

**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/430/485 OF 2010-2011 OF**  
**MRS. VIMAL D. JAIN, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

Mrs. Vimal D. Jain  
Gala No. 66,  
Plot No. 32 / 34, Waliv Phata,  
Sativali, Vasai (East),  
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. consumer of the licensee with C. D. 41 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 08/10/2010 for Excessive Energy Bills. The details are as follows: -  
Name of the consumer :- Mrs. Vimal D. Jain  
Address: - As given in the title  
Consumer No : - 1)001840868962 – 50 HP  
Reason of dispute: Excessive Energy Bills.
- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/629 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9671, dated 22/11/2010.
- 4) The forum heard both the parties on 07/12/2010 @ 17.00 Hrs. in the cabin of Nodal Officer Vasai Circle, Vasai. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit, Nodal Officer, Shri S. M. Bangar, Dy. Ex. Engr. representatives 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) to the industry situated at Plot No. 32/34, Waliv Phata, Sativali, Vasai (East) in the year 2004. It is averred while taking connection in 2004 licensee collected SD of Rs. 15,000/- and ASD Rs.

9,000/- however did not refund the same though receipts produced, therefore, the licensee is liable to refund the amount vide chart enclosed with interest. As regards excess connected load penalty it is contended by the consumer that licensee collected amount approx. Rs. 43,308/- on this count contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06 as mentioned in the chart enclosed. According to consumer in the bill of April 2010 P.F. was shown 1.00, in May 2010 KVAH reading was entered manually and P.F. shown 0.97, in June 2010 KVAH left out of April 2010 and added PF 0.48 and that PF penalty charged wrongly for the month of June 2010 totaling to Rs. 6746/- vide chart enclosed and the same needs to be refunded. Consumer by letter dt. 28/07/10 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amount of S.D. & ASD, excess connected load penalty and P. F. penalty vide charts enclosed with interest.

- 6) Licensee filed reply dt. 22/11/10 contending that amount of SD and ASD amount alongwith excess P. F. penalty interest is being refunded. So far excess connected load penalty is totally time barred by three years hence cannot be given.
- 7) At the outset it is to be noted that consumer produced Receipts of the SD & ASD amount as above alongwith application dt. 28/07/10 however, till the fag end of the year this amount is not refunded. When consumer produced receipts, licensee is under obligation to refund the amount with interest without delay. This Forum in many cases including Case No. 393 and 433 of 2010 filed by representative Shri Harshad Sheth clarified on this aspect. It is seen from the record consumer produced receipts alongwith

application dt. 28/07/10 but till the end of the year 2010 this amount is not refunded indicative of gross negligence, inaction on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement consumer not produced receipts, on perusal of F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee is under obligation to comply and cannot obviate it's liabilities. For non receipt of the amount in time, consumers suffer mental agony and torture, he must have suffered loss on this count is necessary to be saddled the licensee with compensation of Rs. 500/-.

- 8) According to consumer vide letter dt. 28/07/10 excess connected load penalty amounting to Rs. 43,308/- vide chart enclosed needs to be refunded. Licensee vide reply dt. 22/11/10 pointed out that the claimed amount is hopelessly time barred. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 107 HP officials of the licensee collected excess connected load penalty and the same needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the order as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty and the need to refund the same.

- 9) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer in the month of June 2010 contrary to the formula as approved by the Hon. MERC power factor penalty Rs. 6746/- wrongly collected. Based on the MRI data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer. Consequently grievance application will have to be partly allowed.
- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

**O-R-D-E-R**

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to refund the amount of SD and ASD with R.B.I. rate of interest to the consumer if not paid earlier as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 45 days and

compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) Licensee is further directed to work out the amount of P. F. penalty and excess connected load penalty as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03 and Ombudsman in case No. 39 of 2006 and if collected excess, to refund the same with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) 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”.*

- 5) 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 : 03/01/2011

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan