



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/505/598 OF 2011-2012 OF
M/S. TECHNOCRAFT INDUSTRIES (INDIA) LTD. YARN DIVISION (UNIT –
I) DHANIVALI, TAL : MURBAD REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
REFUND OF EXCESS RECOVERY OF 2% AGAINST VOLTAGE
SURCHARGE.

M/s. Technocraft Industries (India) Ltd.,
Yarn Division (Unit – I),
Village - Dhanivali, Tal : Murbad,
Dist. : Thane – 421 401

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Kalyan Circle – II, Kalyan

(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 H. T. consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 29/04/2011 for Refund of excess recovery of 2% against voltage surcharge. The details are as follows:

Name of the consumer :- M/s. Technocraft Industries (India) Ltd.

Yarn Division (Unit – I)

Address: - As given in the title

Consumer No : - 018059020028

Reason of dispute : Refund of excess recovery of 2%
against voltage surcharge

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/288 dated 29/04/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/Tech/2171, dated 16/05/2011.
- 4) The Members of the Forum heard both the parties on 30/05/2011 @ 16.00 Hrs. in the meeting hall of the Forum’s office. Shri B. R. Mantri, Consumer Representative and Purohit Nodal Officer, Shri Kale Asstt. Engr., 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 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) in the year 1997 to their industry situated at Village – Dhanivali, Tal : Murbad. It is contended in the month of June 2005 load 3500 KVA was sanctioned on 22 KV net work. Licensee has charged 2% additional units on the recorded consumption of the meter as voltage surcharge from July 2009. According to consumer charging of voltage surcharge is against the order of Hon. MERC dated 05/03/2010 in case No. 71 of 2009 and clarificatory order dated 09/11/2010 in case No. 52 of 2010. Consumer by letters dated 27/01/2011 and 28/04/2011 requested the licensee to refund the excess collected amount against the voltage surcharge from July 2009 to October 2010 with interest.
- 6) Licensee filed reply dated 16/05/2011 contending that as per Corporate Office letter dated 26/06/2009 they have charged 2% voltage surcharge from the month July 2009. It is contended consumer has installed 15 MW CPP at their factory at Dhanivali for self use and export, the modifications were done as per discussion with consumer and Corporate Office and on the basis of guidelines the CPP was synchronized with the MSEDCL grid on 06/09/2010.
- 7) We have gone through the documents placed on record and the orders passed by Hon. MERC in case No. 71 of 2009 and 52 of 2010. Hon. Commission clarified that levy of 2% voltage surcharge is applicable from the date of order i.e. 5th March 2010 for non express feeders. The Commission clarified the applicability of voltage surcharge vide it's order

dated 9th Nov. 2010 in Case No. 52 of 2010. The relevant portion of the Commission's order reads :

“In view of the above, the Commission clarifies that under its Order dated 5th March 2010 the levy of 2% extra units cannot be made if the power supply is connected on dedicated feeder (only one connection on the said feeder). Levy of 2% extra units on the monthly energy consumed is applicable if the consumer is connected on non-dedicated feeder (more than one connection on the said feeder)”

“In view of the above, the Commission clarifies that levy of additional 2% Voltage Surcharge on consumers on Non Express feeder has not been permitted for any period prior to 5th March 2010 thus levy with retrospective effect is not permissible.”

- 8) By recent order dated 02/06/2011 in case No. 31 of 2011 Hon. MERC pointed out that levy of 2% voltage surcharge is not applicable for consumers connected on dedicated Feeder and hence directed the licensee to refund the amount collected from such consumers against the voltage surcharge. On going through the orders of Hon. MERC it is apparent action of the licensee charging of 2% voltage surcharge from July 2009 is improper. On the premise licensee can very well be directed to refund amount collected from the consumer against the 2% voltage surcharge up to 5th March 2010 with bank rate of interest. In view of this grievance application will have to be allowed and hence the order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to refund the amount collected from the consumer against 2% voltage surcharge from July 2009 to 5th March 2010 with bank rate of interest as per section 62 (6) of Electricity Act 2003 within 30 days and compliance be reported within 45 days from the date of receipt of this order.
- 3) 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”.

- 4) Consumer, as per section 142 of the Electricity Act, 003, 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 : 07/06/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan