



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/200/224 OF 2009-2010 OF
M/S. VASANT M. DEDHIA, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Vasant M. Dedhia
Gala No.7, Indira Udyog,
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 conformed 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. 33 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 04/03/2009 for Excessive Energy Bill. The details are as follows: -
Name of the consumer :- M/s. Vasant M. Dedhia
Address: - As given in the title
Consumer No : - 001840855411
Reason of dispute: Excessive Energy Bill.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/214 dated 04/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/2765, dated 06/04/09.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 29/12/08. 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 04/03/2009.
- 5). The Members of the Forum heard both the parties on 08/04/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri S.N.Bangar, AE(incharge Nodel Officer) & Shri S.B.Hatkar, Asstt.Acctt., representative 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 27/12/08 sent to the concerned Executive Engineer and of which copy the consumer has attached with the grievance made before this forum and rejoinder dtd. 6.4.09 and considering the same, reply dtd 06/0409 with CPL filed by the licensee, submissions made by the parties and record produced by the parties, the findings or resolutions on each of such grievance is given against it, for the given reasons.
- 7). As to grievance (a) – Refund of Excess SD & interest on SD:-The consumer claims that he has paid SD of Rs.12000/- + Rs.7200/- = Rs.19,200/- at the time of taking new connection in May 03. But bills do not show any SD. The licensee has also collected Rs.6900/- separately from the consumer considering the average yearly bills. Therefore the licensee should keep the said amount of Rs.6900/- as SD and refund the original SD amount of Rs.19200/-. The licensee also pay total interest of Rs.6024/- on the said SD to the consumer. The consumer has annexed Annexure 1C giving the details of the SD deposited by the consumer. The licensee claims that the connection has been given on 13.5.03. The Security Deposit of Rs.12000/- + Rs.7200/- = Rs.19200/- paid at the time of taking connection is not displayed in the bill. Its office is searching for the record for exact amount of SD and in the meantime, the consumer may submit the SD receipts for quick disposal of the case. The interest will be paid as per rules. In view of 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.

- 8). As to grievance (b): Refund of difference of MD based charges and HP based charges from Oct.06 to Feb.07: - The consumer has claimed refund of an amount of Rs. 7124.71 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 May 07 and in other month which will be intimated after confirmation from IT. The licensee, however, did not give such other month and 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.

- 9). As to grievance (c): Refund amounts of bill adjustments:

The consumer claims that the licensee has added the debit bill adjustment charges in the months of Sept.07, Aug.07, Jul.07 and Mar 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 TOSE @ of 4 np p/u for Mar 06 Sept.06, TOSE @ of 4 NP p/u for Sept.05 to Feb.06, tariff adjustment current bill adjustment, 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 3rd and 4th amounts. Therefore, the licensee is directed to give explanation in writing giving details about the 3rd and 4th 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.

- 10). **As to grievance (d) - Refund of ASC difference** : - The CR submits that the Benchmark consumption for the for consumer is 1600 units and considering the same, the licensee has charged excess ASC to the consumer for Nov.06, Oct.07, Dec.07, Jan.08, Feb.08, Mar 08 and April 08 and such excess ASC comes to Rs.2465.68 and therefore the licensee be directed to refund the same. The licensee claims that the matter is under scrutiny and action will be taken accordingly if applicable. The consumer and licensee have not given other details for calculating ASC for the said months. Therefore the licensee is directed to recalculate the ASC for the months from Nov.06, Oct.07, Dec.07, Jan.08, Feb.08, Mar 08 and April 08, and refund excess amount, if any, with interest at the bank rate of RBI, to the consumer by crediting the same to its credit in the ensuing bills after 30 days.
- 11). **As to grievance-1 in rejoinder dtd.6.4.09** - The consumer claims that the licensee has either not installed MD meter at the unit of consumer or such installed MD meter is not activated and therefore except KWH reading, no

other para-meters are displayed like KVAH, RKVAH, KVA and KW and therefore the MD fixed charges and PF penalty, charged by the licensee to the consumer in the said billing month has been illegal and therefore the licensee be directed to refund such amount recovered by the licensee, to the consumer. The LR, though undertook to file reply to the rejoinder dt.6.4.09 at the time of hearing, did not file such reply till this date. Therefore the licensee is directed to retrieve the MRI report of the said meter and confirm the KWH, KVAH, RKVAH and MD readings of the concerned months i.e. Aug. Sept. and Oct.08, recalculate MD fixed charges and PF penalty and give its copy to the consumer within 30 days, failing which to refund the excess amount of fixed charges and PF penalty recovered from the consumer during the said months, by giving its credit to the consumer after such period of 30 days from the date of this decision.

- 12). As to the grievance regarding refund of excess amount collected in bills for Feb.07 to June 07 : - The consumer in its rejoinder dated 6.4.09 claimed during Feb.07 to June 07, the licensee recovered some excess amount as during the said period readings were not taken or the meter was faulty, but credit of such excess amount has not been given to the consumer afterwards. The licensee did not file any reply to the rejoinder till this date, though undertook to do so at the time of hearing. It appears from the CPL that the bills for the months of Mar 07 to May 07 have been issued as per average consumption of 883 units as either the readings were not taken or the meter was found faulty. However, the CPL for the months of May 07 and June 07 shows that the licensee has given the credit of Rs.4955.10 in May 07 and of the amounts Rs.9077.24 and Rs.633.92 in June 2007. In absence of details about such credits by the licensee, it is possible to hold that the said credit is given against the excess recovery of charges during

the months Mar to May 07. Therefore the licensee is directed to verify as to whether the credit of the charges recovered in excess during the months Mar 07 to May 07, has been given to the consumer and if no such credit is given, the licensee to refund such excess amount recovered, by giving its credit to the consumer in the ensuing bills after a period of 30 days from the date of this decision.

- 13). Grievance regarding excess ASC : - The consumer in its rejoinder dt. 6.4.09 claimed that the licensee has recovered excess ASC during the period Jan.08 to June 08 and therefore licensee be directed to refund such excess amount . The licensee did not filed reply to the rejoinder till this date though the LR undertook to do so at the time of hearing. Therefore, the licensee is directed to recalculate the ASC for the period from Jan.08 to June 08 and refund excess recovered amount, if any, by giving its credit to the consumer after a period of 30 days.
- 14). Claim of compensation: - The consumer claims compensation for not taking meter readings during the period Jan.08 to June 08 in its rejoinder dated 6.4.09. The licensee did not file reply to the rejoinder till this date though the LR undertook to do so at the time of hearing. It is clear from the CPL that from the month of Jan.08 to April 08, the same readings are shown as previous readings and present readings and the consumer is charged on average basis. Thus it appears that no reading was taken during this period. Thus the licensee violated Clause No.7(i) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for giving supply and Determination of Compensation) Regulation 2005 as follows:

Supply of activity/event	Standard	Compensation payable
7 Other activities		
(i). Reading of consumer's meter	----	Rs.100/- for first month or part thereof of delay
	Once in every two months (all other consumers)	Rs. 200/- per month or part thereof beyond the first month of delay.

Thus there was delay of two months in taking meter reading. Therefore the licensee is directed to pay Rs.300/-(Rupees three hundred only) as compensation to the consumer, by giving its credit in the bill.

- 15). 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 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.
- 16). After hearing both the parties, studying all available documents submitted by licensee as well as consumer & considering the findings and directions given against the grievances as above, the forum unanimously passes the following order.

ORDER

- 1) Licensee should follow the directions given in above para numbers from 07 to 14.

- 2). The licensee is directed to pay Rs.300/-(Rupees three hundred only) as compensation to the consumer, by giving its credit in the bill within 90 days.
- 3) The Compliance should be reported to the forum within 90 days from the date of this decision.
- 4) 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.

- 5) The 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 : 06/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan