



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/192/216 OF 2009-2010 OF
M/S. SUPER CUT DIES, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Super Cut Dies
Gala No.G-6, Sheetal Shagun Bldg
Opp. Blue Chip Industrial Estate
Waliv, Sativali Road,
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 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 02/03/2009 for Excessive Energy Bill. The details are as follows: -
Name of the consumer :- M/s. Super Cut Dies
Address: - As given in the title
Consumer No : - 001840872307
Reason of dispute: Excessive Energy Bill.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/187 dated 02/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/2368, dated 23/03/2009.
- 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 did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 02/03/2009.

- 5). The Members of the Forum heard both the parties on 23/03/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & shri D.V.Mehatre, Dy.EE, Shri M.K.Rathod, Jr.Engr. and 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 attached its copy with the grievance made before this forum, and considering the reply dtd.23.3.09 with CPL filed by the licensee, and submissions made by the parties, record produced by the parties, the findings and directions on the said grievances are given against each of it for the given reasons.
- 7). As to the grievance No.1 regarding wrong disconnection without notice:
The consumer claims that its end user discontinued production arrangement with it since Mar 08 and therefore the consumption for the said period was nil. However, the licensee, by showing consumption of 13771 units issued a wrong bill for Rs.71,807/-. On consumer's protest, an amount of Rs.69905/- was credited to the consumer in the bill for the month May 08. The consumer paid the remaining amount of Rs.5340/- of the said month May 08, but the licensee transferred the same to the SD account and shown nil payment toward the payment of said bill for the month of May 08. The licensee has again shown an amount of Rs.73296/- as arrears and an amount of Rs.60,300/- was added as demand for SD and thus shown an amount of Rs.1,33,596/- as arrears in the bill for the month June

08. The consumer could not pay due to such huge arrears and therefore the licensee disconnected the electric supply on 10.12.08 without giving any notice to the consumer. The consumer gave all above details to the licensee by submitting a letter on 11.12.08 but the officers of the licensee directed the consumer to pay Rs.45,000/- and Rs.50/- towards reconnection charges. The consumer was forced to pay the above referred amount as the electric supply was earlier disconnected. After the consumer paid the above referred amounts, the electric supply to the consumer was reconnected on the 3rd day. Therefore the consumer has pray for compensation of Rs.5000/- for illegal disconnection and also refund of the amount of Rs.50/- which was recovered from it as reconnection charges.

- 8). On the above allegations, the licensee claims that the licensee is having huge No. of consumers. The consumer did not pay the amount of bill and therefore its supply was temporarily disconnected. Hereinafter notice will be issued to the consumer.
- 9). Thus the licensee admits the fact that the concerned disconnection was made without giving notice. The copy of bill for the month April 08 for the billing period from 3.3.08 to 4.4.08 show that the meter was found lock i.e. in accessible and therefore the consumer was charged for estimated consumption of 13771 units as per Regulation 15.3.1 of the MERC (Electric supply code etc.) Regulations 2005. The CPL shows that the total consumption of consumer from April 07 to Mar 08 was 6588 units, 8446 units, 22757 units, 19181 units, 19375 units, 17202 units, 15865 units, 15726 units, 15704 units, 10071 units, 9920 units and 4416 units respectively. The consumer has not produced any documentary evidence in support of its contention that its end user has cancelled the supply order

and hence production has stopped in the month of March 08 and therefore it is not possible to accept its such contention. Considering the consumption during earlier 12 months as stated above, the estimated consumption shown as 13771 units in the bill for the month of April 08 for billing period of Mar 08, appears to be reasonable. Moreover, even according to the consumer, on its protest, credit of Rs.69905.29 has been given to the consumer by the licensee in the next bill for the month May 08, virtually withdrawing the earlier bill for Rs.71875.29. CPL for May 08 shows that the net bill for the said month was Rs.5341.40, and the licensee admits and CPL for June 08 shows payment of Rs.5340/- towards SD by the consumer, Therefore, the contention of consumer that it paid the said amount of Rs.,5341.40 towards the bill for May 08 but the licensee diverted the same towards SD appears to be correct. However, the licensee should not have done so. It is a fact that the licensee invariably takes SD while giving the connection. However, surprisingly CPLs upto Mar 08 shows SD as zero and the licensee has made demand for SD of Rs.65600/- in the bill for the month of April 08. Obviously, the licensee has made such demand without verifying old SD amounts, which now it admits. The above referred irregularities have definitely caused harassment to the consumer and the said irregularities also resulted in disconnection of electric supply to the consumer without notice. Therefore such disconnection was illegal and hence the consumer is entitle for compensation for such illegal disconnection and also for the refund of Rs.50/- it has paid for reconnection. Considering the fact and circumstances as discussed above and relying on the decision of National Consumer Dispute Redressal Commission New Delhi in Revision Petition No 604 of 2003 dated

29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others holding that compensation need to be given to consumer for disconnecting electric supply for no reason, the licensee is directed to pay Rs.3500/- (Rupees three thousand five hundred only) and refund Rs.50/- (Rs.Fifty only) reconnection charges to the consumer, by giving its credit to it in the ensuing bill within a period of 90 days.

- 10). As to the grievance No.2 regarding Security Deposit: The consumer claims that it has deposited security deposit of Rs.19500/- + Rs.11700/- = Rs.31200/- at the time of taking connection on 11.10.05, but the bills were shown SD as nil till recent times. He further claims that subsequently it paid Rs.5340/- as SD and the same is displayed in the bill. The consumer therefore claims that the licensee should keep Rs.5340/- as SD and refund Rs.31200/- together with interest of Rs.6084/- to the consumer. The licensee claim that the connection was given on 11.10.05 and the SD of Rs.19500/- + Rs.11,700/- i.e. total Rs.31200/- made at the time of connection, is not displayed in the bill. The interest will be paid as per rules. The consumer should produce original receipts to the licensee for the said purpose. 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 30 days.

- 11). As to grievance No.3 regarding refund of excess ASC. The consumer claims that the licensee has charged excess ASC to it during the period Jun 07 to Sept.07 treating it as a old consumer without following the MSEDCL's com.circularNo.62 dt.10.9.07 based on clarificatory order dt. 24.8.07, though it has become consumer on 11.10.05. The licensee admits that the connection was given to the consumer 11.10.05. It, however, claim that the case is being studied and if the comm. circular No.62 dt.10.9.07 is applicable, necessary refund will be given to the consumer. Thus admittedly the electric connection was given to the consumer on 11.10.05. It is clear from clause 6 (iii) (i) of the MSEDCL's commercial circular No. 62, dt. 10th Sept. 07 that the method of calculating the ASC given in the sub clauses 2 & 3 in the said clause 6 (iii) (i) is to be applied for calculating the ASC for all new consumers who have become MSEDCL's consumers at any time after 1st January 2005. Therefore, since this consumer has become consumer of MSEDCL on 11/10/05, the above referred method will have to be followed for calculating ASC to be charged to it. The consumer complaints that the licensee did not follow the above referred method for calculating the ASC for it during the above referred period & it resulted excess recovery from it. Therefore, the licensee is directed to recalculate the ASC for the consumer for the period June 07 to Sept.07 & refund in case some excess amount is earlier recovered together with interest at the Bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after a period of 60 days.
- 12). As to grievance No.4 regarding refund difference of MD based charges and HP based charges during the period Oct.06 to March 07: The consumer has claimed refund of an amount of Rs.11,584.13 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 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 detail 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, together with interest at the Bank rate of RBI, by giving its credit to the consumer in the ensuing bill after a period of 30 days.

- 13). There has been no. 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 three 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.
- 14). After hearing both the parties, studying all available documents submitted by licensee as well as consumer, the forum unanimously passes the following order.

ORDER

- 1) Licensee should follow the directions given in above para numbers from 9 to 12.
- 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.

*“Maharastra Electricity Regulatory Commission,
606/608,KeshavBuilding,BandraKurlaComplex,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.

Date : 07/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan