



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/414/468 OF 2010-2011 OF
M/S. KIRAN V. NAWANY VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Kiran V. Nawany
Gala No. 105 & 106, Plot No. 5,
Tirupati Udyog Nagar,
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. Kiran V. Nawany

Address: - As given in the title

Consumer No : - 1)001840881047 – 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/577 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9438, dated 11/11/2010.
- 4) The forum heard both the parties on 22/11/2010 @ 15.00 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 Tirupati Udyog Nagar, Sativali Road, Vasai (East) in the year 2008. It is contended while giving supply in the year 2008 licensee has collected SD Rs. 19,500/- and ASD Rs. 11,700/- but only Rs. 19,500 displayed and the ASD amount 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 amounts with interest but not refunded. It is further contended by the consumer that P. F. penalty for Dec. 09, Jan. 10 is charged in contravention to the formula of Sq. Rt. of Sq. of summation of KWH & RKVAH as per the statement enclosed. It is averred P.F. as per the chart enclosed is necessary to be refunded with interest. It is averred that licensee wrongly collected Rs. 86,357.18 on various counts as per the accounts statement and the same also be refunded with interest. By letter dt. 30/06/10 consumer claimed the amounts but licensee did not respond thereafter consumer moved the I.G.R. Cell but in vain, hence lodged this grievance with prayer to direct the licensee to refund the excess amounts as above with interest.
- 6) Licensee filed reply dt. 11/11/10 contending that amount of SD, ASD with interest is being refunded as per guidelines of Hon. MERC. So far refund of PF penalty for the month of Dec. 09 and Jan. 2010 is being refunded. As regards excess collection, on scrutiny of documents necessary refund will be adjusted in future bill.

- 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. So far refund of S.D. though copy produced not refunded indicative of negligence on the part of the licensee. 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.
- 8) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer in the month of Dec. 09 and Jan. 10 contrary to the formula as approved by the Hon. MERC power factor penalty was imposed. Based on the MRI data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer. So far excess amount collected by

the licensee vide reply dt. 11/11/10 licensee clearly pointed out that necessary refund will be adjusted in the future bill. Vide chart enclosed consumer claimed excess collected amount of Rs. 86,357.18. On this background licensee is directed verifying the records and if collected excess, to refund the amount with interest. Consequently the grievance application will have to be partly allowed.

- 9) 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 work out the amount of P. F. penalty and the amount claimed by the consumer in grievance application vide chart enclosed, if not paid earlier as per the directions given by Hon. MERC and Ombudsman refund if collected excess to the consumer with R.B.I. rate of interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 4) 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”.

- 5) 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