



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/201/225 OF 2009-2010 OF SHRI NAVIN M. DEDHIA, VASAI REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Navin M. Dedhia
Gala No.18, Indira Udyog,
Golani Complex, Waliv
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. 25 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 05.03.2009 for Excessive Energy Bill. The details are as follows: -
Name of the consumer :- Shri Navin M. Dedhia
Address: - As given in the title
Consumer No : - 001840855402
Reason of dispute: Excessive Energy Bill.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/217 dated 05/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/2908, dated 13/04/2009.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 27/12/08. The IGRC did not decide the grievance made by the consumer within 60 days & therefore, the Consumer has registered the present grievance before this forum on 05/03/2009.
- 5). The Member Secretary and Member of the Forum heard both the parties on 13/04/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri B. D. Shidore, A.E., & 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 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 considering the reply dtd 13/04/09 with CPL filed by the licensee, and submissions made by the parties, record produced by the parties, the finding or resolutions on each of such grievance is given against it, for the given reasons.
- 7). As to grievance (a) – Regarding Security Deposit”. The consumer claims that the consumer has paid Earnest Deposit Rs. 9,000/- and Rs.5400/- i.e. total Rs. 14,400/- at the time of taking new connection in May 03, but the bills were showing Deposit as Nil. Further the consumer paid SD of Rs. 6000/-. The said amount is displayed on the bill. The licensee should verify the total amount of SD and should give credit of compound interest on it, to the consumer. The consumer also claims refund of excess SD. As against this, the licensee claims that the connection has been given to the consumer on 13.05.03. The SD paid at the time of connection was not displayed on bill. The interest will be paid as per rules. Considering the average bill, the balance amount will be refunded for which the consumer should produce original receipts. 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.

- 8). **As to grievance (b) – Refund of MD based fix charges from Oct.06 to Feb.07:** The consumer has claimed refund of an amount of Rs.5,345.73 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. 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 detailed 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) – Bill adjustment charges:**

The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 418.76, Rs. 285.84, and Rs. 106.00, Rs. 163.47 in the bills for the billing periods Sept. 07, Aug. 07, July.07 and March 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 TOSE 4 NP per unit March 06 to Sept. 06, TOSE Sept. 05 to Feb. 06, details of verification sought from higher authority and details of confirmation sought from higher authority. 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 third and fourth amount. Therefore, the licensee is directed to give explanation in writing giving details about the third and fourth amount & 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 :** The consumer claims that the licensee should refund total Rs. 243.44 towards ASC for the month of Nov.06, Oct. 07 and March 08. According to consumer, the licensee has considered different benchmark consumptions for calculation of ASC charges for above mentioned period. The licensee claims that as per confirmation of Bench mark consumption the action will be taken, if applicable. Therefore, licensee is hereby directed to verify the Benchmark Consumption (i.e. consumption period of Jan.05 to Dec.05) and recalculate the ASC charges for above period, if found any excess; same may be refunded to the consumer with the interest at the bank rate of RBI within 30 days from the date of this decision.
- 11). 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.

- 12). After hearing both the parties, studying all available documents submitted by licensee as well as consumer, the forum passes the following order unanimously.

ORDER

- 1) Licensee should follow the directions given in above para numbers 07 to 10.
- 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.

*“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.

- 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 : 06/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan