

MAHARASTRA STATE ELECTRICITY BOARD

KALYA

N ZONE, Office of the Consumer Grievance
Redressal Forum, Behind Tejashri,
KALYAN Jahangir Meherwanji Road,
Kalyan. 421304

Phone 1) 2210707

2) 2328283



Ext-122.

**IN THE MATTER OF GRIEVANCE NO.K/E/001/0001 OF M/S.
PVT.LTD. OF 2004-2005 REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN KALYAN ZONE
KALYAN ABOUT**

, } Here-in-after
. } referred to
} as “consumer”

Versus

Maharashtra State Electricity Board, through its } Here-in-after
Superintending Engineer, Tejshree 2nd floor, } referred to

J.M. Karnik Road, Kalyan.

} as “licensee”

- 1) The consumer is a H.T. consumer of the licensee connected to their 22 KV network. The consumer disputed the charges of Rs.5,34,825/- (Rs. Five lakh thirty four thousand eight hundred twenty five only) levied by the licensee on violation of contract demand vide his above grievance registered with the forum on 23/12/2004. The consumer No., meter No, period of dispute and quantum of violated contract demand and the amount of dispute are as follows:-

Consumer No. 02033912688

Meter Sr.No. 02214444

S.No.	B i l l Month	Sanctioned Contract demand (K V A)	Estt.deman d (KVA)	Violated contract demand (KVA)	Additional Penalty Recovered
(1)	(2)	(3)	(4)	(5)	(6)
1	Dec.2003	250	434	184	62,675-00
2	Jan.2004	250	446	196	68,600-00
3	Feb.2004	250	467	217	75,950-00
4	Mar.2004	250	453	203	71,050-00
5	Apr. 2004	250	460	210	73,500-00
6	M a y . 2004	250	554	304	1,06,600-00
7	Jun. 2004	250	461	211	73,850-00

8	Jul. 2004	450	458	008	2,800-00
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TOTAL:- 5,34,825-00

- 2) Consumer Grievance Redressal Forum has been established under Regulation called Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” This regulation have been made by the Maharashtra Regulatory Commission vide powers confirmed on it by Section 181 read with (sub-section 5(to) 7 of Section 42 of the Indian Electricity Act 2003.(36 of 2003).
- 3) The batch of papers containing above grievance of consumer was sent to the nodal officer by the forum vide letter no.0017 dt.29/12/04. The letter, however, remained unreplied.
- 4) During the course of hearing the consumer also raised the points of non-release of additional 200 KVA contract demand by the licensee raising his original demand of 250 KVA to 450 KVA.
- 5) Both the parties were heard by all the three members of the forum on 27/1/2005. Since the forum letter dt.29/12/04 remained unreplied & the forum decided to collect data on the following points from the nodal officer.

- a) Sanctioned contract demand (SCD)?
 - b) Period of violation of SCD.
 - c) Quantum of violation of SCD
 - d) Basis on which penalty is levied.
 - e) Amount of penalty.
 - f) H.T.CPL details.
 - g) Amount disputed by consumer.
 - h) Reason for disputed amount.
 - i) Any relief so provided by M.S.E.B.
 - j) If so, reason of providing relief.
 - k) Why this relief was not given to consumer at initial stage.
- 6) Nodal officer during the course of hearing expressed that the contract demand was not released by licensee for non-submission of certain documents, and non-compliance of certain formalities by the consumer.
- 7) The forum, therefore, requested nodal officer of licensee to give details of documents, formalities which consumer has failed to submit and comply respectively.
- 8) Nodal officer of licensee vide letter No.SE/KCK/Tech/0593 dt.2nd Feb.2005, submitted replies on points mentioned in Para 5 above. The replies are as follows:-

- a) 450KVA
- b) Dec.2003 to July 2004.
- c) As per col.5 of table mentioned in para 1.
- d) MERC Order (Tariff)
- e) Rs.5,34,825/-(Rs.Five lakh thirty four thousand eight hundred twenty five only).

- f) Information on point 2 &3 above taken from CPL
- g) Demand penalty difference recovery (100%) charged as per MERC order Dt.01/12/2003 and 10/03/2004.Refer tariff book of H.T.consumes (enclosed) and I.T section statement of demand recorded and amount charged /to be charged and difference is enclosed.
- h) As per Departmental Circular no.724 dt.13/12/2004 the penalty charged withdrawn and the amount of recovery charged is credited to the consumer's Account in 3 equal installments (Reason for 3 installments not disclosed. Copy of I.T section amendment Dt.22-12-2004 enclosed with Demand penalty statement.
- i) The software programme was revised by I.T section as per H.O Directives and the credit is given to all consumer in 3 monthly installments. The reason for not giving the relief in lump sum is not known. Two years CPL statement enclosed.
- j) Application dt. 1/8/02,NOC received dt.9/6/04, Released additional load on 28/6/2004.

9) The demand penalty charges of contract demand was levied by the licensee as per order dt.1/12/2003, subsequently followed by detailed order 10/2/2004 passed by the Maharashtra Electricity Regulatory Commission. Relevant Para of the above said order is as follows:-

“Penalty for exceeding contract demand.”

“In case a H.T.consumer exceeds his contract demand he will be billed at the appropriate demand charges for the demand actual recorded and will be charged at the rate of 150% of the prevailing demand charges for the excess demand over the contract demand. For such three occasions exceeding contract demand in a calendar year the treatment would be governed by the Supply Code.”

10) Subsequently ME RC has clarified and reworded a Clause relating to the penalty for exceeding contract demand of the H.T.Consumer applicable from 1/12/2003.The clause now read as follows:-

“ H.T.Consumers exceeding contract demand will be billed applicable demand charges or the demand actually recorded and will be charged a penalty of 50% of the prevailing demand charges for the demand in excess of contract demand .In other words the excess contract demand will be charged at a penal rate of 150% of the demand charges applicable to the consumers upto contract demand (i.e. 100% applicable demand charges + 50% as penalty)”

11) On Scrutiny of reply submitted by nodal officer of the licensee it is noticed that a consumer has made application for additional power of 200KVA on 1st August.2002 .The formalities of submitting documents was completed by the consumer on 9th June 2004. The licensee released 200KV additional power on 28th June 2004.]

12) After taking stock of the entire situation is narrated in the preceding paras the forum is inclined to pass the following order:-

O R D E R

- 1) “The debit bill adjustment of Rs.5,34,825 (Rs. Five lakh thirty four thousand eight hundred twenty five only) shown in the electricity bill of the month of Nov.2004, (the charges levied by the licensee on violation of contract demand) is hereby quashed and set aside.
- 2) The licensee shall charge for violation of contract demand, if not charged so far, as per MERC guide lines mentioned in para 10 above.
- 3) The licensee shall refund the entire amount of Rs.534,825/ (Rs.Five lakh thirty four thousand eight hundred twenty five

only) in three installments as decided by the licensee if the consumer has paid the said amount to the licensee.

- 4) The delayed payment charges/interest if any levied by the licensee on the amount Rs.5,34,825/- shall also be withdrawn and credit passed on to the consumer.
- 5) The Licensee has released additional power of 200KVA on 28/6/2004 on compliance of formalities by the consumer on 9/6/20904. Since there is no delay in releasing additional load by the licensee, no order is passed by the forum.
- 6) Order to desist from disconnection of electric supply to the consumer issued vide forum letter no.17 dt.29 Dec.04 is, hereby, withdrawn.
- 7) Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharastra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba
Mumbai 400005.

Appeal can be filed within 60 days from the date of this order.

Date07/02/2005.

(V.M.Bhatkar)

Member Secretary

Consumer Grievance
Redressal Forum

Kalyan Zone

(V.V.Kelkar)

Member

Consumer Grievance
Redressal Forum

Kalyan Zone

(I.Q.Najam),

Chair person

Consumer Grievance
Redressal Forum.

Kalyan Zone.