



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/190/214 OF 2009-2010 OF
M/S. HITESH INDUSTRIES, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Hitesh Industries
Gala No.14, Bldg. No.8
Agarwal 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 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 20 KW consumer of the licensee with C. D. 17 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 27.02.2009 for Excessive Energy Bill. The details are as follows: -

Name of the consumer :- M/s. Hitesh Industries

Address: - As given in the title

Consumer No : - 001840600536

Reason of dispute: Excessive Energy Bill.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/181 dated 27/02/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/2336, dated 21/03/2009.

- 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 date as 18.3.09 after registering his grievance in the CGRF, hence the consumer did not attend the IGRC hearing. The Consumer has registered the present grievance before this forum on 27/02/2009.

- 5). The hearing for the above case scheduled on 19/03/09 at 16.00 hrs. was postponed on 21/03/09 at 16.00 hrs. as per written request from consumer on 03/03/09. The Members of the Forum heard both the parties

on 21/03/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri M.K.Rathod, Jr.Engr. & Shri S.B. Hatkar, Asstt.Acctt., 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 21/3/09 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) – Bill adjustment charges:

The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs.3671.56, Rs.274.41, Rs.84.52 and Rs.235.52 in the bills for the billing periods Feb.07, Mar 07 Aug.07 and Sept.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 bill adjustment, current bill adjustment, TOSE @ of 4 np p/u for Sept.05 to Feb.06 and TOSE @ of 4 NP p/u for Mar 06 to Sept.06 respectively. The CR has relied upon the order dated 24th May 2005 passed by MERC in case No. 28 of 2004 in support of his contention that the licensee has earlier refunded the TOSE charged for the above referred periods as per

the above referred order, but has again charged the same as above without any further order of MERC about it. The licensee has not filed any such order of MERC passed after the above order which enabled it recharge the TOSE. The licensee has also not given details of the first two amounts. Therefore, the licensee is directed to give explanation in writing giving details about the first two amounts & as to how it has recharged TOSE as claimed particularly in reference to the order dated 24/05/2005 passed by MERC in case No. 28 of 2004, to the consumer within a period of 30 days & on failure to do so, or in case of unsatisfactory explanation, refund the excess amount if any, recovered as above, by giving it's credit to the consumer in the ensuing bill after 30 days.

- 8). As to grievance (b) – regarding Security Deposit". The consumer claims that the consumer has paid Earnest Deposit Rs. 3600/- and Rs.6000/- i.e. total Rs.9600/- at the time of taking new connection in Dec.06, but the bills were showing Deposit as nil. Further the consumer paid SD of Rs.2700/- in June 2008.The same amount is displayed on the bill. The licensee should verify the total amount of SD and should give credit of compound interest on it, to the consumer. As against this, the licensee claims that the connection has been given to the consumer on 30/12/06. The SD paid at the time of connection was not displayed on bill for Rs. 6000/- & Rs. 3600/- total Rs. 9,600/-. The interest will be paid as per rules. Considering the average bill, balance amount will be refunded for which the consumer should submit original receipts for further action. 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, display the correct amounts of SD, calculate the

proper SD at this stage & refund the excess amount of SD & the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 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.2334.40 on this count as the tariff charges of the 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 the amount of such difference in the month of Jan.07 and 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, with interest at the Bank rate of RBI 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 for the month of Oct.06 and Dec.07 to April 08:** - The consumer claims that the licensee should refund Rs. 800.58 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 submits that action will be taken after study and refund will be given, if applicable. Therefore, licensee is hereby directed to verify the Benchmark Consumption (i.e. average consumption period of Jan.05 to Dec.05) and recalculate the ASC charges for above period, & if it is found that any excess amount is recovered, the 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). **As to grievance (e) - Refund of capacitor penalty:-** The consumer claims refund of Rs.4511/- against capacitor penalty as per statement enclosed with the grievance, as per MERC's order dated 14.7.05 in case No.2 and the order of Ombudsman in representation No. 39 of 2006. Against this, the LR submits that the action to refund capacitor penalty is being taken as per rules. The licensee is directed to inform the consumer about the total amount charged as capacitor penalty during July 2002, Aug. 2002, & from Sept. 2006 to Nov. 2007, refund if any, give details of the same to the consumer in writing, within 30 days, and if not already given such refund or excess amount, if any, refund the same, as per MERC's order dated 14.7.05 in case No.2 and the order of Ombudsman in representation 39 of 2006, by giving its credit to the consumer in ensuing bill after period of 30 days.
- 12). There has been number of holidays and consequently less working days during last month. There has also been sudden increase in registration of grievances by the consumers before this forum since last two months, as result of which this forum is forced to hear arguments in two cases on every day and also to decide such a cases at the same rate. Therefore, there has been some delay in deciding this case.
- 13). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

ORDER

- 1) Licensee should follow the directions given in above para numbers 7 to 11.
- 2) The Compliance should be reported to the forum within 90 days from the date of this decision.
- 3) The Consumer can file representation against this decision to 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) Consumer can approach Maharashtra Electricity Regulatory Commission on the following address :

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

for compliance in case of non-compliance, part compliance or delay in compliance of this decision passed under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”, under Section 142 of the Electricity Act 2003.

Dated : 04/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan