflecting this debit in the month of September 2001 and credit in months of March 2003, June 2003 and December 2004 respectively.

(iv) Flying squad report dt.30th December 2000

- 10) Following table shows the amount debited to the consumer account and credit passed on to his account

DEBIT			CREDIT	
Reason of charging	Billing Month	Amount In Rs.	Billing month	Amount In Rs.
Charges against excess load	September 2001	1,47,638	March 2003	1,47,638
D.P.C.	9/01 to 2/03	21,844	June 2004	44,293

Interest	11/01 to 2/03	20,688	December 2004	4,239
Penalty on excess connected load	8/01 to 12/01	6,000		
TOTAL		196170		196170

11) It is seen from the above table that above amount debited has been credited by the licensee to the consumer's account. However, the penalty for non-working of capacitor levied during the period from August 2001 to December 2001 amounting to Rs. 29,732 has not been credited to consumer's account. It is seen from the B-80 record of the licensee that the penalty for non provision of capacitors levied during the period from January 2001 to July 2001 was included in the amount of Rs.1,47,638 & this amount has already been credited to the consumer's account in the billing month of March 2003. There is, therefore, no justification for continuing the penalty for non-provision of capacitors from Aug. 2001 to December 2001 amounting to Rs. 29,732. It is pertinent to note here that in a similar case of M/s. Kwality Electroplast, the licensee has not levied any penalty for non-working of capacitors even though the flying squad report in both the cases were same as far as the working of capacitors is concerned. We thus decide that the amount of Rs.29,732 levied as penalty for non-provision of capacitors from August 2001 to December 2001 shall be withdrawn.

- 12) On going through the papers, it is seen that Superintending Engineer, Kalyan of licensee has passed the order of withdrawal of assessment on 24th April 2002. The file was gathering dust and no action was taken by the staff of the licensee on the said order till March 2003. This shows dereliction of duties on the part of the concerned staff of the licensee in not implementing the order of their superiors. This delay on the part of the staff calls upon for taking disciplinary action against the concerned staff as per service condition of the licensee.

O- R- D- E- R

- 1) The licensee shall pass on a credit of Rs.29,732 in the bill of the consumer in the next billing cycle.
- 2) The licensee shall initiate departmental proceedings against the concerned staff for dereliction of duties within 60 days from the date of this order.
- 3) The licensee shall intimate compliance to the forum as soon as the action is initiated against the concerned person.
- 4) 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 order.
- 5) Consumer, as per section 142 of Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address

Maharastra Electricity Regulatory Commission, 13th floor,
World Trade Centre, Cuffe Parade, Colaba, 400005.
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: - 6/6/2005. CONSUMR

(V.V.Kelkar)

(I.Q.Najam),

Member

Chair person

CGRF Kalyan

CGRF Kalyan