



Consumer Grievance Redressal Forum, Behind "Tejashree", Jahangir
Meherwanji Road, Kalyan Zone Kalyan (West) - 421301
Ph.- 2210707 & 2328283 Ext:- 122 Fax : 2329488

**IN THE MATTER OF GRIEVANCE NO.K/E/018/0020 OF 05-06
OF SAIF CHEM INDUSTRIES REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT THE EXCESS AMOUNT CHARGED
FOR EXCESS CONNECTED LOAD.**

Saif Chem Industries
Industrial Estate, Khopoli

(Here in after
referred to

Khalapur Raigad, Khopoli.

as consumer)

Versus

Maharashtra State Electricity Distribution Co.

Here in after

Ltd. through its Assistant Engineer,

referred to

Khopoli.

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. The consumer is billed on industrial tariff. The consumer registered grievance with forum on 30/05/2005. The details are as follows.
Name of consumer: - Saif Chem Industries.
Address: - Same as above
Consumer No.: - 30940034473.
Amount of the assessment bill: - Rs 3,37,479/-
Period of assessment: - December 2000 to July 2005.
Reason of assessment: Amount under charged on fixed charges from December 2000 to March 2002 and penalty charged on excess connected load found by flying squad of licensee during inspection of the premises of consumer on 19/10/2002.
- 3) The batch of papers containing above grievances was sent by forum vide letter No. 0196 dated 30/05/2005 to Nodal

Officer of licensee. The letter, however, remained unreplied.

- 4) All three members of the forum heard both the parties on 20th June 2005, 14th July 2005, 1st September 2005 and 13th September 2005. Shri Ajesh Sable and Shri Shetty representatives of the consumer represented the case of consumer on 20/06/2005. Shri W A sayed and Shri Shetty represented the case of consumer on 14/07/2005 and 1/09/2005 and Shri Sayed represented the case of consumer on 13/09/2005. Shri Prabhune Nodal Officer and Shri Sawant UDC represented the case on behalf of licensee.
- 5) The consumer vide it's original grievance application dt.23rd May 2005, has requested forum to order refund of sum of Rs. 4,53,119/- and award of Rs.25, 000/- per day from the date of disconnection i.e. 6th May 2005 till restoration of electric supply for the damages caused to the consumer for disconnecting supply. The consumer also requested forum to direct the licensee to reconnect supply.
- 6) The forum observed that the consumer has not paid the electricity bill after 23rd September 2004. The consumer representative Shri Shetty, who approached forum personally for getting the reconnection of electricity supply order, was asked to pay the electricity bill excluding disputed amount. He paid an amount of Rs.36, 735/- on

31st May 2005 and the licensee reconnected supply on 1st June 2005.

- 7) Shri Prabhune, Nodal officer during hearing on 20/6/05 submitted that the Flying squad inspected the premises of the consumer on 19th October 2002 and found connected load of 80.75 as against the sanctioned load of 67 HP. It is seen from the record that the licensee on 23rd November 2000 sanctioned the load of 67 HP while the consumer completed the formalities and submitted the test report to the licensee on 7th December 2000.
- 8) In order to understand the dispute clearly the forum, during hearing on 20/6/05, requested Nodal Officer to submit the statement showing the period of dispute, details of charges levied and payment made by the consumer against these charges. Nodal Officer promised to submit the same on 27th June 2005. Assistant Engineer submitted a statement on 27th June 05 vide his letter 798 dated 23rd June 2005 showing penalty levied for excess connected load of 13.75 HP (80.75 HP was connected as against sanctioned load of 67 HP) from April 2002 to July 2004. A copy of this statement was also given to the consumer.
- 9) Shri Shetty argued that penalty levied on excess connected load of 13.75 HP from April 2002 to July 2004 is not correct. He said that he had submitted a test report immediately (after inspection of his premises by flying squad in

Oct.2002) in November 2002. He said that he may be given some time to search the record and to give copy of said test report to forum, which is submitted by him to the licensee. He also said that he does not agree with the observation of flying squad of his using excess connected load than sanctioned load. Flying squad has taken some of the machineries lying in workshop, without connected to the supply, as connected.

- 10) Nodal Officer was requested to prepare a fresh statement of the disputed amount and hand over a copy to the consumer. The consumer was also requested to obtain a copy from Asstt.Engineer, Khopoli and reconcile disputed amount. He had agreed to do so. The work of reconciling the figure was not done till 1st September 2005. Forum then expressed displeasure on this pending work and requested Nodal Officer to prepare the above statement and hand over it to the consumer. The forum also requested the consumer to co-operate staff of the licensee and reconcile the figure of disputed amount and disputed period.
- 11) The abstract of detailed working of final statement submitted by the licensee to the forum with a copy to consumer for the period from December 2000 to July 2005 shows an amount of Rs 3,37,479/- to be paid by the consumer. This amount includes the following amount charged to the consumer but disputed by the consumer.

- a) The amount under charged on fixed charges from December 2000 to August 2004. (Fixed charges were calculated considering 40 HP as sanctioned load while the actual sanctioned load was 67HP)
 - b) The penalty charged on excess connected load found by flying squad of licensee during inspection on 19/10/2002. (The actual connected load was found to be 80.75HP while sanctioned load was 67HP. Thus an excess load of 13.75 HP was found connected). The penalty on this excess load of 13.75 HP was levied for the period from April 2002 to July 2004.
- 12) The above abstract of detailed working of final statement submitted by the licensee to the forum with a copy to consumer was accepted by the consumer vide his letter dated 12/09/2005 and Shri Sayed also accepted the said abstract during hearing on 13/09/2005 with the only objection that the licensee cannot charge retrospectively from December 2000 onwards. He said that the licensee can revise charges only for last two years. The forum observed that the licensee has raised the bill in the month of September 2003 for penalty for the period from June 2002 to August 2003 for excess connected load and further raised the bill in the month of January 2004 for penalty for the period from September 2003 to December 2003 for excess connected load and raised penalty for excess

connected load in regular bills from January 2004 to July 2004. In the said bill the licensee had also charged the consumer for under charged fixed charges from July 2002 to August 2003. The forum also observed that the consumer submitted test report of 67 HP sanctioned load in the month of July 2004 and the licensee there after had not charged penalty for excess connected load from August 2004 onwards (The consumer could not produce any evidence of having submitted test report of 67 HP earlier than July 2004 as claimed of having submitted test report in November 2002 mentioned in para 9 above). The forum also observed that the above bills raised in the month of September 2003 and January 2004 to July 2004 for excess connected load was subsequently revised by the licensee in the month of April 2005 for arithmetical error. In the said bill of April 2005 licensee charged the consumer for under charged fix charges for the period from December 2000 to August 2004 and charged penalty for excess connected load from April 2002 and May 2002. We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer in the month of April 2005 on account of under charging of fixed charges from December 2000 to August 2004 is correct or otherwise. For this purpose we take a look to section 56 (2) of Electricity Act, 2003. The section reads as follows: -

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

It is seen that licensee has prepared the first bill of sum due from the consumer in the billing month of September 2003 and subsequently revised the bill in the month of April 2005 for the period from December 2000 to August 2004. The licensee can only recover the sum for last two years preceding September 2003 i.e. from September 2001 to August 2004.

- 13) We now take up another matter of levy of penalty of excess connected load. The excess connected load was found by the licensee at the consumer premises on 19/10/2002 i.e. prior to 10/6/2003 (Prior to EA, 2003) and as such provision of para 33 (e) (1) of the order of Maharashtra Electricity Regulatory Commission in Case No. 2 of 2003 is attracted in this case. According to said para of the order the assessment for violation of connected load (i.e. levy of penalty on excess connected load) can be made as per Clause 31(e) of condition of supply of licensee. The excess connected load was found to be on 19/10/2002 and this excess connected load was on the installation of the

consumer till July 2004 (the month in which consumer submitted test report of 67 HP confirming removal of excess connected load of 13.75 HP). The licensee can, thus, charge penalty on excess connected load for the period from October 2002 to July 2004.

- 14) The financial implications of decision taken in para 12 & 13 above on the amount of Rs 3,37,479/- mentioned in para 11 are as given in following table.

Month	Amount now charged in Rs	Amount earlier charged in Rs	Credit in Rs	Reason
Dec 2000 to Aug 2001 (9 months)	36180	21600	14580	As per para 12
April 02 to Sept 2002 (6 months)	9900	-	9900	As per para 13
Total	46080	21600	24480	

The licensee, thus, should pass on credit of Rs 24480/- in their above bill of Rs 3,37,479/-.

- 15) The forum could not award decision within a period of two months from the date of receipt of grievance (grievance was received and registered by forum on 30/05/2005) as required as per clause 6.12 of Chapter II of Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation, 2003, because of the following reason.

a) Postponement of hearing scheduled on 27th June 2005, 8th August 2005, 18th August 2005, and 23rd August 2005 as consumer could not attend the hearings due to either dislocation of traffic or personal problems.

b) Delay in reconciling the amount of dispute and period of dispute by licensee and consumer both.

16) After carefully going through the entire episode, the forum unanimously decided to pass the following order.

O-R-D-E-R

- 1) An amount of Rupees Twenty four thousand four hundred eighty (Rs 24,480/-) only should be credited in the bill (to be sent to the consumer) of Rupees Three lakhs thirty seven thousand four hundred seventy nine (Rs 3,37,479/-) only up to July 2005. Thus, final bill up to July 2005 of Rupees three lakhs twelve thousand nine hundred ninety nine (Rs 3,12,999/-) only should be sent to the consumer for making payment.
- 2) The consumer's request to order licensee to refund of sum of Rs. 4,53,119/- and award of Rs.25, 000/- per day from the date of disconnection i.e. 6th May 2005 till restoration of electric supply for the damages caused due to disconnection of supply is, hereby, rejected. There is no basis for awarding this claim & compensation.

- 3) Interest and delayed payment charges charged, if any, on the amount of Rs 24,480/- as shown in table of para 13 should also be withdrawn from the bill to be sent to the consumer as per para 1 of the order.
- 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 5.
Appeal can be filed within 60 days from the date of order.

- 5) Consumer, as per section 142 of the Electricity Act, 2003, 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: - 10/10/2005

(M.R.Mehetre) Member Secretary CGRF Kalyan	(Sau.V.V.Kelkar) Member CGRF Kalyan	(I.Q.Najam) Chair person CGRF Kalyan
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