



**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/346/390 OF 2010-2011 OF M/S. SAI METAL TREAT, VASAI REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

**FURTHER ORDER AS PER DIRECTION OF HON. MERC IN CASE NO. 55 OF 2011 DT. 01/12/2011**

M/s. Sai Metal Treat  
Gala No. 13 / 14,  
Neminath Ind. Complex  
Navghar, 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) This 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. The 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. consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 15/06/2010 (original case) for Excessive Energy Bills. The details are as follows: -  
Name of the consumer :- M/s. Sai Metal Treat  
Address: - As given in the title  
Consumer No : - 1)001849027910 – 107 HP  
                                  2)001610359899 – 65 HP  
Reason of dispute: Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/713 dated 17/12/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/B/0240, dated 09/01/2012 through Dy. Executive Engineer, Vasai East Sub-Division.
- 4) The matter is taken up for hearing on 11/06/2012. We heard both sides. Shri Harshad Sheth nominee of consumer made submissions and on behalf of Licensee Shri S. R. Purohit Nodal Officer assisted by Shri Naik, Dy. Ex. Engr. made submissions.

- 5) This grievance is brought before us as per the observation of Hon. MERC in Representation No. 55 of 2011 decided on 01/12/2011. The precise observations of MERC in the aforesaid Representation pertaining to consumer are as under :

**Para No. 20 : .....**

Referring to the above mentioned submission dated 11<sup>th</sup> Nov. 2011, the Complainant vide an Affidavit, received by the Commission's office on 23<sup>rd</sup> November 2011 has submitted that the Opponent had not replied to the issue / refund demand i.e. while refunding the amount in January 2011, MSEDCL has deducted Rs. 37,487/- by making undue accounting adjustment entries. The Complainant has presented calculations by which it claims that net payable by the Complainant would come to Rs. 6,298/- as against deduction of Rs. 37,487/-.

**Para No. 21 : .....**

The Commission directs the complainant to approach the CGRF Kalyan Zone once again, with a request to sort out the matter of dispute on remaining amounts of refund as mentioned at para 20 of this Orders.....”

- 6) The aforesaid aspect is explained by nominee of complainant on the basis of affidavit filed before MERC, copy of which is placed on record of this Forum.
- 7) The nominee explained the position that initially the complainant was having a connection of 65 HP upto the end of May 2006, however it is changed and from June 2006 he obtained connection of 107 HP where by

new meter was fixed and new consumer number was given. Accordingly he claimed that upto the end of May 2006 the total dues for said meter having load of 65 HP was to be completed and the electricity bill for said 65 HP connection for May 2006 was received in June 2006 to the extent of Rs. 30,820/- which is paid of.

However he submitted that towards final reading of said meter the officials of Licensee approached them, prepared the report and accordingly total consumption noted as per meter reading was 69137. However, upto the end of May 2006 while bill issued for June 2006, units were of 68120, accordingly the difference between these two i.e.  $69137 - 68120$  was of 1017 units which is to be calculated as  $1017 \times 2 = 2034$ . Accordingly he submitted whatever was to be paid by the complainant was for the units 2034 and not more than that. He secondly submitted that this particular meter was not there from 1<sup>st</sup> June 2006 and no any fixed charges were to be paid for the said meter for June 2006 onwards.

However, he added in the month of August 2006 bill was issued showing reading of the said meter as 69275 instead of 69137, accordingly this is a precise difference in the reading. Further he pointed out that from the bill of August 2006 it is seen that there is a refund to the tune of Rs. 19,545=29 . However, he pointed out that in the month of September 2006 at the end adjustment is shown to the extent of 20603.65 and this adjustment is precisely not explained. Side by side he explained that from the said meter there was no any consumption, as such for June 2006 bill was issued in July 2006 showing an amount of Rs. 33,050/- towards which actually bonafidely complainant issued a cheque but noticing that there was

no any consumption for the said month, cheque was not allowed to be encashed which the Licensee treated it as bounced and said aspect of bouncing is reflected in the bill for September 2006. Accordingly in this light the nominee submitted that whatever consumption was utilized till end of May 2006 towards 65 HP connection was hardly of  $1017 \times 2$  i.e. 2034 units and considering the relevant aspect according to his calculations it comes to Rs. 6298/- . However, he contended that instead of said figure of 6298 actually the Licensee deducted additional amount which is to the tune of Rs. 31,189/- and it needs to be refunded.

- 8) Nodal Officer Shri Purohit submitted that it is a fact that in June 2006 new meter of 107 HP was provided to the complainant. Final reading of the meter is taken in July but bill is issued in August and the reading is 69275 and accordingly deducting from it the reading of June 2006, 68120 balance remains to be  $1155 \times 2 = 2310$  units and on this amount required charges are to be paid for those units i.e. 2310 units which is now suggested as

1950.00	Fixed Charges
5369.00	Electricity Charges
581.90	Electricity Duty
2379.30	F.C.A.

Total of which comes to 10280.20. Accordingly it is submitted that said charges are required to be borne by the complainant. Accordingly out of an amount of Rs. 37,487/- this amount of Rs. 10,280/- rounded up is to be deducted, thereby it comes to Rs. 27,207/-. Accordingly on behalf of Licensee it is submitted that considering all the aspects claim of complainant seems to be limited to this extent only.

- 9) This aforesaid analysis and contention of Shri Purohit is considered by Shri Harshad Sheth nominee of consumer and he submitted something here and there will not make any difference and hence the amount worked out as liability by the Nodal Officer be considered and said balance of Rs. 27,207/- can very well be refunded. However, he insisted for interest. He submitted that he is not claiming the interest at the rate which Licensee recovers for the due amount from consumer but as per statutory provision interest be provided at the Bank Rate towards which he referred Section 62 (6) of Electricity Act 2003.
- 10) As noted above the total dispute is now brought to a concluding aspect and as noted above refund is to the tune of Rs. 27,207/-. In respect of interest as the nominee of consumer is referring to the provisions of Electricity Act, it cannot just ignored and said interest is to be allowed from the date  
(a)when this Forum has decided the matter on 27/09/2010  
(b)from the date of order passed by Hon. MERC in Representation No. 55 of 2011 on 01/12/2011.

**O-R-D-E-R**

- 1) The grievance application is hereby allowed.
- 2) Licensee is directed to refund the amount of Rs. 27,207/- by adjusting it in ensuing bill of consumer and to report compliance within 45 days from the date of receipt of this order.
- 3) Licensee is further directed to pay interest on the said sum from 15<sup>th</sup> January 2011 as per Bank Rate prevailing as on that date till it is adjusted.

- 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 : 05/07/2012

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan