

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/767/924 of 2013-14

Date of Grievance : 06/02/2014

Date of Order : 28/04/2014

Period Taken : 81 days.

IN THE MATTER OF GRIEVANCE NO. K/E/767/924 OF 2012-13 IN RESPECT OF M/S. KANUNGO FERROMENT PVT. LTD., H.NO.122, DEKU, KHALAPUR RAIGAD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESS CHARGE, P.F. PENALTY IN THE MONTH OF MARCH 2012

M/s. Kanungo Ferroment Pvt.Ltd.,
H.No.122, Deku, Khalapur, Raigad
(Consumer No.030820274993)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Nodal Officer, Pen Circle, Pen

.... (Hereinafter referred as Licencee)

Appearance : For consumer : Shri B.R.Mantri
For Licencee : Shri B.B.Khandare-Executive Engineer
Shri Sayyed -Asst.Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] 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'. Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations

2005'. 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 and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience.

2] Consumer herein is industrial unit, having supply from 18/6/2007. Consumer already approached Officers of Licencee and IGRC towards its grievances pertaining to imposing power factor penalty in the month of March 2012 and for not giving effect to reduction of load sought on 18th February 2013 and consequently not giving benefit of it in the bills. IGRC dealt the matter on 9/7/2013, but as appropriately relief not available, consumer filed this grievance on 6/2/2014. Grievance application along with enclosures was sent to Nodal Officer vide letter of this Forum bearing No. EE/CGRF/Kalyan/064, dated 7/4/2014. On behalf of Licencee, appearance is given and reply is submitted on 25/2/2014, 24/3/2014 and 21/4/2014.

3] We heard both sides. On the basis of reply filed, material placed on record and arguments advanced, following factual aspects are disclosed:

a] Consumer is having supply to its industrial unit from 2007. There was no any dispute till February 2012, but dispute commenced from March 2012. First part of the dispute is for March 2012 on account of power factor penalty imposed in the said month which is not correct. Consumer on that count approached to the Executive Engineer Rural, Panvel on 11/2/2013. However there was no action.

Secondly, consumer had applied for change of sanction load from 75 KW to 49.75 KW and reduction of contract demand from 75 KVA to 62 KVA vide it's application dated 11/2/2013, presented on 18/2/2013. It was also not considered.

4] Hence, consumer approached IGRC on 4/6/2013. IGRC passed order on 9/7/2013 and in respect of Power Factor Penalty directed the Licencee to confirm KVAH reading then calculate power factor penalty and on it's basis, effect be given. In respect of reduction of load, directed the consumer to pay registration fee and submit application in format. It is contended that payment as directed was done on

22/7/2013 and thereafter aspect of change in the load considered, noted in the bill of April 2014, showing that said change is effected from August 2013 and thereby benefit is given in the bills to the tune of Rs. 62,391/-. Accordingly, said benefit is given from August 2013. Consumer claimed that it's application for reduction of load was in the month of February 2013 and hence in the second cycle of the bills from the date of application, effect was required to be given which is not given from April 2013. Accordingly, now the said difference from April 2013 to July 2013 is in balance which is now sought.

5] During the pendency of the matter, Licencee placed on record the benefit given to the consumer pertaining to power factor penalty and said refund is to the tune of Rs.14,639/- given in the bill of April 2014. Consumer's representative fairly submitted that first grievance pertaining to power factor penalty stands redressed. Towards it, amount is, now shown refund in the bill of April 2014. Now this grievance stands redressed, no more further discussion required.

4] In view of above , only dispute, now pertains to the effect not given for reduction of sanction load from April 2013 to July 2013. In this regard, it is contended on behalf of consumer, Regulation No.4.1 of Standard of Performance , it provides timed limit, in case of new connection. Further clause 4.4 speaks about Licencee intimating to the party, the charges to be borne. Whereas as per Regulation No. 9.3 of SOP, there is a provision for reduction of contract demand.

Question comes up from which date effect is to be given for such reduction sought. As per SOP 9.3, after receipt of said request for reduction effect is to be given before expiry of second billing cycle, Admittedly, in this matter, application dated 11/2/2013 is submitted on 18/2/2013, second billing cycle will be in April 2013. Effect of reduction not given in April 2013 by Licencee. Attempt was done to contend that registration charges were not deposited by consumer but after the order of IGRC dated 9/7/2013 charges are paid on 22/7/2013 and effect is given for

reduction from August 2013 and considering the said effect given from August 2013, refund is given to the consumer. Accordingly, Licencee tried to contend that payment of registration charges were necessary and hence after payment of those charges, within a month effect is given.

However, as per Clause 14.1 of Licencee's conditions of supply based on MERC Supply Code and others. It is clearly laid down that when consumer applies for reduction of load, it is the Licencee who is to investigate the requirements of consumer and where such variation in sanctioned load entails any work MECDL may recover expenses relating thereto, based on the rates as per the relevant load slab specified in the schedule of charges approved by commission. Accordingly, we find it was incumbent on the Licencee to communicate charges to be deposited and after receiving it, it was to be complied and effect was to be given before the end of second billing cycle.

In this matter, it is the consumer who has approached with the said grievance to IGRC and IGRC directed for depositing the amount towards registration and amount is deposited. If it would have been done by Licencee, immediately, after receipt of application for reduction, it would have saved all things. Hence, we find Licencee cannot avoid the liability towards giving effect to the reduction of load from April 2013. Hence, this grievance is to be allowed on that count and Licencee is to be directed to treat, effect to be given for reduction of load from April 2013 and benefit be given for the month of April to July 2013 in terms, it is already given from August 2013 on words.

This matter could not be decided within the time prescribed as Licencee was to provide the details of payment which he has considered and granted the refund. It was communicated on 21/4/2014.

In the result, this grievance is to be allowed. Hence the order.

ORDER

- 1] Grievance of consumer is hereby allowed.
- 2] As already Licencee has given benefit towards refund of power factor penalty for the months of January to April 2013, said grievance stands redressed.
- 3] In respect of reduction of load, Licencee is directed to give effect from April 2013 and to give due refund for the months of April to July 2013. Towards said reduction relief is already given from August 2013 to February 2014.
- 4] Licencee to give this refund within 45 days from the date of this order and submit compliance report within 15 days thereafter.

Kalyan.

Dated:28/4/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

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”.
- b) 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”
- c) 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.

