



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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K/E/764/921 OF 2013-14

Date of Grievance : 05/02/2014
Date of Order : 13/05/2014
Period Taken : 98 days

IN THE MATTER OF GRIEVANCE NO. K/E/764/921 OF 2013-14 OF M/S. ANDIER FASTNERS GALA NO.24, GODAWARI, TUNGAR IND. COMPLEX, SATIVALI, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT REFUND OF SECURITY DEPOSIT AND ADDL. S.D. WITH INTEREST.

Andier Fasteners ,
Gala No.24,Godawari,
Tungar Ind. Complex,
Sativali, Vasai (E)-401 208,
District-Thane.
Consumer No.002170278774 LT-V..
V/s.

..... (Hereinafter referred to as Consumer)

Maharashtra State Electricity Distribution
Company Limited through its

Dy. Exe.Engineer, Vasai Road [E] S/Dn. (Hereinafter referred to as Licencee)

Appearance :- For Consumer - Shri Harshad Sheth, Consumer's Representative

For Licensee - Shri Satish Umbarje, Dy. Exe.Engineer
Shri Vaze, Asst. Accountant

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'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. 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 (Electricity Supply Code and other conditions of supply) Regulations 2005'.

2] Consumer is having supply of LT-V category and is having consumer No. 002170278774. Consumer approached this Forum on 5/2/2014, aggrieved by the act of Licencee, not refunding the SD of Rs.15,600/-, ASD of Rs.4,900/-, interest thereon of Rs.21,277/- and total to the tune of Rs.41,477/-. Consumer even sought relief towards refund of excess fixed charges recovered and it is quantified to the extent of Rs.2,41,181/-, which even includes power factor penalty. These amounts are claimed with interest.

Consumer has deposited SD & ASD with the Licencee, but it was not reflected in the bills. Consumer was not having original receipts, hence it sought information from Licencee under the provisions of RTI and information Officers of Licencee on 16/1/2014, provided the copy of F1 register, wherein SD and ASD deposited is, reflected. Consumer then approached IGRC for refund of said amount by filing complaint on 28/11/2013. Even consumer sought refund of amount collected towards connected load penalty to the tune of Rs.2,41,181/-. Further said refund is sought to be adjusted to the dues of Agrawal Fasteners Ltd. situated in Gala Nos. 13 and 14. Consumer even approached Assessing Authority on 5/2/2014, submitting a bond towards refund of SD and ASD as original receipts were not available.

Consumer has sought refund of connected load penalty and excess fixed charges recovered by Licencee, relying on the order of MERC in case No.2/2003 decided on 14/7/2005. Further he relied on the order of Hon'ble Ombudsmen Mumbai in Representation No. 65/2006 dated 2/11/2006 and Grievance No. 135/2011 dated 31/12/2012.

On receiving this grievance copy of it along with its accompaniments, was sent to the Nodal Officer, vide this Forum Letter No.EE/CGRF/Kalyan/ 058 dated 6/2/2014.

3] In response to the letter of this Forum, Officers of Licencee appeared, filed reply on 29/4/2014 and placed on record letter dated 25/4/2014 of Executive Engineer. Officers of Licencee conceded for refund of SD and ASD. In respect of excess fixed charges levied, Licencee in reply, dated 29/4/2014, conceded that from December 2003 to September 2006, for 34 months, excess charges are levied and recovered per month at the rate of Rs.3,450/- i.e. 1,17,300/- (Rs.3,450 x 34= 1,17,300/-). In respect of consumer's claim about an amount of Rs.31,147/- paid in December 2004. It is claimed that said amount is not reflected in the record of Licencee. Further in respect of refund of power factor penalty, Officers of Licencee worked out those to the tune of Rs.43,049/-. In respect of interest on these two items i.e. excess fixed charges and power factor penalty, Officers claimed, it being revision of bill, interest cannot be allowed.

4] Matter was taken up for final hearing. Both sides made submissions, in tune with their contentions. Officers of Licencee placed on record the letter of Executive Engineer, Vasai Divn. Dated 25/4/2014, according sanction for refund of SD and ASD amounts with interest. It is further submitted that as per said letter refund will be given. Said letter was shown to the representative of consumer who conceded for the amount of refund shown therein which is of Rs.15,600/- towards SD, Rs.4,900/- towards ASD and interest of Rs.20,231/- and total Rs.40,176.76 ps. Hence

now, grievance is to be disposed off directing the Licencee to pay off said amount to the consumer showing adjustment as prayed, towards the dues.

5] Now, Licencee placed on record further contention, agreeing to the demand of refund towards excess fixed charges levied from December 2003 to September 2006 for 34 months at the rate of 3,450/- total amount comes to Rs.3,450 x 34 = 1,17,300/-. This figure is conceded by C.R. Consumer has pointed out that in December 2014 an amount of Rs.31,147/- levied and recovered for the month of December 2004. Licencee contended that said amount is not reflected in CPL. However, it is submitted during hearing on behalf of consumer that said figure is of Rs.25,000/- and month pertains to January 2004. He submitted original documents for said amount of Rs.25,000/- to the Officers of Licencee, and Officers of Licencee agreed to verify this amount and if , this amount levied excess or recovered excess, it will be considered for refund. Thirdly, in respect of refund of power factor penalty , Licencee worked out figure to the tune of Rs.43,049/-. Said figure is conceded by CR.

6] Accordingly, though, figures of refund agreed by parties, consumer claimed interest on the refund of said excess fixed charges and refund towards power factor penalty and it is to be paid with interest, at the rate which Licencee is recovering from consumer in case of recovery due to default. On this ground, CR relied on case No.2/2003, decided by MERC on 14/7/2005, copy of which is placed on record. As per Para 33 Sub-clause (f) of the order, position is clear in respect of rate of interest. Consumer submitted that in case of recovery by Licencee, if payment is not done within three months then, it is of 12% per annum , if , it is paid after three months and before six months, it is at the rate of 15% per annum and if, payment is, beyond six months then it should be of 18% per annum. Accordingly, now it is clear that said dues are quantified by consumer. Accordingly, as per order of MERC, stated above, interest is to be paid from the date of deposit till to the date of payment. The rate of

interest stated above is even referred in Tariff Order, MERC case No. 19/2012 dated 16/8/2012 and it is on page No.337 of the compilation available. Said order is based by Licencee issuing circular No.175 dated 5/9/2012.

In respect of rate of interest on SD and ASD , figure is quantified with interest by Licencee which is not disputed by CR.

7] This matter could not be decided within prescribed time as the Officers of Licencee were in the process of considering refunding of SD with interest obtaining sanction from Higher Authority. Officers of Licencee, made final submissions on 6/5/2014, placing reply dated 29/4/2014.

In the result, this grievance application is to be allowed.

Hence, the order.

ORDER

Grievance of the consumer is hereby allowed.

Licencee is directed to refund

1] the SD of Rs.15,600/-,ASD. 4,900/- and interest thereon due, to the tune of Rs.20,231/- and total Rs. 40,631.76 Ps.

2] a] Licencee to refund excess fixed charges recovered to the tune of Rs.1,17,300/-. Consumer provided proof in the form of originals to the Officers of Licencee for Rs.25,000/-, out of the claim of Rs.31,147/- if proof is available with the consumer in addition to Rs.25,000/-, Officers of Licencee to consider the same and refund it.

In case if any dispute continues on that count, consumer is at liberty to approach this Forum as per this Order.

b] Licencee to refund an amount of Rs.43,049/- recovered towards power factor penalty.

Licencee to pay on above refund i.e. a and b with interest as per the order of MERC in case No. 2/2003 dated 14/7/2005. As per

said order interest is to be paid at the rate Licencee used to apply interest rate to the consumer. Already consumer has submitted a chart showing the calculation of interest as per this criteria which

Officers of Licencee to scrutinize, consider and pay, if there is any variance they are to apprise the consumer.

Consumer had submitted indemnity bond with the Licencee for LT-V connection towards of SD and ASD .

Consumer has prayed that refund be adjusted against the dues of Audler. Fasteners , Gala No.18. Hence amount be adjusted by Licencee as prayed if possible or refund it by cheque to the consumer. Licencee to refund the aforesaid amount within one month from the date of service of this order. Compliance of it be reported within further 15 days.

Kalyan

Dated: 13/5/2014

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.

