



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/404/458 OF 2010-2011 OF
M/S. PRECISION UPVC MOULDERS PVT. LTD. VASAI REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

M/s. Precision UPVC Moulders P. Ltd.
Gala No. 01 to 04,
Jai Ind. Estate, Blue Chip Ind. Complex,
Satali Road, Waliv,
Vasai (East), Dist. : Thane – 401 208

(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 : 401 208.

(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 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 a H.T. consumer of the licensee with C. D. 337 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 08/10/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Precision UPVC Moulders P. Ltd.

Address: - As given in the title

Consumer No : - 1)001849026590

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/547 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10328, dated 28/10/2010.
- 4) The Members of the forum heard both the parties on 28/10/2010 @ 16.00 Hrs. in the meeting hall of the Forum’s office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri R. S. Sanap Ex. Engr. Shri S. M. Bangar, Dy. Ex. Engr., Mrs. Kiran Nagaonkar, Dy. Ex. Engr. representatives 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.

- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Jai Ind. Estate, Navghar, Blue Chip Ind. Complex, Sativali Road, Vasai (East) in the year 2005. It is contended that licensee charged ASC running in thousands in the year 2007-2009 in contravention to the directions given by Hon. MERC in case No. 144 of 08 dt. 17/08/2009 as per the chart enclosed and the same needs to be refunded with interest. Consumer claimed the said amount by letter dt. 24/06/2010 but not responded hence moved the I.G.R. Cell but in vain, therefore lodged this grievance to direct the licensee to refund the excess collected amount of ASC Rs. 1,58,074=76.
- 6) Licensee vide reply dt. 28/10/10 opposed the contentions made in the grievance application. It is averred as per the computer program released by I.T. Deptt. Licensee refunded correct amount of ASC, therefore question of giving refund as claimed does not arise. It is contended that the grievance is not maintainable since non compliance of the MERC Regulation of 2006 Clause 6.2.
- 7) As regards ASC this Forum in many cases including case No. 394 and 424 of 2010 filed by representative Shri Harshad Sheth clearly pointed out on the compliance of the directions of Hon. MERC in case No. 144 of 2008. In para 8 (g) Hon. MERC pointed out as to how ASC to be calculated category wise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and refund the excess amount collected if any bearing in mind that concerned order of Hon. MERC is of 2008 and now we are at the fag end of the year 2010 and as such sufficient time has elapsed. The grievance application will have to be allowed.

- 8) So far non maintainability of the grievance learned representative for the licensee urged with force that there is no compliance of Regulation Clause 6.2. The I.G.R. Cell Vasai Circle vide order dt. 24/08/10 directed the consumer to fill up the form properly so as to redress his grievance. Consumer moved this Forum on 06/10/10 i.e. after about two months, Needless to say all these efforts are for attainment of justice and not eclipse of justice. When consumer moved this Forum for improper calculation of ASC, we have to see whether the calculation is as per the directions given by Hon. MERC. In this view of the matter we find proper to entertain the grievance and to redress it in the interest of consumer. On this background we find no force in the submission of the learned representative for licensee as above. Consequently grievance application will have to be allowed.
- 9) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to calculate the amount of ASC as per the directions given by Hon. MERC and Ombudsman and if collected excess, to refund the same with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- 4) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 24/12/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan