

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

IN THE MATTER OF GRIEVANCE NO. K/E/425/479 OF 2010-2011 OF
M/S. RAJ LABORATORIES, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Raj Laboratories
Gala No. 16,
Agrawal Udyog Nagar Ext. - II,
Satali Road, Waliv,
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. Raj Laboratories

Address: - As given in the title

Consumer No : - 1)001849028680 – 107 HP

2)001840853825 -- 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/611 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9676, dated 22/11/2010.
- 4) The forum heard both the parties on 07/12/2010 @ 15.45 Hrs. in the cabin of Nodal Officer Vasai Circle, Vasai. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit, Nodal Officer, Shri S. M. Bangar, Dy. Ex. 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) to the industry situated at Agrawal Udyog Nagar Ext – II,

Sativali Road, Waliv, Vasai (East) in the year 2002. According to consumer in 2002 licensee collected SD of Rs. 19,500/- + ASD Rs. 23,400/- (six months minimum bill charges) however did not refund the same though copies produced, therefore, the licensee is liable to refund the amount vide chart enclosed with interest. Consumer contended that licensee illegally collected Rs. 37,188.90 under head of debit bill adjustment in July 2010 bill and the same needs to be refunded. 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 is required to be refunded amounting to Rs. 1,51,448/- but not refunded so far with interest vide chart enclosed. Consumer by letter dt. 26/07/10, 13/09/10 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 ASD (six months minimum bill charges), illegally collected charges and R.L.C. vide charts enclosed with interest.

- 6) Licensee filed reply dt. 22/11/10 contending that amount of ASD (six months minimum bill charges), alongwith RLC with interest is being refunded. So far credit balance as claimed by the consumer it is contended that on verification of records balance will be shown in the bill of consumer.
- 7) About refund of Addl. Security Deposit (six months minimum bill charges), though receipt produced alongwith application dt. 26/07/10 till the fag end of the year amount has not been refunded. When consumer produced receipt, licensee is under obligation to refund the amount with interest without delay. This Forum in many cases including Case No. 393 and 433

of 2010 filed by representative Shri Harshad Sheth clarified on this aspect. It is seen from the records consumer produced receipt alongwith application dt. 26/07/10 and this amount is not refunded indicative of gross negligence, inaction on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement, consumer not produced receipts, on perusal of F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee is under obligation to comply and cannot obviate it's liability. For non receipt of the amount in time, consumer suffer mental agony and torture, he must have suffered loss on this count licensee is necessary to be saddled with compensation of Rs. 500/-.

- 8) So far refund of RLC licensee 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. 1,51,448/- 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.
- 9) As stated above consumer claimed Rs. 37188.90 as illegally collected under head of debit bill adjustment in July 2010, however no particulars thereof furnished. Vide reply dt. 22/11/2010 licensee pointed out that on

verifying the records if balance found, the same will be credited in the account of the consumer. In the absence of particulars there is no alternative except to direct the licensee to verify the records in the light of the contentions raised in the grievance as regards the amount of Rs. 37,188.90 and to credit the amount if any illegally collected during the period under the head of debit in July 2010. In view of this 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 ASD (six months minimum bill charges) 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 directed to pay compensation of Rs. 500/- (Rs. Five Hundred only) to the consumer as mentioned in para No. 07 as above within 90 days from the date of receipt of this decision.
- 4) Licensee is further directed to work out the amount of RLC 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.

- 5) Licensee is further directed to work out the amount under head of debit bill adjustment in July 2010 vide para No. 9 as above and if collected excess, refund the same to the consumer with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 6) 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”.

- 7) 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 : 03/01/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan