



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/311/348 OF 09-10 OF M/S
SUCHAK PAPER MFG. CO. PVT. LTD., MIDC PHASE - I, DOMBIVALI
(EAST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT REFUND OF TARIFF
BENEFIT WITH INTEREST.**

M/s. Suchak Paper Mfg. Co. Pvt. Ltd.
Plot No. C-8/1, MIDC Phase-I
Dombivali (East): 421 203,
Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer, Kalyan Circle-I

} (Here in after
referred to
as Licensee)

- 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 (MERC) 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 H.T. consumer of the Licensee. The Consumer is billed as per Industrial tariff. The consumer registered grievance with the Forum on 23/11/2009 regarding Refund of Tariff benefit with interest. The details are as follows: -
Name of the consumer : M/s. Suchak Paper Mfg. Co. Pvt. Ltd.
Address: - As above
Consumer No : 020029007820
Reason for Dispute : - Regarding Refund of Tariff benefit with interest.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/937, dt. 23/11/09 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer MSEDCL Kalyan Circle-I filed reply vide letter No. SE/KCK-I/Accounts/5397, dt. 09/12/09.
- 4) The Forum heard both the parties at length on 15/12/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Mantry representative of the consumer & Shri M. A. Atre, AE, Shri Taiwade, AE & Mrs. M. M. Gore, A.A. 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 the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5) The consumer industry is situated in MIDC Dombivali (East) having consumer No. 020029007820. According to consumer since it is approved continuous process industry by District Industries Centre (DIC), as per the directions of Hon. MERC licensee should have charged tariff @ 2.15 per KWH, however, the licensee wrongly recovered tariff treating

the consumer non continuous industry at the rate of 2.85 per KWH. Consequently consumer by their letter dt. 07/09/09 requested the Superintending Engineer Kalyan Circle – I to refund them the excess tariff recovered from Oct. 06 to April 07 which difference comes to Rs. 0.70 per unit to Rs. 06,34,073.38 with interest Rs. 44,385.13 totaling to Rs. 06,78,458.51 but no action was taken by licensee, therefore, the consumer lodged this grievance for getting excess tariff amount with interest.

- 6) Opponent by the say dt. 09/12/09 contended that as per the provisions of commercial circular No. 52, the case of consumer was forwarded to the competent authority and that the Chief Engineer vide letter dt. 06/10/09 apprised that since the DIC held the consumer falls in the category of continuous industry, the tariff difference needs to be refunded. It is contended as per the provisions referred to above, appropriate order be passed.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether the consumer industry is entitled to get excess tariff amount with interest from the licensee ?	Yes
b)What Order ?	As per order below

Reasons

- 8) As per the directions of Hon. MERC dt. 01/10/06, the tariff for consumption of electricity for continuous industry is Rs. 2.15 per KWH. As seen from the record the consumer industry is admittedly approved continuous process industry by DIC. As per the letter of Kalyan Circle – I,

dt. 09/12/09 the difference charged from the consumer for the period Oct. 06 to April 07 comes to Rs. 06,33,134/-. This excess amount according to the licensee needs to be refunded to the consumer. As per the calculation sheet prepared by consumer dt. 18/11/09 this amount however, comes to Rs. 06,34,073.38. On perusal this calculation chart prepared by consumer industry, it is seen unit consumption considered for 01/10/06 to 19/10/06 and lateron consumption unit calculated from 19/10/06 onwards, therefore, there appears some difference of total consumption units and accordingly charges on the units differ from the calculation of the consumer and the licensee. Since the Distribuion Licensee concede on recovery of excess amount treating the consumer non continuous industry though it was approved continuous uninterrupted industry, it is obvious recovered excess tariff amount is required to be refunded. So far calculation of total consumption units as stated above, licensee can very well be directed to consider total unit consumption of the period 01/10/06 to 30/04/07, so as to calculate proper consumption units and the difference thereof to be adjusted in the next billing cycle.

- 9) Consumer in his application has prayed interest on the excess recovered amount by the licensee to the tune of Rs. 44,385.13. Since licensee admittedly recovered excess tariff amount, the same will have to be refunded with RBI rate of interest under Section 62 (6) of Electricity Act 2003. In view of this, we unanimously feel that the consumer industry is entitled to get excess tariff amount and interest thereon discussed supra. The Licensee can further be directed to adjust the said amount in the next billing cycle. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is allowed.

- 2) Licensee to consider the total consumption units for a period 01/10/06 to 30/04/07 in order to calculate correctly the total consumption units and excess charges to be refunded to the consumer.
- 3) Licensee to pay interest on the so calculated excess tariff amount as per prevailing rate of R.B.I.
- 4) The amount of excess refund tariff and interest thereon to be adjusted in the next billing cycle.
- 5) The Compliance should be reported to the forum within 60 days from the date of this decision.
- 6) The Consumer can file representation against this decision with Hon. Electricity 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.

- 7) 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 : 21/12/2009

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan