



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**K/E/765/922 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/765/922 OF 2013-14 OF M/S. AGRAWAL FASTNERS P.LTD., GALA NO.S. 13 & 14, KAVERI, TUNGAR IND. COMPLEX, SATIVALI, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT REFUND OF SECURITY DEPOSIT AND ADDL. S.D. WITH INTEREST.**

Agrawal Fasteners P.Ltd.,  
Gala No.13 & 14, Kaveri,  
Tungar Ind. Complex,  
Sativali, Vasai (E)-401 208,  
District-Thane. .... (Hereinafter referred to as Consumer)  
Consumer No.002170271257 LT VB &  
002170271265-LT II.  
V/s.

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-VB category and is having consumer No. 002170271257 and is having consumer No.002170271265-for LT II supply. Consumer approached this Forum on 5/2/2014, aggrieved by the act of Licencee, not refunding the SD of Rs.3,670/-towards consumer No. 002170271265-LT-II and not refunding excess fixed charges of Rs.,4,00,875/- and power factor penalty of Rs.50,738/- towards consumer No.002170271257 -LT VB.

Consumer had sought refund of amount collected towards connected load penalty, approaching IGRC on 28/11/2013. Further said refund is sought to be adjusted towards it's dues. 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 grievance, copy of it along with it's accompaniments, was sent to the Nodal Officer, vide this Forum's Letter No.EE/CGRF/Kalyan/ 060 dated 6/2/2014.

3] In response to the letter of this Forum, Officers of Licencee appeared, filed reply on 3/3/2014, 29/4/2014 and placed on record letter dated 25/4/2014 of

Executive Engineer. It is submitted in respect of consumer No.002170271265-LT-II , it will be treated as PD with effect from April 2014 and on consumer giving bond of required ,amount of SD will be refunded. In respect of refund towards consumer No. 002170271257 -LT VB, conceded towards refund of excess fixed charges levied to the extent of Rs.1,29,540/- @ Rs.3,810/- for 34 months from December 2003 to September 2006. In respect of an amount of Rs.30,000/- deposited in December 2004, Licencee contended that it is not reflected in the record. Further towards refund of power factor penalty, it is worked out to the tune of Rs.50,738/-. 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 reply dated 29/4/2014 and submitted that towards SD of LT-II connection, it is still alive and now it will be made PD in April 2014 and refund towards it of Rs.3,670/- with credit balance of Rs.490/-will be given considering the dues if any to be recovered.

5] Licencee placed on record further in the reply dated 29/4/2014, agreeing with claim of refund for excess fixed charges levied from December 2003 to September 2006 for 34 months at the rate of 3,810/- total amount comes to Rs.1,29,540/- (3810 x 34=1,29,540). This figure is not disputed by CR. Consumer has pointed out that in December 2004 an amount of Rs.30,000/- levied and recovered . Licencee contended that said amount is not reflected in CPL. During hearing CR submitted on behalf of consumer that said figure is of Rs.10,000/- deposited in January 2004 and he submitted original receipt to the Officers of Licencee for said amount of Rs.10,000/- deposited in January 2004 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.50,738/-. 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 the Order in 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 in MERC case No. 19/2012 dated 16/8/2012 and it is on page No.337 of the compilation available. Even Licencee has issued circular No. 175 in light of above order.

7] This matter could not be decided within prescribed time as the Officers of Licencee were in the process of considering the refund as prayed by the consumer Ultimately, Officers of Licencee, submitted reply dated 29/4/2014 and made final submissions on 6/5/2014,

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

Hence, the order.

### **ORDER**

Grievance of the consumer is hereby allowed.

1] **Licencee is directed to refund** ,the SD of Rs.3,670/- making LT-II supply of consumer PD in April 2014 along with credit balance Of Rs.490/- taking into account dues till March 2014.

Licencee to take indemnity bond towards refund of SD.

Consumer to file indemnity bond within 15 days from the date of this order.

2] a] Licencee to refund excess fixed charges recovered to the tune of Rs.1,29,540/- and Rs.10,000/- as discussed above. Consumer provided proof in the form of originals to the Officers of Licencee for Rs.10,000/-, out of the claim of Rs.30,000/-. 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.50,738/- recovered towards power factor penalty.

Licencee to pay on above refund i.e. (a) and (b) 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 to the consumer. Already consumer has submitted chart showing the calculation of interest as per this criteria, which Officers of Licencee to scrutinize, consider and pay, if there is and variance they are to apprise the consumer.

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 comply refund as directed above within 30 days from the date 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.