



**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/439/495 OF 2010-2011 OF**  
**M/S. KETAN L. GHALLA, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

M/s. Ketan L. Ghalla  
Gala No. 11, Samruddhi,  
Sagar Ind. Estate,  
Satali Road, Gokhiware,  
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. 52 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 28/10/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Ketan L. Ghalla

Address: - As given in the title

Consumer No : - 1)001590790997 – 63 HP

2)001590791764 – 1 Phase

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/690 dated 28/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9681, dated 22/11/2010.
- 4) The forum heard both the parties on 07/12/2010 @ 18.45 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 Sagar Ind. Estate, Sativali Road, Gokhiware, Vasai (East) in the year 2004. According to consumer at the time of new connection licensee collected Rs. 18,900 as Security Deposit (SD) and Rs. 11,340 as Additional Security Deposit (ASD) but the same does not appear in the computer due to change over to Oracle System. It is contended on verifying F-1 register or any other evidence as per the directions of Hon. MERC licensee needs to refund the same and that consumer claimed the amount with interest but not refunded. According to consumer in the bill of July & August 2008 P.F. was shown 0.01 i.e. KWH consumption as 7 and KVAH consumption as 782 which is incorrect thereby reading was incorrectly fed and on this basis penalty was charged incorrectly needs to be refunded. In July 2008 KVAH was shown zero, MD tariff was not applicable and as such licensee wrongly collected P.F. penalty Rs. 38,278.80 and incentive of Rs. 1,177.96. It is further averred that single phase meter No. 001590791764 is not required since it is to be clubbed with three phase meter consequently single phase meter is to be permanently disconnected and the amount of SD/ASD/RLC collected by licensee in this context needs to be refunded. Consumer vide letter dt. 12/08/10, 13/09/10 apprised all the above points for compliance to the licensee but did not pay heed therefore consumer moved the I.G.R. Cell but in vain hence the instant grievance application with prayer to direct the licensee to refund the amount of SD/ASD, and the amount of SD/ASD/RLC collected in connection with single phase PD and excess recovered P.F. penalty with interest.

- 6) Licensee filed stereotype reply dt. 22/11/10. So far refund of SD/ASD it is contended the same will be refunded on production of original receipt or any other evidence as per the directions of Hon. MERC. As regards refund of P. F. penalty, on verification will be refunded in the billing month of Dec. 2010. So far permanent disconnection of single phase meter it is contended on receipt of report of Section Engineer, it will be disconnected and the refund will be shown in the bill.
- 7) So far refund of SD/ASD in the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in case No. 93 of 2008. This Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund if not paid earlier with R.B.I. rate of interest.
- 8) 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 July and August 2008 contrary to the formula as approved by the Hon. MERC power factor penalty was imposed. 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.

- 9) So far permanent disconnection of single phase meter and refund the amount collected in this context, it is contended by the licensee that instructions have been given to concerned Section Engineer and on receipt of his report, account will be finalized. In fact, while permanently disconnecting the single phase meter licensee should have refunded the amount collected in this context and not consumed time as happened. Licensee can very well be directed to permanently disconnect the single phase meter as per the department circular and to refund the amount of SD/ASD/RLC collected in this context without delay. Consequently the grievance application will have to be partly allowed and 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/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 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 3) Licensee is directed to work out the amount of P. F. penalty if not paid earlier as per the directions given by Hon. MERC and Ombudsman and refund if collected excess to the consumer with interest within 30 days and

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

- 4) Licensee is further directed to disconnect the single phase connection permanently as per the department circular and refund the amount of SD/ASD/RLC collected in this context with R.B.I. rate of interest to the consumer, within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 5) 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”.*

- 6) 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 : 30/12/2010

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan