



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/511/606 OF 2011-2012 OF
M/S. U. P. TWIGA FIBERGLASS LTD. AMBERNATH (EAST)
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT REFUND OF WRONGLY COLLECTED
2% EXTRA VOLTAGE SURCHARGE .

M/s. U. P. Twiga Fiberglass Ltd.
Plot No. N – 40, Additional Ambernath
Industrial Area, M.I.D.C.
Shil Badlapur Road, Ambernath (East)
Dist : Thane – 421 506

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Kalyan Circle – II, Kalyan

(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 H. T. consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 10/06/2011 for refund of wrongly collected 2% extra voltage surcharge .

The details are as follows :

Name of the consumer :- M/s. U. P. Twiga Fiberglass Ltd.

Address: - As given in the title

Consumer No : - 021529050390

Reason of dispute : Refund of wrongly collected 2% extra voltage surcharge .

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/363 dated 10/06/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/CGRF/Twiga/2813, dated 28/06/2011.
- 4) The hearing was held on 28/06/2011 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri B. R. Mantri, Shri Dabhade and Shri Shetty representatives of the consumer, & Shri Purohit Nodal Officer representative of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the 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.

- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) in the year 2006 to their industry situated at Plot No. N-40, Addl. Ambernath Ind. Area, MIDC., Ambernath (East). It is contended that consumer is provided express dedicated feeder therefore billing is required to be done on the basis of consumption recorded by the meter at the source of supply (EHV Sub-Station end) or at the consumer's premises (billing meter) whichever is higher. Licensee provided the both side metering but not considered the reading for EHV Sub-Station end meter and charged additional 2% voltage surcharge unit in monthly billing. Consumer by letters dated 31/03/2011 and 02/04/2011 apprised the licensee to stop levy of 2% voltage surcharge and consider the EHV Sub-Station end meter provided outside the premises of EHV Sub-Station of their feeder and to refund the excess collected amount collected towards 2% voltage surcharge from March 2010 till date as the licensee has not considered the EHV Sub-Station meter reading however not responded. According to consumer as per the directions given by Hon. MERC in orders dated 05/03/2010, 09/11/2010 and 02/06/2011 licensee is under obligation to raise and issue the bill and to refund excess collected 2% voltage surcharge. In this context consumer moved the IGR Cell but in vain, therefore the instant grievance application to direct the licensee to comply as above.

- 6) Licensee filed detail reply dated 28/06/2011 contending that consumer is a H.T. consumer having Contract Demand 4000 KVA and Connected Load 4500 KW. Consumer is connected on KV voltage level to express feeder. As per SOP consumer is to be given supply on 33 KV level, however in absence of 33 KV level consumer is connected on 22 KV level i.e. below the prescribed voltage level therefore as per MERC order dated 05/03/2010 in case No. 71 of 2009 voltage surcharge of 2% is levied. It is further contended that as per MERC Tariff order dated 12/09/2010 in case No. 111 of 2009 in case of H.T. consumer connected on express feeder is to be charged on the basis of sending end meter i.e. EHV Sub/Stn. end or consumer billing meter whichever is higher and not to charge 2% voltage surcharge and accordingly levy of 2% voltage surcharge has been stopped by the said order dated 12/09/2010. However it is contended as per the Chief Engineer (Commercial) circular dated 05/02/2011 again voltage surcharge of 2% is levied from March 2011 since metering at EHV Sub/Stn. end and consumer end are not identical so also cost of appropriate metering at both ends is to be borne by the consumer therefore the consumer was informed by letter dated 18/02/2011 regarding levy of 2% voltage surcharge and that instructions have been given to the concerned about installation of appropriate metering at Sub/Stn. end also. In this context it is contended by the licensee that complaint being devoid of substance apt to be dismissed.

- 7) We have gone through the documents placed on record and the orders passed by Hon. MERC in case No. 71 of 2009 dated 05/03/2010, 52 of 2010 dated 09/11/2010, 31 of 2011, dated 02/06/2011 Hon. Commission in the recent order dated 02/06/2011 clearly pointed out that levy of 2% voltage surcharge is not applicable for consumers connected on express feeder, so far consumers connected on non-express feeders (more than one connection on the said feeder) and in case only one connection exists on the said dedicated feeder the tariff should be charged on the basis of consumption recorded by the meters installed at the source of supply (EHV level) and the consumers end (Premises), whichever is higher, without any levy of voltage surcharge. It is further pointed out by the Hon. Commission that responsibility of installing meters of same class of accuracy at both the Sub/Station and consumer end rest with licensee. Considering the facts of the case of consumer in the light of the directions as above, we find force in the submission made by the learned representative for the consumer. On the premise, it is just and proper to direct the licensee to raise and issue a fresh bill to the consumer and if collected excess amount towards 2% voltage surcharge, to refund the same with Bank rate of interest as per the directions of Hon. Commission referred to supra. In this view of the matter grievance application will have to be partly allowed and hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.

- 2) Licensee is directed to raise and issue a fresh bill to the consumer and if collected excess amount towards 2% voltage surcharge to refund the same with Bank rate of interest as per the directions of Hon. Commission referred to supra within 30 days and compliance be reported within 45 days from the date of receipt of this order.
- 3) 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”.

- 4) 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”

Date : 11/07/2011

Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan