



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

ORDER IN THE MATTER OF GRIEVANCE NO.K/E/620/738 OF
2012-13 OF M/S. VANDANA ENTERPRISES, ASANGAON
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY
BILL

M/s. Vandana Enterprises,
Plot No. 10, Gala No. 02,
Survey No. 46, P. O. Asangaon,
Dist. Thane – 421 601.

} **Here-in-after**
referred
as Consumer

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Asstt. Engineer
Shahapur Sub-Division.

} **Here-in-after**
referred
as Licensee

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commissioner (Consumer Grievance Redressal Forum &

Grievance No.K/E/620/738 OF 2012-13
Ombudsman) Regulation 2006" to redress the grievance of consumers. The 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 L. T. Industrial consumer of the licensee. The Consumer is billed as per industrial tariff. Consumer registered grievance with the forum on 20/06/2012 for Excessive Energy Bill.

The details are as follows –

Name of the consumer :- M/s. Vandana Enterprises,

Address : As given in the title

Consumer No : 1) 0210118208573 LT V

2) 0210118208701 LT II

Reason of dispute : Excessive Energy Bill.

3. The set of papers containing above grievance was sent by forum vide letter No.EE/CGRF/Kalyan/0501 dated 20/06/2012 to Nodal Officer of licensee, Kalyan Circle - II. The licensee filed reply vide letter No.SE/KC-II/Tech/3508 dated 24/07/2012 through Nodal Officer Kalyan Circle – II.
4. We the Members of the forum heard both sides in the meeting hall of the Forum's office on 07/08/2012 & 23/08/2012. Licensee is represented by Nodal Officer Shri.Giradkar, Shri. Vise, Asstt. Accountant and Consumer representative Shri. Harshad Sheth was present.

5. We heard Mr. Harshad Sheth, representative of consumer and Shri Giradkar, Nodal Officer, Kalyan Circle – II for Licensee. When this matter was dealt on 07/08/2012 and both sides had agreed to discuss the aspect they clarified that they have discussed the aspect.
6. Matter involves 2 aspects :-
 - i) RLC of Single Phase and return of Security Deposit.
 - ii) Interest on Security Deposit.
7. On behalf of Licensee objection is raised that the matter is time barred. It is also seen that the consumer approached Dy. Executive Engineer, Shahapur on 16/03/2012 for redressing the grievance but it was not dealt or not directed to the IGRC hence complaint is filed here on 20/06/2012. Approaching this Forum found proper as there was no response from the concerned. It is filed waiting for 60 days period.

We have gone through the provision in the regulation and bar of limitation is towards the grievance directly filed before the Forum. Consumer has already approached the Department and hence Department ought to have sent it to the IGRC or could have dealt it and aggrieved by it there would have been further remedy available. But passing or not passing order itself is relevant ground available before this Forum. Accordingly we find no force in the objection raised.

8. Both sides referring to CPL submitted that consumer is seeking relief pertaining to 1 ph. permanently disconnected meter and towards it deposit of Rs.600/- plus RLC of Rs.2,304/- and credit balance of Rs.2,202/- sought to be refunded by adjusting in its present account. In this respect, it is clarified during hearing on behalf of consumer that aspect of RLC is now clarified by Hon. MERC in Case No. 19/2012. Accordingly payment is to be done as per such direction. However, deposit pertaining to it to the extent of Rs.600/- and credit balance of Rs.2,202/- are to be dealt. For the purpose of ascertaining the refund of security deposit of Rs.600/-, details are not available with the Licensee and hence consumer is required to provide those documents with the intent to work out the particular quantum. On this point both sides agreed that on consumer providing necessary papers Licensee is to work out the quantum as per the rules and appropriately it is to be refunded. In respect of credit balance of Rs.2,202/- it is clarified that when meter was permanently disconnected this is the figure noted. However the appropriate reading at that time needs to be considered and if this credit balance is found correct, then it is to be refunded. Accordingly this aspect is to be verified by the Licensee and to be acted upon.
9. In respect of second aspect i.e. interest on security deposit amount, it is clear that security deposit Rs. 13,400/- is reflected in the bills from June, 2008. Accordingly, interest is

to be provided for the previous period i.e. from 02/07/1996. Accordingly interest is worked out from that period upto 31/03/2012. But as security deposit is reflected from June 2008 interest is to be made limited upto June 2008 and it is to be started when the security deposit is not reflected in the computerized bills. Both sides clarified that data of security deposit reflected is to be treated as 01/04/1998 and accordingly interest is to be considered from 01/04/1998 to June 2008. Accordingly said figure is worked out as Rs.6,431.00. This figure is worked out by the consumer. However, on behalf of licensee it is suggested that let it be allowed as per the rules to which the consumer's representative has not objected. He reiterated that he has calculated as per the prevailing rules itself. We find now the figure worked out by the consumer to the extent of Rs.6,431.00 be considered by the licensee for payment, subject to verification as per the rules.

10. This matter could not be decided in time as both parties were to verify the position, discuss the aspect and to make submissions hence time was taken by the parties. Even we find the aspect of refund of security deposit with interest is clarified by Hon. MERC in Case No. 93/2008 vide order dated 01/09/2010 hence any grievance can be brought before this Forum within 2 years of the said order hence there is no bar of limitation.

ORDER

- 1) Grievance of consumer is allowed. Both sides to deal the aspect of RLC of single phase and interest thereon. Consumer to submit necessary papers, documents pertaining to it and Licensee to scrutinize.
- 2) Secondly, in respect of RLC requires no any order as it is covered by the order of Hon. MERC in Case No. 19/2012.
- 3) Licensee to refund interest on security deposit Rs.13,400/- for the period from 01/04/1998 to 30/06/2008 which is quantified to the extent of Rs.6,431.00 subject to its verification by the Licensee and if there is any difference it is to be paid as per the rules. Proceedings stand disposed off.
- 4) Licensee is directed to give compliance within 30 days from the date of receipt of this order.
- 5) The Consumer if not satisfied, 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".*

- 6) 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 : 06/09/2012

(Mrs.S. A. Jamdar)
Member,
C.G.R.F. Kalyan

(R. V. Shivdas)
Member Secretary,
C.G.R.F. Kalyan

(Sadashiv S. Deshmukh)
Chairperson,
C.G.R.F. Kalyan