



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

IN THE MATTER OF GRIEVANCE NO. K/E/178/202 OF 2009-2010
M/S. MAHARASHTA PENCIL FACTORY, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

M/s. Maharashtra Pencil Factory
Plot No.9, Vasai Tq.Co.Op.Indl Estate
Achole, Sopara, Vasai(E)
Tal : Vasai, Dist : Thane



(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai Road (East) Sub-Division, Vasai.



(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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 conformed 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 single phase commercial consumer of the licensee connected to their 415-volt network. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on dated 18/02/2009 for Excessive Energy Bill. The details are as follows: -
Name of the consumer :- M/s. Maharashtra Pencil Factory
Address: - As above
Consumer No : - 001890274630
Reason of dispute: Excessive Energy Bill.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/139 dated 18/02/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. 2399 dt.24/03/09 which is received at the time of hearing.
- 4). The Chairperson and Member of the Forum heard both the parties on 24/03/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Consumer Representative Shri Harshad Sheth, & Shri D. V. Mehetre, Dy. Ex.Engr., Shri S. B. Hatkar, Asstt. Acctt., representatives of the licensee attended hearing.
- 5). The consumer approached to IGRC on dated 10/12/2008 but the licensee did not inform the consumer about any solution to his grievances & therefore the consumer registered its grievance with this forum on 18/02/2009.
- 6). The CR submitted that the licensee has issued bills on average basis from the billing period 25.4.08 to 27.09.08. Reading is not taken by the meter readers upto Sept.08 and then for 28.9.08 to 27.10.08 period, the

licensee has shown reading 19999 and sent a bill for 4964 units less average monthly payable amount. In fact meter is showing same reading till to day. It indicates that the meter is faulty and previous wrong reading is taken. The meter is stopped at the reading of 19999 in October.08. The licensee is not able to charge such bill. The consumer demands compensation. The consumer requested for disconnection of single phase commercial connection as the consumer does not require the said connection any more. The CR further submitted stated that Clause 15.4.1 (iii) of MERC (electricity supply code & other conditions of supply) Regulations 2005 reads as **“In case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated”** . The meter has stopped at 1999 reading in Oct.08 and the same is in the same position till now. The consumer also enclosed MSEDCL circular No.50 dt.22.08.06 and same is self explanatory. 3 months before the stopped meter in April 08 comes Jan.08 and the total consumption of earlier twelve months from the said month comes to 7665 units, so monthly 639 units is the average consumption during the said twelve months. The MSEDCL can charge for maximum 3 months at the rate of 639 units per month (639x3= 1917 units). Thus the bill as per consumer will be as :

3 months fix charges	450
Energy cost	8954
FAC @ 19 paise	364

E.Duty 6%	586
RLC refund 4 months	520 (less)
Total	9834/- actual payable

The licensee has to give refund on the basis of above calculation. The consumer also demanded compensation for violation of MERC rules.

- 7). The LR submitted that the meter is not faulty because it is still showing some reading. The present reading is 11999 and not 19999. This single phase commercial supply is given for office and lighting purpose. This is not being disconnected because lighting load can not be availed from the Industrial load, because the tariff is different.
- 8). Forum asked whether two meters are allowed in one premises. The licensee stated two meters are allowed for different tariff i.e. industrial and commercial and lighting.
- 9). The CR further submits that the licensee has charged ASC for Oct.06. Benchmark consumption is 423 units. Therefore 91% of the said BC of 423 units comes to 385 units, above which the MSEDCL is supposed to charge ASC. In above bill, consumption is 380 units so the licensee has illegally charged ASC. Therefore the licensee be directed to refund the amount of ASC charged for the said month.
- 10). The CR further submits that the licensee has collected excess amount under bill adjustment from Jan.07 to Sept.07 amounting to Rs.381.95, the same may be refunded with interest.
- 11). The LR submits that when average bills are issued in past and when actual reading is taken, the system gives credit of all average bills except fixed charges. The LR further submits that the reading was not taken for 6 months, because the agencies were different. After

making available the actual reading, all the average bills paid earlier were adjusted.

- 12). The CR further submits that the licensee collected excess amount of Rs.381.95 under bill adjustment. So the licensee be directed to refund the same. The L.R submits that the said fact will be confirmed from IT and shall be informed to the consumer and the forum.
- 13) Forum asked the licensee the detail report regarding whether the single phase connection can be disconnected. If so, how the licensee can settle the account. However, the licensee has not submitted any such report till this date.
- 14). The consumer has narrated its grievances in details in its grievance dated 8.12.08 made to the Executive Engineer and attached the copy of the same with the application for Redressal of grievance filed before this forum, and the licensee also in its reply dt. 24.3.09 replied the same grievances given in the above letter dated 8.12.08 serially, and therefore the grievances made by the consumer are considered one after another as mentioned in its above letter dtd.8.12.08.
- 15). As to the grievance regarding disconnection of single phase commercial 1.00 KW supply :- The consumer claims that it has demanded disconnection of the said single phase commercial supply since according to it in view of the clause 19.1 of MERC (ESC & OCS) Regulation 2005 implemented from 20th Jan. 2005, all irrational circulars & orders of MSEDCL are invalid, & tariff booklet definition & MERC operative order says that supply at low voltage except use of agricultural pump is allowed under LT-V & therefore, it does not need separate single phase commercial supply. It has also mentioned the

same reason in support of its request/demand for disconnection in it's letter dated 08/12/08 about it to the Executive Engineer. The licensee in it's reply dt. 24/03/09 has claimed that the action regarding disconnection of supply permanently shall be taken after verification from the circular. The LR however, during hearing disputed such claim of consumer on the ground that the concerned power supply is used for commercial purpose & office will be charged as commercial, so it is not necessary to disconnect the said supply through the concerned meter for commercial purpose permanently.

Clause 19.1 of above referred Regulations 2005, on which the consumer relies, reads as under :

“19.1 : Any terms or conditions of the Distribution Licensee, whether contained in the terms & conditions of supply & / or in any circular, order, notification or any other document or communication, which are inconsistent with these regulations shall be deemed to be invalid from the date on which these regulations come into force.”

The consumer has not made clear in its grievance as to exactly what type of activities it is carrying on in the premises for which it has earlier taken the said supply for commercial purpose. The CR also could not show any recent circular or order by which at present the supply given for Industrial purposes can also be used for commercial purpose also. Therefore, earlier restrictions if any, about it, cannot be said to be invalid on the basis of above referred Clause 19.1. However, it is a matter of general understanding that, a person cannot be forced to continue to have particular type of supply against it's wishes. Therefore, the licensee is directed to disconnect the said

supply through meter No. 418530 with consumer No. 001890274630 to the consumer at the risk of consumer within 30 days from the date of decision in this case, & there after transfer the SD amount together with interest till the date of such PD & all other credits including the amount of RLC, as per MERC operative order 77 of 2007 if any, & S. D., with interest at the prevalent rate to which the consumer is entitle, to it's other industrial connection within a period of 30 days from the date of this decision, if the licensee fails to permanently disconnect supply in the said connection within above period of 30 days, it shall be liable to pay compensation to the consumer as mentioned in the Appendix 'A' to MERC (Standard Of Performance of Distribution Licensee's etc.) Regulations 2005 at the rate of Rs. 100/- per week for such delay.

16). As to the grievance regarding billing in the event of defective meter :-

The consumer claims that its meter is not showing any reading and is showing zero consumption and therefore the licensee should give its bill as per para 3 of the clause 15.4.1 of the Regulations 2005. The licensee claims that the meter is in working condition as it is showing some reading and thus the meter is not faulty. He further claims that average bills are issued as the readings were not taken and the said amount is refunded in Oct.08. The second proviso (referred at para -3 by the consumer) of Clause 15.4.1 reads as under:- **“15.4 – Billing in the event of defective meters :**

15.4.1 -----

Provided-----

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period, for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for 12 months immediately preceding the three months prior to the month in which the billing is contemplated.” It is clear from the CPL that the licensee has so far billed during the period of stopping of meter i. e. May 2008 to Sept. 2008, taking the average consumption of 681 units as consumption in each of such months. It is further clear from the CPL that in the record of consumption for the billing month Oct.08, the earlier reading is shown as 15035 which was the reading shown for the billing months of May 2008 to Sept.2008 i.e. during the period in which the consumer is charged on the basis average consumption of 681 units, and the present reading is shown as 19999 units and thus the total consumption in the said billing month of Oct.08 is shown as 4964 units and accordingly the consumer is charged with its charges and credit of an amount of Rs.17728.15 due to the earlier average reading bills, has been given to the consumer in the said month. Thus the consumer has not been put to any financial loss by the said average consumption bills during the period from May 08 to Sept.08 . Moreover, it is clear from the meter readings for the billing month of Oct.08 that the said meter is in working condition. The consumer does not claim that he had applied to the licensee for the checking of the meter on the ground that it has become faulty one. It appears that showing of same reading (15035) as the previous reading & current reading for the billing months of May 08 to Sept. 08 is the

result of failure to take actual readings & not due to the stoppage of meter. Therefore, the consumer is not entitled for charging on the basis of stop meter as contemplated by Clause 15.4.1 of the Regulation 2005 as contended by consumer & hence it's such request & consequently the request of refund on such ground is rejected.

- 17) Grievance regarding ASC for the month of Oct. 06 : The consumer claims that the licensee has recovered excess ASC for the month of Oct. 06 and according to it, the bench mark consumption in respect of consumer is 423 units & therefore, the licensee can charge ASC only the consumption during the said month was above 385 units. It further claims that it's consumption during the month of Oct. 06 was 380 units & therefore, the ASC charged by the licensee for the said months is illegal. The licensee has not submitted any reply to the above contention of consumer. Therefore, the licensee to verify the exact bench mark consumption for the consumer & then recalculate the ASC for consumer if applicable, & refund excess amount if any, by giving it's credit to the consumer in a ensuing bill after period of 30 days from the date of this decision.
- 18) Grievance regarding the amounts of bill adjustment : The consumer claims that the licensee has recovered excess amounts of Rs. 37=92 in Jan. 07, Rs. 87=45 in May 07, Rs. 36=06 in July 07, Rs. 72=84 in Aug. 07 & Rs. 147=68 in Sept. 07 , by showing the said amounts as that of bill adjustments. The licensee claims that the above referred amounts have been charged as bill adjustment, current adjustment, tariff adjustment, TOSE at the rate of 4 NP per unit for Sept. 05 to

Feb. 06, TOSE at the rate of 4 NP per unit for Mar. 06 to Sept. 06 resp. However, the licensee has not given the details regarding the period & the exact cause in respect of the above referred first three amounts. Therefore, the licensee should give such details regarding the said three amounts in writing to the consumer & in case such deductions are not justified, refund the said amounts to the consumer by giving it's credit to the consumer in the ensuing bills after a period of 30 days from the date of this decision.

- 19) Request of consumer for the compensation of Rs. 5,000/- : In view of the findings on various grievances of consumer as above, the consumer is not entitled for any compensation & hence it's request for the same is rejected.
- 20) There has been number of holidays & consequently less working days during this month. There has been also sudden increase in registration of grievances by the consumers before this Forum since last two months, as a result of which this Forum is forced to hear arguments in two cases on every day & also to decide such cases at the same rate. Therefore there has been six days delay in deciding this case.
- 21) After hearing both the parties & considering their contentions & the record produced by them & the findings on the grievances above, this Forum unanimously pass the following order :

O-R-D-E-R

- 1) Request of consumer for the compensation of Rs. 5000/-, claim for refund of ASC & refund on the ground of billing on the basis of defective meter, are rejected.

- 2) The licensee should follow the above directions given in Para Numbers 15, 17 & 18.
- 3) Compliance should be reported to the forum within 90 days from the date of this decision.
- 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 51”*

Appeal can be filed within 60 days from the date of this 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 : 22/04/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(M. N. Patale)
Chairman
CGRF Kalyan