



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in**

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**IN THE MATTER OF GRIEVANCE NO. K/E/415/469 OF 2010-2011 OF**  
**M/S. KANTILAL P. PANCHAL VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

M/s. Kantilal P. Panchal  
Gala No. 24, Dhuri – II  
Dattatraya Ind. Estate,  
Sativali, 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. 80 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. Kantilal P. Panchal

Address: - As given in the title

Consumer No : - 1)001849032440 – 107 HP

2)002170782774 – 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/581 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9437, dated 11/11/2010.
- 4) The forum heard both the parties on 22/11/2010 @ 15.30 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 Dattatraya Ind. Estate, Sativali, 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/- however licensee did not refund the same. In June 2008 licensee appropriated SD of Rs. 56,100/- and as such 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. 12,483/- 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. 82,274/- is required to be refunded but not refunded so far with interest vide chart enclosed. Consumer by letter dt. 28/06/10 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 receipt of the amount of SD and ASD nor any other evidence as mentioned in the order of Hon. MERC has been produced. So far refund of RLC it is being refunded with interest as per directions, it is delayed by one year. As regards ASC refund it will be informed on verification of records.

- 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) 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 i.e. Rs. 82,274/- 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) 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