



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/413/467 OF 2010-2011 OF
M/S. SIYESHA INDUSTRIES VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Siyesha Industries
Gala No. 1 to 4,
M.L.K. Ind. Estate No. 2,
Near Range Office, Gokhiware,
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 H.T. consumer of the licensee with C. D. 175 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. Siyasha Industries

Address: - As given in the title

Consumer No : - 1)001849032270 – 107 HP

2)001590787538 – 65 HP

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/574 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9442, dated 11/11/2010.
- 4) The forum heard both the parties on 22/11/2010 @ 14.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. M. Bangar, Dy. Ex. Engr. representative 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 M.L.K. Ind. Estate No. 2, Gokhiware, Vasai (East) in the year 2004. According to consumer while taking connection in 2004 licensee collected SD of Rs. 19,500/- + ASD Rs. 11,700/-. In May 2005 for getting 107 HP consumer paid Rs. 24,000/- as S.D. however licensee did not refund the same though receipts produced, therefore, the licensee is liable to refund the amounts vide chart enclosed with interest. According to consumer licensee as per the directions in MERC case No. 144 of 2008 also did not refund the amount of ASC Rs. 27,701/- with interest vide chart enclosed. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. RLC paid for the single phase connection since it is merged in three phase meter, collected RLC approx. Rs. 1,22,710/- is required to be refunded but not refunded so far with interest vide chart enclosed. Consumer by letter dt. 17/06/10 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, R.L.C. and A.S.C. vide charts enclosed with interest.
- 6) Licensee filed reply dt. 11/11/10 contending that amount of SD/ASD, with interest is being refunded. So far refund of RLC it is being refunded with interest as per directions, it is delayed by one year and so far ASC refund it will be informed on verification of records.
- 7) About refund of Security Deposit / Addl. S.D. though receipts produced alongwith application dt. 17/06/10 till the fag end of the year, amount has not been refunded. When consumer produced receipt, licensee is under obligation to refund the amount with interest without delay. This Forum in

many cases including Case No. 393 and 433 of 2010 filed by representative Shri Harshad Sheth clarified on this aspect. It is seen from the records consumer produced receipts alongwith application dt. 17/06/10 and till the end of this year 2010 this amount is not refunded indicative of gross negligence, inaction on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement consumer not produced receipts, on perusal of F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee cannot obviate it's liability. For non receipt of the amount in time, consumer suffer mental agony and torture, he must have suffered loss on this count is necessary to be compensated saddling the licensee with compensation of Rs. 2000/-.

- 8) As regards ASC this Forum in 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 categorywise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and to refund with interest 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.
- 9) So far refund of RLC consumer pointed out that this amount is delayed by one year. This amount was paid by the consumer to the licensee as loan in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as regards refund of RLC. When the amount

running in thousands was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC and the Ombudsman and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect. Consequently 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 if not paid earlier as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 3) Licensee is further directed to work out the amount of RLC and ASC as per the directions of Hon. MERC in case No. 72 of 2007, 144 of 08 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.

4) Licensee is directed to pay compensation of Rs. 2000/- (Rs. Two Thousand only) to the consumer as mentioned in para No. 07 above within 90 days from the date of receipt of this decision.

5) 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”.

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 : 29/12/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan