



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

Date of Grievance : 07/05/2012

Date of Order : 23/07/2012

Period taken : 77 Days

IN THE MATTER OF GRIEVANCE NO. K/E/545/643 OF 2011-2012 OF MAHALAXMI PLASTIC INDUSTRIES VASAI (EAST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Mahalaxmi Plastic Industries
Gala No. 28,
N. J. Industrial Estate,
Chinchpada, 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)

Forum once again in the light of the order passed by Hon. Ombudsman in Representation No. 135 of 2011, dt. 31st January 2012. In fact the order passed by this Forum in the concerned matter was set aside and direction was given to the consumer therein to approach the Forum a fresh and accordingly that matter pertaining to Representation No. 135 of 2011, dt. 31st January 2012 is decided alongwith other set of matters wherein the concerned consumers had approached the Hon. Ombudsman by filing their representations. Accordingly in this matter no such representation was filed. It is now rightly pointed out that when Representation No. 135 of 2011 was decided on 31st January 2012, period of limitation prescribed for approaching the Hon. Ombudsman in this matter, was yet to over. Accordingly now it is contended that order passed by this Forum pertaining to the present consumer needs to be decided in the light of the order of Hon. Ombudsman in Representation No. 135 of 2011, dt. 31st January 2012. No doubt representative of consumer contended that aspect involved in the matter is similar to that of the order involved in Representation No. 135 of 2011, decided by the Hon. Ombudsman on 31st January 2012 hence this matter be dealt on the same lines.

(B) In this matter it is pointed out that consumer is provided supply from 17/07/1998 which is reflected in the monthly energy bills. Prior to supply Firm Quotation was given and accordingly an amount of Rs. 19,500/- and Rs. 13,650/- towards energy deposit (SD & ASD) were taken by the Licensee, said total amount is of Rs. 20,500/-. This amount was not reflected in the monthly bill. However, this peculiar aspect was dealt before

the MERC and MERC in case No. 93 of 2008 passed orders from time to time and attempt was done to ensure that said deposit is reflected in the bill and to be adjusted. In other words if deposit is taken and if there is excess, it was to be adjusted, if it was less it was to be recovered. It is further submitted in case of present consumer said initial deposit never reflected in the bill.

However, from June 2008 Licensee was to ensure that said deposit available be shown as deposit in the energy bill paid by the consumer and showing said deposit in the next bill as arrears of bill if not deposited and accordingly amount is to be recovered.

In this fashion it is submitted initial deposit of Rs. 19,500/- & Rs. 13,650/- was with the Licensee. Amount of Rs. 13,650/- was refunded in August 2003 and again illegally added Rs. 11,880/- and hence consumer is seeking it's refund with interest to the tune of Rs. 21,251/-. Towards ASC seeking refund of Rs. 23,220/- & towards single phase supply requested for permanent disconnection claimed refund Rs. 7,900/-.

It is submitted that admittedly deposit is taken twice, though initially shown as refunded for Rs. 13,650/- but again added Rs. 11,880/- . It's refund is claimed with interest. Interest to be awarded and as directed by the MERC it would be as per Bank Rate from 21/01/2005 but as per circular of Licensee i.e. MSEB it was to be paid as per the Postal Saving Rate. In this matter representative or consumer has placed on record the calculation sheet following both modes.

It is further clarified as per the directives of MERC to ascertain the exact amount of deposit liberty is given to the Licensee to verify from their

record or to the consumer to bring record including that Firm Quotation and now he is producing Firm Quotation and contended that when supply is given on 17/07/1998 it is to be presumed that unless deposit is given, connection is not released. Further he clarified even Licensee is having record which reflects each and every payment of consumer it is in F-1 Register.

(C) In this regard on behalf of Licensee Shri Naik submits that group of matters taken with the Hon. Ombudsman are decided including Representation No. 135 but this matter was not before Hon. Ombudsman by way of representation. The order of CGRF not set aside and hence there is no any express order passed towards deciding this matter a fresh or directed the consumer to approach this Forum a fresh.

(D) Considering the aforesaid factual aspects we find already the grievance of consumer involving the present aspect is dealt and view is expressed stating no jurisdiction and said order is not yet set aside by any higher authority and hence it is still subsisting. We tried to ascertain whether there can be review from our side, but Regulation is not providing any such clue for exercising the powers of review and hence we find keeping in tune with discipline to assume the powers of review will not proper and hence we find at this stage we are not able to give any relief to the consumer as this aspect is decided from our end i.e. on 02/12/2011 and hence till that order is set aside by any higher Forum no any relief involved in it can now be given here. Hence we find this grievance application is to be rejected.

ORDER

- 1) The present grievance application hereby stands rejected as the previous order pertaining to this relief dated 02/12/2011 is not set aside.
- 2) 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”.

Date : 23/07/2012

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan