



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/322/359 OF 09-10 OF SHREE NARAYAN MANDIR SAMITHI, AMBERNATH REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE FIXED CHARGES.

Shree Narayan Mandir Samithi
Bldg. No.B/2, Block No.4,
Kaveri C.H.S.Ltd. Basav - Kalyan
Shiv Mandir Road, Ambernath 421501

} (Here in after referred to as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Ambernath (East)

} (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 (MERC) 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 single phase LT consumer of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 03/02/2010 regarding Excessive fixed charges. The details are as follows: -
Name of the consumer : Shree Narayan Mandir Samithi
Address: - As above
Consumer No : 021520159794
Reason for Dispute : - Regarding Excessive fixed charges
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0048 dt. 03/02/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Sub-Division Ambarnath (East) filed reply vide letter No. DYEE/O&M/Sub.Dn/Amb(E)/Bill/151 dt. 04/02/2010.
- 4) The Forum heard both the parties at length on 22/02/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri K. Balan, representative of consumer & Shri V.D.Kale, Asstt.Engr. Shri N.A.Bellari, Dy.E.E. and Shri K.S.Mukane, LDC 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 the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5). The Consumer Representative (CR) of Shree Narayan Mandir Seva Samiti, Ambarnath (E), a public trust having consumer No. 021520159794, Meter No. 00110547 contended that the above said meter installed in the premises long back i.e. in the year 1985. On verifying the electricity bill, it is noticed, due to error on the part of the officials of the licensee that connected load is fed to the system as 18

KW instead of 1.8 KW resulting to charge Rs.130 as fixed charge instead of Rs.30/- required for the actual load of 1.8 KW, since the date of imposition of fixed based on load. The Secretary of Samiti persistently brought the said error to the notice of the officials of the licensee but in vain. According to CR lastly on their representation dt.15.04.09 the officials of the licensee conceding the error given six month's refund of fixed charges already recovered from Jan.09 to June 09 was apparently illegal in as much as fixed charges @ of Rs.130/- were recovered from them since the date of commencement of imposition of fixed charges on the basis of load. The consumer resisted the same but not heard, therefore, the instant grievance with a request to direct the licensee to refund the entire amount recovered from them at Rs. 130/- per month instead of Rs. 30/- with interest and the consequent relief of compensation for the mental torture and agony suffered in the matter.

6). On perusal of the record, it is seen that the Dy.EE Ambarnath (East) Sub Division submitted that due to wrong punching of connected load as 18 KW instead of 1.8 KW, fixed charges were recovered from the consumer and on calculating the same it comes to Rs.8024.80 and the same will be credited in the bill of Feb.2010. In short, licensee concedes on wrong recovery of fixed charges but dispute on payment of interest.

7). On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a).Whether Licensee committed error in recovery of fixed charges at Rs.130/- per month instead of Rs.30/- p.m. from the consumer ?	Yes

b).Whether licensee is liable to repay the amount of fixed charges recovered undue from the consumer with interest ?	Yes
c).Whether it is proper to direct the licensee to pay compensation to the consumer for the error as above? If yes, what should be the quantum ?	Yes Rs. 3000/-

REASONS

- 8). On going through the Electricity Bills pertains to the consumer, issued by the licensee till April 09 clearly indicate that the connected load of consumer is 1.8 KW. however, consumer is billed for 18 KW fixed charges. This has been rectified by the officials of the licensee for the first time in the year 2009 i.e. the bill of July 09, indicating correct fixed charges Rs.30/- p.m. instead of Rs.130/- p.m. By letter dated 04.02.2010 the Dy.EE Ambernath (East) Sub Division submitted that the error so occurred due to wrong punching of connected load from 1.8 KW to 18 KW and that the amount so collected will be credited in the ensuing bill. This clearly indicates that due to apparent error on the part of officials of the licensee, since the date of imposition of fixed charges, Rs.130/- p.m. instead of Rs. 30/- was recovered, towards fixed charges. Obviously, this recovery was undue, therefore, the licensee is under obligation to repay the undue amount recovered to the consumer.
- 9). The CR submitted that repeatedly before 19.12.08 approaching the officials of the licensee they had brought the above said error to their notice and that eventually six months refund for the period from Jan.09 to June 09 was directed to be refunded to them. It is very curious that officials of the licensee committing error recovered Rs.130/- p.m. instead of Rs.30/- p.m. i.e. excess Rs.100/- p.m. towards fixed charges right from the date of

imposition of fixed charges on the basis of load, however, shown willingness to refund only six months amount. This attitude on the part of the officials of the licensee towards consumer is wholly unwarranted. On the premises, the licensee can very well be directed to refund the entire excess amount recovered from the consumer towards fixed charges from the date of imposition of such a charges on the basis of load.

- 10). Admittedly since licensee recovered undue amount towards fixed charges from the date of imposition of such a charges on the basis of load the same will have to be refunded with interest. If the electricity bill is paid delayed, licensee imposes interest as well as penalty. In the case in hand, licensee is recovering such undue amount from years together that too with grave error, is squarely liable to refund such undue recovered amount with interest at the rate of RBI since the date of receipt.
- 11). By the letter dated 04.02.2010 the Dy.EE Ambernath (East) Sub Division pointed that due to wrong punching of connected load from 1.8 KW to 18 KW, fixed charges were recovered from the consumer. It is to be noted that the consumer since prior to 19.12.08 persistently approaching the officials of the licensee brought the error to their notice but the officials neglected the poor representative of the consumer. Consumer is not the person but the Devasthan registered under Bombay Public Trust Act, a body, functioning for the interest of the devotees. Here it is not the loss of the person but the religious institute. Loss of a person can be understood but the loss of the institute can not be tolerated. Officials of the licensee without considering the loss as above, high handedly refunded recovered fixed charges only for a period of six months forgetting that the amounts so recovered since years together. Record shows consumer Trust complained on 19/12/08, 15/04/09, 27/10/09 and before that approached the officials

frequently in the matter but none bothered. This passive attitude, coupled with the facts of the case, officials of the licensee can not be exonerated from payment of compensation in as much as by paying the amount to the tune of Rs. 100/- P.M. in excess for that too from the treasury of the Public Institute devotee as a whole suffered loss. If licensee would not have recovered by mistake such amount per month, this Public Institute could have utilized this amount for the betterment and satisfaction of devotees, protection of deity, is certainly loss to the Trust as such. Considering this aspect under Clause 8 - 2 (c)&(e) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2005, the error so occurred, continuing for years together can safely said to be animus, therefore considering the loss discussed supra, we feel proper to direct the licensee to pay compensation of Rs. 3000/- (Rs. Three Thousand only) to the consumer Trust. It is also proper to direct the licensee to hold enquiry against the erring officials and to report action taken, to the forum. In view of the position, points are answered accordingly and we unanimously pass the following order :

ORDER

- 1) Grievance application is allowed.
- 2) The licensee is directed to refund entire excess amount recovered towards fixed charges from the date of imposition of such charges to the consumer within 30 days from the date of this order.
- 3) Licensee to pay interest on this excess collected undue amount at the RBI rate of interest within 30 days from the date of this order.

- 4) Licensee to pay compensation of Rs. 3000/- (Rs. Three thousand only) to the consumer Trust within 30 days from the date of this order.
- 5) Licensee to hold enquiry against the erring officials and report action taken to this Forum within 45 days.
- 6) Compliance should be given within 45 days from the date of this order.
- 7) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

- 7). Consumer, as per section 142 of the Electricity Act, 003, 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 : 08/03/2010

Mrs. S.A.Jamdar
Member
CGRF Kalyan

Shri R.V.Shivdas
Member Secretary
CGRF Kalyan

Shri S.N.Saundankar
Chairman
CGRF Kalyan