



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/411/465 OF 2010-2011 OF
M/S. PRECISION UPVC MOULDERS P. LTD. VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Precision UPVC Moulders P. Ltd.
Gala No. 23, Gangotri,
Tungareshwar 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.

(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 L.T-V. consumer of the licensee with C. D. 54 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)002170279444 – 65 HP

2)002170279932 – 1 Phase

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/568 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9360, dated 02/11/2010.
- 4) The forum heard both the parties on 07/12/2010 @ 14.30 Hrs. in the cabin of Nodal Officer Vasai Circle, Vasai. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit, Nodal Officer, Shri S. M. Bangar, 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 Tungareshwar Ind. Complex, Sativali Road, Waliv, Vasai (East) in the year 1997. It is contended while giving supply in the year 1997 licensee has collected SD Rs. 15,600/- and ASD Rs. 23,400/- (six months minimum charge) but the same does not appear in the computer due to change over to Oracle System. It is contended on verifying F-1 register or any other evidence as per the directions of Hon. MERC licensee needs to refund the same and that consumer claimed the amount with interest but not refunded. It is averred in June 2008 licensee appropriated the Security Deposit (SD) of Rs. 63,900/- to the unpaid bill and collected interest/DPC consequently they could not get the benefit of PPD vide chart enclosed. As regards excess connected load penalty it is contended by the consumer that licensee collected huge amount on this count contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06 as mentioned in the chart enclosed. It is further contended that consumer applied for permanent disconnection of their single phase meter mentioned above, however licensee did not do anything on this count. It is therefore the contention of the consumer that the licensee be directed to settle their account matters as per the rules and regulations. Consumer by letters dt. 24/06/10, 09/09/10, 15/09/10 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amount of S.D., ASD., and the amount of appropriated SD with RLC, PPD, DPC collected in this context and excess connected load penalty vide chart enclosed with interest.

- 6) Licensee filed reply dt. 02/11/10 contending that amount of SD, ASD with interest will be refunded on production of receipt as per guidelines of Hon. MERC. So far amount of appropriated S.D. will be refunded as per rules. As regards excess connected load penalty according to licensee it is hopelessly time barred by three years therefore cannot be refunded. In so far amount of RLC and ASC is being transferred to the account of consumer and that single phase connection No. 002170279932 concerned officers have been given instructions and the balance will be transferred to the account of consumer.
- 7) So far refund of SD/ASD in the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in case No. 93 of 2008. This Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund if not paid earlier with R.B.I. rate of interest. As regards appropriation of SD amount in June 2008 it is submitted by the licensee that PPD, DPC etc. will be refunded through the bill for the month of Nov. 2010. As per the order of Hon. Electricity Ombudsman in representation No. 23 of 09 dt. 26/03/09 in case Natural Sugar and Allied Industries V/s. MSEDCL licensee cannot transfer the amount of SD/ASD if unpaid to the main bill and treat it as arrears cautioning transferring unpaid SD/ASD amount in the main bill would mean

allowing interest or DPC on the SD/ASD like any other arrears is not provided in the law and contrary to the Supply Code Regulation and further pointed out that licensee's action of appropriating the amount of SD/ASD is disapproved directing licensee to refund the amount including DPC and/or interest if recovered. In the instant case showing Nil amount of appropriated SD/ASD in June 2008 thereby consumer was treated defaulter for payment of energy bill thereby the consumer deprived from PPD and that DPC and interest was imposed. Considering the facts as above action of the licensee of appropriating SD/ASD imposing DPC and interest is not inconsonance to the provisions of Section 47 of Electricity Act 2003 and the Supply Code Regulation. In view of this licensee is liable to refund the amount of DPC, PPD and interest collected while appropriating SD as above as per the order dt. 26/03/09 referred to above if not refunded earlier. This Forum in many cases including case No. 398 & 422 of 2010 filed by learned representative Shri Harshad Sheth on this point thrown light.

- 8) According to consumer vide letter dt. 15/09/10 excess connected load penalty amounting to Rs. 72,797/- vide chart needs to be refunded. Licensee vide reply dt. 02/11/10 pointed out that the claimed amount is hopelessly time barred. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 107 HP officials of the licensee collected excess connected load penalty and the same needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt.

05/09/06. Consumer on this count enclosed calculation chart with application. Inviting our attention to the rejoinder dt. 22/11/10, 13/12/10 and the order passed by the Forum dt. 01/11/10 learned representative for the consumer urged that the licensee adopt delay tactics thereby cause harassment and torture to the consumer in account matters. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the order as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty, concerned account matters pertaining to the consumer and to settle at rest and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty and the need to refund the same.

- 9) So far permanent disconnection of single phase meter and refund the amount collected in this context, it is contended by the licensee that instructions have been given to concerned Section Engineer and on receipt of his report, account will be finalized In fact, while permanently disconnecting the single phase meter licensee should have refund the amount collected in this context and not consuming time as happened. Consequently the grievance application will have to be partly allowed.
- 10) 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 partly allowed.
- 2) Licensee is directed to refund the amount of SD/ASD with R.B.I. rate of interest to the consumer as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010.
- 3) Licensee is directed to refund the amount of DPC, PPD and interest collected while SD appropriated in June 2008 with R.B.I. rate of interest to the consumer if not paid earlier, as per the directions given by Hon. Ombudsman in representation No. 23 of 09 dated 26/03/2009 within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) Licensee is directed to work out the amount of excess connected load penalty as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03 and Ombudsman in case No. 39 of 2006 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.
- 5) Licensee is directed to refund the amount of SD/ASD/RLC collected in the context of single phase connection with R.B.I. rate of interest to the consumer if not refunded earlier, within 30 days from the date of receipt of this order and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

6) 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”.

7) 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