



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 06/05/2015

Date of Order : 11/01/2016

Total days : 251

IN THE MATTER CASE OF GRIEVANCE NO. K/E/883/1078/2015-16 IN RESPECT OF BHARAT PLASTIC PRODUCTS, GALA NO.1, PLOT NO.10, AGRAWAL UDYOG NAGAR, WALIV, VASAI (E) - 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF RLC & SD WITH INTERAEST BY CHEQUE.

Bharat Plastic Products,
Gala No.1, Plot No.10,
Agrawal Udyog Nagar,
Waliv, Vasai (E),
Dist. Palghar,
Pin Code-401 208.

(Consumer No. **001840854163**)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its MSEDCL, Addl. Ex. Engineer,
Vasai Circle, Vasai (E), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.
For Licensee :- Shri Umberje-AEE, Vasai (E) S/Dvn.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum

has been established as per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

The consumer Bharat Plastic Products, having its industry at Gala No.1, Plot No.10, Agrawal Udyog Nagar, Waliv, Vasai (E) holding connection for 107 HP with consumer No. 001840854163 approached to IGRC with Form “X” dated 12/12/2014.

In response to the above “X” Form, the IGRC has not provided any remedial action. The hearing was not conducted at IGRC level within two months period specified for it. Hence consumer approached to CGRF by submitting his grievance in Schedule “A” dated 06/5/2015 which was registered by allotting No. K/E/883/1078 dated 06/5/2015. The consumer claimed for refund of (a) SD of Rs.94,380/-, (b) RLC of Rs. 70,500/-, (c) Credit balance at the time of 3 – Ph PD Rs. 21,590/- and 1 – Ph PD of Rs. 14,241/- (d) refund of all above excess collected amount with interest.

The hearing for the above matter was scheduled on 27/5/15 at 12:30 hours and it was informed to the Nodal Officer of the Vasai Circle vide letter No. 145 dated 06/05/15 with its copy to the consumer.

The hearing was conducted on 27/5/15 and then was adjourned to 4/6/15, 29/6/15, 10/8/15, 2/9/15, 9/10/15, 16/10/15, 27/10/15, 03/11/15, 18/11/15 and lastly on 24/11/15. During the hearings the grievance of the consumer was discussed at length with the Officers of the Licensee which was responded by it vide letter No. 4525 dated 26/5/15 and vide Letter No. 8166 dated 22/09/2015.

During the course of hearing it was noted by the Forum that the grievance of the consumer is being resorted by Licensee and CR has also shown acceptance / consent towards the proposal of the Licensee's Officer for redressal of the grievance.

On the hearing date, i.e. on 9/10/15, the Officers of the Licensee submitted that they have processed for the refund of various amounts involved in the grievance of the consumer and prepared the B80 (-) proposal towards it. They further added that the proposal is submitted to the Office of the Executive Engineer vide letter 07979 dated 18/9/15. The details of the amount to be refunded is as given bellow:

a] SD for consumer No.001840854163	- Rs 53,569.82 Ps.
b] Interest on above SD amount	- Rs 21,956.27 Ps
c] RLC amount for above consumer number	- Rs 69,199.14 Ps
d] RLC for consumer No.001840498979 (1-Ph connection to the above industry)	- Rs 08,522.12 Ps.

Total amount	- Rs 1,53,247.35 Ps.
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Similarly, the consumer's representative submitted in writing on his letter head dated 24/11/15 that amount of total Rs. 1,53,247.35 Ps shown by Licensee towards refund of RLC, SD and interest on SD is acceptable to him. He further said that if the above amount is received as refund to the consumer by cheque, then it will be treated as grievance is resolved by MSEDCL. CR further clarified that he is not claiming any interest or compensation towards refund. It means that now only the approval from the competent authority to the B80 proposal is awaited and then disbursement of the refund of the approved amount by cheque is to be completed.

Considering both the submissions by AEE i.e. letter dated 26/5/15 and letter dated 22/9/15, the Forum observed that the remedial action has been processed by Licensee for the refund towards RLC and SD with interest and only giving the refund of the involved amount by cheque is remained.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 18/11/15 and their submissions are heard on that day and clarification taken on 24/11/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

The remaining work, i.e. approval to the B80 (-) prepared by AEE for the amount of Rs.1,53,247.35 Ps and then refund of the approved amount by cheque towards RLC and SD with interest should get completed within 60 days .

Hence the order.

ORDER

The grievance application of the consumer is hereby allowed.

The Licensee is directed to complete the procedure of approval to the B80 (-) processed for the amount of Rs. 1,53,247.35 Ps within 30 days and to refund the approved amount by cheque within next 30 days. If the consumer is not satisfied with the approved amount, he may again approach to CGRF for the redressal of his grievance, if he so desires.

Licensee to submit the compliance of the above order within 60 days from the date of order.

Dated: 11/01/2016.

I agree

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

**(Chandrashekhhar U.Patil)
Chairperson-cum- Member Secretary
CGRF, Kalyan.**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

NOTE

a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.

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- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) 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”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.