



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/188/212 OF 2009-2010 OF
M/S. R. MAHAVIR PLASTIC INDUSTRIES, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. R. Mahavir Plastic Industries.
Gala No. 9, Building No. 8
Agrawal Udyog Nagar, Waliv
Vasai (E), 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 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 above 20 KW consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 26/02/2009 for Excessive Energy Bill. The details are as follows: -

Name of the consumer :- M/s. R. Mahavir Plastic Industries

Address: - As given in the title

Consumer No : - 001840604442

Reason of dispute: Excessive Energy Bill.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/174 dated 26/02/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/204, dated 18/04/2009.

- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 20/12/08. The said Internal Redressal Cell given hearing on 18.3.09 vide letter No.1457 dt.7.3.09, when the consumer has already registered the same at CGRF and the CGRF's hearing was due its hearing 17.3.09, therefore the consumer did not attend the IGRC hearing. The licensee handed over the pointwise reply to the consumer and the forum during the hearing. The consumer has registered the present grievance before this forum on 26/02/2009.

- 5). The Members of the Forum heard both the parties on 17/03/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, & Shri Vinit Sheth, representatives of the consumer & Shri S.B.Hatkar,

Asstt.Acctt., Shri Apankar, LDC representatives of the licensee attended hearing. Minutes of the hearing are recorded and 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.

- 6). The consumer has raised the following grievances in its letter dated 20/12/08 sent to the concerned Executive Engineer and of which copy the consumer has attached with the grievance made before this forum and considering the reply dtd. 18/04/09 with CPL filed by the licensee, and submissions made by the parties, record produced by the parties, the finding or resolutions on each of such grievance is given against it, for the given reasons.
- 7). As to grievance (a) - regarding Bill adjustment charges:

The consumer claims that the licensee has added the bill adjustment charges of various amounts such as Rs.1069.46, Rs.106/-, Rs.844.08, and Rs.1067.28 in the bills for the billing periods Feb.07, Jun 07, Jul.07 and Aug.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee has claimed that the above mentioned debit adjustments are of current adjustment, tariff adjustment, TOSE @ of 4 NP p/u from Sept.05 to Feb.06, TOSE @ of 4 NP p/u from Mar 06 to Sept.06, respectively. Thus the license has given details regarding 3rd and 4th amounts but not given such details regarding 1st and 2nd amounts. Therefore the licensee should give such details regarding Rs.1069.46 of current bill adjustment in the bill for the month of Mar 07 and tariff adjustment of Rs.106/- in the bill for the month of Jul 07, in writing to the consumer within a period of one month, failing which or in case there is no proper justification for such amounts, the licensee should refund the said amounts together with interest at the Bank rate of RBI, by

giving credit of such amount to the consumer in the ensuing bill after the above referred period of 30 days.

- 8). As to grievance (b) – regarding Security Deposit” The consumer claims that the consumer has paid SD of Rs.19500/-, and Rs.13750/- i.e. total Rs.33,150/- at the time of taking new connection in Jan.98, but the bills upto May 08 were showing SD as nil. Further the consumer also paid the SD of Rs.24400/- and Rs.15100/- i.e. total Rs.39500/- in the month of June 08 and the same amount is displayed on the bill. The licensee should check the total amount of SD and should give refund of the SD of Rs.33,150/- with compound interest on total SD, to the consumer. - As against this, the licensee claims that the connection has been given to the consumer on 5.1.98. The SD paid at the time of connection not displayed on bill. Its office is searching its record to find out the exact amount of SD. In the meantime, the consumer may submit the zerox copies of SD receipts for quick disposal of the case. Considering the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with consumer, calculate the appropriate SD at this stage, display the correct amounts of SD, refund excess SD and the interest on the total SD at Bank rate of RBI at the prevailing rate, by giving its credit to the consumer, in the ensuing bill after a period of 60 days.
- 9). As to grievance (c) – Refund of MD based fix charges from Oct.06 to Mar.07: The consumer has claimed refund of an amount of Rs.11584.13 on this count as the charges being relevant period were reverted back to the HP based tariff from MD based fix charges, due to non completion of installation of MD meters in entire Maharashtra. - The licensee claims that it has refunded an amount of Rs.8065/- of such difference in the month of

May 07. The licensee, however, did not give details of such refunded amount and the way in which the said amount was refunded. Therefore the licensee is directed to give detailed calculations of the amount of such refund, the exact amount and the way in which it was refunded, and refund the balance amount, if any, by giving its credit to the consumer in the ensuing bill after a period of 60 days.

- 10). As to grievance (d) - Refund of ASC. The consumer claims that the licensee should refund Rs. 15349.49 towards ASC for the month of Oct.06 and Oct.07 to April 08 as per statement attached with the grievance. According to consumer, the licensee has considered different benchmark consumptions for calculation of ASC charges for above mentioned period. The licensee claims that as per circular issued by HO, the ASC charged @ 11% is correct. It has, however, not given details about it. Therefore, licensee is hereby directed to verify the Benchmark Consumption (i.e. consumption period of Jan.05 to Dec.05) and recalculate the ASC charges for above period, if found any excess; same may be refunded to the consumer with the interest at the bank rate of RBI within 60 days from the date of this decision.
- 11). There has been No. of holidays and consequently less working during last month. There has also been sudden increase in registration of grievances by the consumers before this forum since last three months as a result of which this forum is forced to hear arguments in two cases on every day and also to decide such cases at the same rate. Therefore there has been some delay in deciding this case.
- 12). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The licensee to comply the directions given in above para Nos.07 to 10.
- 2) The Compliance should be reported to the forum within 90 days from the date of decision.
- 3) The Consumer can file representation against this decision with the Ombudsman at the following address.

*“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.

- 4). The 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 : 02/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan