



**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/N/006/0054 OF 06-07 OF M/S  
MANBROW PHARMA PVT.LTD. WITH CONSUMER GRIEVANCE  
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT THE NEW  
CONNECTION.**

M/s. Manbrow Pharma Pvt. Ltd.

(Here in after

W/66, MIDC, Phase II,

referred to

Dombivli (E) 4210204.

as consumer)

**Versus**

Maharashtra State Electricity Distribution

(Here in after

Company Limited through its

referred to

Dombivli (U) Division .

as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal

Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Commission vide powers confirmed 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 L.T. consumer of the licensee connected to their 415-volt network.

The details are as follows.

*Name of the consumer: M/s. Manbrow Pharma*

*Address: :Same as above*

*Consumer No. :021500018116.*

*Disputed period : 1. January 2001 to October 2001  
2. July 2000 to August 2001.  
3. September 2001 to April 2003  
4. May 2003 to till date  
5. 12 / 09/ 2002 to till date*

*(Additional load sanctioned)*

*Disputed amount: - Rs.72334.08 (Slow meter recovery)  
Rs. 16380/-(Additional load penalty)  
Rs.89,164.81/-(Additional load penalty)  
Rs. Variable for each month.*

*Reason of dispute: i) Non sanctioning of additional load  
ii) Excess load penalty  
iii) Slow meter recovery  
iv) PF penalty*

- 3) The consumer approached to the licensee on dated 28/11/2006 along with his grievance application with copy to CGRF. The grievance of the consumer is not resolved by the licensee. Hence the consumer has approached to the CGRF on dated 28/12/2005.
- 4) The batch of 5 papers containing above grievance of consumer was sent to the Nodal Officer by the forum vide letter No.0409 dated 29/12/2005. The letter, however, remained unreplied by Nodal Officer.
- 5) The forum has informed to the consumer vide letter No. 466 dated 2/03/2006 to submit his grievance in the prescribed proforma A within 7

days. Accordingly his grievance is received on date 13/03/2006 and it is registered in the forum on dated 13/03/2006.

- 6) Forum wrote a letter No. KLNZ/CGRF/Kalyan/0476 dated 13/03/2006 to the Nodal Officer Kalyan Circle I, with relevant copy of papers and ask for this parawise comments/reply within 15 days. The letter remains again unreplied and informed vide letter No. 1389 dated 01/04/2006 and requested for more time to submit the reply along with documents/record.
- 7) The first hearing was scheduled on 03/04/2006 at 15.00 hrs at forums office and both the parties were advice to attend the same at forums office attended by forum member Member secretary Shri R.G.maheshwari and Member Sau V.V. Kelkar licensee representative Shri P.S. Ghewde and Shri P.K Hundekari both are Assistant Engineer consumer representative Shri Vijay Dhaga attended the hearing.
- 8) Shri Vijay Dagha (consumer representative) pointed out to the forum that the application for additional 35 HP load sanction was submitted to MSEDCL on 12/09/2002. The licensee have issued the sanction order on dated 26/02/2003 after laps more than 5 months. Mr. Vijay Dagha further state that against this sanction order they have made the payments of all charges as demanded by licensee on 11/03/ 2003 and applied to for release of additional load and submitted required documents certificate on dated 15/03/2003. Further he said that the licensee (competent authority) issued the release order on dated 21/02/2005 even though they have made the payment and completed the all formalities on dated 15/03/2003 that is after laps of 2 years so licensee is liable to pay exemplary damages to the consumer on per law for undue delay for sanction and release of additional load.
- 9) Shri P.S. Ghewde Assistant Engineer (licensee representative) replied that the application for additional load was received by licensee on dated 12/09/2002 but the application was received in complete i.e. the party had not submitted the all required certificates which causes the delay in sanction and it is sanction vide Letter No. SE/KCK/SP-LT/5/2002/1002 dated 26/02/2003 and in release of additional load letter No.

SE/KCK/T/SPLT/05/2002/566 dated 21/02/2005 the necessary correspondence in this regard was already done by the licensee with the party. Further he stated that they are taking large efforts to find out all these correspondence done with the party but, being a very old they are not able to trace out till now and he has requested to grant of time for submission of these to forum up to 17<sup>th</sup> April 2006.

- 10) Mr. Vijay Dagma states that even though the release order was issued for additional load on dated 21/02/2005 but actual effect in the energy bill for the additional load was not given to him till date and continued to levied penalties, DPC interest and there, on excess load for every month in the energy bill. More over he said that they have installed proper capacity of capacitor i.e. 40 KVAR for improvement of P.F. and submitted the test certificate and requested to licensee vide his letter dated 09/12/2002 for necessary inspection of capacitors and stopping the charging P.F penalty in the energy bill. So he has requested to the forum, the P.F. penalty and DPC interest there on imposed in his bill by licensee till date and in future is illegal arbitrary and to be withdrawn.
- 11) The licensee representative Mr. Ghewde said that during his visit, whenever periodical inspection was carried out for above installation the P.F. found below 0.90 and accordingly penalty was imposed in the bill to the party and he has further requested to forum for grant of time to find out and submit the spot inspection report capacitor installation /inspection reports etc. up to the 17<sup>th</sup> April 2006.
- 12) Mr. Vijay Dhaga stated that he has been charged slow meters (35.50%) charge to the tune of Rs.72, 334.08 in the electricity bill for the month of December 2001 for which he has apposed the same in the office of Electrical Inspector in presence of licensee representative by stating that only Electrical Inspector is competent to assess slow meter charges. The licensee has revised the bill of Rs. 118410.00 (by reducing amount Rs. 62,906.00) to Rs. 55,504.00. He has made the payments correctively and he is not liable for slow meter assessment as the meter never has

been tested and testing data never been given to him and he is entitled for refund of slow meter recovery of Rs. 31758.79 paid by him.

- 13) Shri P.S. Ghewde AE said that the licensee tested the meter by accu check meter in presence of consumer on dated 02/07/2001 it is found slow, and the consumer has also signed the report. This slow meter recovery is then revised and issued the fresh revised bill. Being the case old he has requested for the grace time for the submission of all relevant documents, correspondence if any with Electrical Inspector office and chain of events etc. The report of meter tested by accu check meter etc. will also given to the consumer within 8 to 10 days for which Mr. Vijay Dagha has agreed.
- 14) In order to under stand dispute clearly the forum requested to licensee (Mr. Ghewde) to submit for-

A) Slow meter:-

1. Inspection report
2. C.P.L. recovery
3. Consumer correspondence
4. E.I Correspondence
5. Chain of events
6. All other relevant documents

*B) Excess load penalty*

1. Squad inspection report
2. Consumer correspondence
3. All other circulars and relevant documents
4. C.P.L

**C) P.F. Penalty**

1. Circulars and relevant documents
2. C.P.L.

All other documents to the case as agreed during the hearing on dated 03/04/2006 shown in above he has promised to submit before 17<sup>th</sup> April 2006 to the forum with copy (Permissible licensee report) to the consumer to enable him to file his say.

- 15) The second hearing was held on 10/05/2006 at forums office attended by forum member Member secretary Shri R.G.maheshwari and Member Sau V.V. Kelkar licensee representative Shri N.L.H. Rao Nodal Officer, P.S. Ghewade and P.K. Hundekari both are Assistant Engineer Shri G.B. Honrao L D C. and Consumer representative Shri. Vijay Dhaga.
- 16) The Nodal Officer as assured in the first hearing submitted a para wise compliance with exhibits vide letter no. 1526 dated 17/04/2006 received on dated 24/04/2006. Also the consumer representative submitted a rejoinder of pages 13 with 4 annexure of 5 pages on dated 10/05/2006 during the hearing.
- 17) Mr. Vijay Dhaga repeated his grievance and stated that the application for additional load of 35 HP was submitted o licensee on dated 12/09/2002 but, this additional load was sanctioned after laps of more than 5 months by licensee on dated 26/02/2003. He further said that against this sanctioned order the consumer has paid the all payments a per firm quotation on dated 11/03/2003 and also required documents/certificates for release additional load were submitted to licensee on dated 15/03/2003 but, the licensee till today is not release the additional load.
- 18) The licensee representative N.L.H. Rao Nodal Officer said that the consumer installation inspected by testing division on dated 02/07/2001 and additional load 9.75 HP found more than sanctioned load 65 HP. Similarly the meter found 35.50% slow during testing. The bill for meter slowness Rs. 22283/- paid by consumer on dated 18/12/2002 but, he has not paid the recovery of additional connected load of Rs. 16380.00/-  
Meanwhile 2<sup>nd</sup> inspection of the installation was  
Carried out by flying squad on dated 12/08/2002 and the total connected load was found 107 HP i.e. additional load 42HP. The recovery of additional load was work out to Rs. 89164.81/-\* which is remain unpaid by the consumer. Hence due to non-payment of these arrears, the consumer load remains unsanctioned as per 1996 commercial code of instruction 1.6.19. However, as per request of consumer repeatedly the sanction was given to additional load conditionally on dated 26/02/2003

but, it is came to know that the party has not paid out standing dues amount Rs .105544/-. Hence as per condition No. 2 & 7 of additional load sanctioned order No. 1002 dated 26/02/2003.The consumer has not paid all dues out standing in the energy bill also not brought the CT operated metering cabinet or nor paid to licensee the cost of metering CT box. Therefore it could not be possible to licensee to release the additional load of 35 HP unless and until the consumer will complete the formalities of sanction order-

- 19) The consumer representative Shri Vijay Dhaga said that he has paid full amount of bill Rs. 32578/- for month October 2001 and now he is not in arrears. Zerox copy of the bill October 2001 given to the forum and forum shown this copy to Nodal Officer. Further Shri Vijay Dhaga said that the lying squad inspected his installation on date 13/08/2001 and connected load was found 63.00 HP zerox copy of the same handed over by him to forum. The Nodal Officer has agreed for consideration this inspection report.
- 20) The forum member asked to Shri N.L.H Rao Nodal Officer that when he is going to release the additional load to the consumer.
- 21) The Nodal Officer said that the party has paid the slow meter recovery Rs. 22283.00 on dated 18/12/2002 as per bill dispute resolved between consumer and licensee in he Electrical Inspector Office Thane. Now that party has to clear up first all dues pending with him i.e. additional connected load penalty and PF penalty, then the additional load will be release.
- 22) Shri Vijay Dhaga said that the details of bill which he has to pay was not given to him, by licensee also in the notice received form licensee vide letter No. 5323 dated 09/11/2001 and letter No. 2290 dated 14/05/2003 the particulars of amount was not mentioned by licensee, and it is a unjustified an objectionable. The consumer must know that which payment he is going to made to the licensee. He has also taken the objection for power factor penalty from May 2003 to till the date.
- 23) The Nodal Officer said that during the inspection on dated 12/08/2002 and 18/06/2003 the PF of installation is found 0.802 and 0.812 i.e. below

0.90 due to improper capacity of capacitor and also found not working during the inspection. He has to pay the PF penalty as per inspection report and as per condition of supply 30(k). If the consumer will pay the all pending dues, which are, justified which will be given to him within a 10 days after giving him, the particulars of amount to be paid by him the additional load will be treated as release with retrospective date i.e. 26/02/2003 (i.e. from date of additional load sanction).

24) The consumer representative Shri. Vijay Dhaga has agreed for the above condition put by the Nodal Officer and he has agreed to pay all pending dues within i.e. additional load and P.F penalty etc 7 days from the receipt of particulars of bill payment in the bill.

25) Forums observation

1) The consumer made the following grievance in his application

i) The consumer had made the application for additional load of 35 HP over and above the existing sanctioned load of 65.00 HP making total load 100.00 Hp vide his application on dated 12/09/2002.

ii) The licensee have issued a sanctioned order vide No. SE/KCK/SPLT/- 5-2002/01002 dated 26/02/2003 i.e. after the period of 5 months even though the bill of amount Rs. 32578/- for the month of October 2001 paid by him vide MR No. 0529455 dated 19/10/2001 i.e. no dues were pending and all the formalities were completed by the consumer which are required for the additional load sanctioned.

iii) Consumer had made the payment of all charges as per demand issued on 11/03/2003 for additional load sanctioned and applied for release of additional load vide his letter dated 15/03/2006.

iv) The licensee issued a release order against consumer application dated 15/03/2003 vide ref No. SE/KCK/T/LS SP LT/05-2002/566 dated 21/02/2005 i.e. after the period of two years.

v) Even after the release order of SE Kalyan the actual effect of the additional load has not been given to the consumer in the bill and consumer submitted a reminder to the licensee on dated 03/05/2005 even after a personal efforts the licensee not given the actual affect in the bill to the consumer till date 17/05/2006.



- 2) The licensee never wrote a letter to the consumer for the short coming and there by delay for sanctioning his additional load application it shows that the licensee had delayed the additional load sanctioned for 5 months without the reason.
- 3) The licensee had issued a latter No. 398 dated 04/06/2005 to the consumer for complying the conditions Nos. 2 and 7 of sanction order number 01002 dated 26/02/2003 i.e. the licensee had taken the cognitions after two years on receipt of demand charges payment and completion of formalities on date 11/03/2003 by the consumer. The Nodal Officer stated in his letter No. 1526 dated 17/04/2006 to the forum that the consumer has not clear the electricity bills as per clause No. 2 and also not purchase the metering box as per clause No. 7 of the sanctioned order. Further a stated that the consumer has paid Rs. 11,000/- to wards the meter cost on dated 23/09/2004 and the consumer is failed to provide the meter box up to 4/06/2005.
- 4) From the above statement of licensee it is clear that the licensee never done any correspondence with the consumer for delay in release of additional load due to non installation of CT box of appropriate capacity by the consumer. As per the consumer revised sanctioned order No. 1002 dated 26/02/2003, the maximum demand is 50 KVA, so existing 50 /5 A CT box is to be replaced by 100/5 A and 100/5 A box is not purchased by the consumer or not paid the cost to the licensee causing the delay for release of connection. However, the licensee phase to make the correspondence with the consumer for the installation of 100/5 as CT box. As per the act 2003 it is the binding on the licensee to release the new connection / additional load within 1 month so the licensee is defaulter for non-release of additional load.
- 5) Further the consumer stated that the licensees have arbitrary illegally and unilaterally alleged inadequate capacitor without even stating the actual PF and or capacitor notice by them. Also he stated he has already installed 30 KVAR capacitor and appropriate meters were installed to ascertain PF at any given instant of time Moreover

the consumer installed 4 Nos. of 10 KVAR each capacitor additional and it was intimated to the Ex. Engineer along with submission of the test certificate vide his letter dated 09/12/2002 but licensee have not taken any cognision of his letter and claiming the PF penalty in definitely period and DPC interest there on imposed by them till date is illegally arbitrary and ultra virus and liable to struck down.

ii) The Nodal Officer in his para wise compliance vide letter No. 1526 dated 17/04/2006 stated that the result of inspection carried out of his installation time to time in presence of consumer/ consumer representative are given below.

Sr. No.	Date of inspection	Power factor detected	Remark
1	02/07/2001	0.853	Violation of clause No. 30 (K) of condition of supply hence liable for penalty
2	04/09/2002	0.852	
3	18/06/2003	0.812	
4	17/09/2004	0.785	

On the verification of inspection report it is observed these are signed by the consumer.

iii) Inspection report dated 02/07/2001 remark is pass suitable capacitors are to be installed.

iv) ii) Inspection report dated 4/09/2002 (12/08/2002) it is mentioned that capacitors are not working

v) In inspection report dated 13/06/2003 it is mentioned capacitors are in adequate

iv) In Inspection dated 27/09/2004 no remark is passed.

This observation is based on 30 minutes check by accu check meter. When this observation is made the display on provided is not checked. As per condition of supply 30 (K) the board reserves the right to refuse to supply to any apparatus, motor or installation where in the opinion of

board's engineer on average power factor of installation is less than 0.90, when required by board engineer in charge, the consumer shall taken within, not exceeding three months under any circumstance such effective measures to raised the average power factor of installation to a value not less than 0.90.

The instillation of the said consumer is reinspected by AE in charge Shri P.M. Hundekari on date 29/05/2006 at 13.00 hrs. and Pf is checked on display of provided meter in presence of the consumer representative and spot inspection report is duly signed by the consumer representative is submitted to the forum on dated 29/05/2006. After verification of this report by forum the shift wise PF is observed is below.

A=051,	B=0.883,	C= 0.93,	D= 0.607
Cum = 0.794		Cum = 0.764	

From the above record available the forum found that the PF of installation I below 0.90 and licensee levied the penalty to the consumer after reasonable time which was given to the consumer to the effective measure to improve the power factor.

Hence the forum is incline towards the action taken by the licensee to levy the penalty to the consumer since May 2003 to May 2006

- vi) The testing engineer Kalayn Circle Kalayn tested the consumer meter by accu check meter on dated 02/07/2001 and it is found 35.50% slow. The inspection report is signed by the consumer on verification of this report by forum it is observed in the primary observation column the CT current is measured and found as below during test.

Load side - R Ph =29.6A, Y Ph 27.00 A, B Ph 15.00 A

Meter side- r Ph =0.95 A, y Ph 2.51 A, b Ph 1.75 A

From the above observation the secondary current of

r Ph is 0.95 A is found to much low, compared to the required 2.96 A as per the ratio CT installed. This slow meter recovery, the licensee has claimed an assessment bill of Rs. 72373 vide letter No. EE/T/KC/KLN/725 dated 16/07/2001, which is not received by the consumer. The licensee claimed this slow meter recovery assessment as bill adjustment in the energy bill for ht month of December 2001.

The M/s. Manbrow pharma made the appeal against the disconnection notice of demand of above slow meter recovery to energy minister on date 2/09/2002 and copy to the Electrical Inspector Thane and Ex. Engineer Dombivli. This matter of dispute of slow meter is resolved a officer of the Electrical Inspector and assessment of Rs. 72373 for 10 months is rework out to Rs. 22283/- for the near 2-3 months and the consumer paid this amount on date 18/12/2002 and he has withdrawn his dispute case vide his letter dated 9/12/2002 address to the Electrical Inspector and copy to the Ex. Engineer Dombivli. The Ex. Engineer Dombivli has also informed to the Electrical Inspector with copy to Secretary to energy minister regarding to resolved his problem vide his letter no. EE/Dombivli/billing /112 dated 06/01/2003.

As per condition of supply 20A(iii) the amount of bill is adjusted in accordance with the result of test taken with respect to the meter reading of three months prior to the month in which the dispute has arisen due regards being paid to the condition of working accuracy etc. during the month under dispute and during pervious three months. The amount of energy supplied to the consumer during the period shall be decided by Electrical Inspector whose decision shall be final. The matter of also meter recovery is already resolved by Electrical Inspector Thane and the consumer has agreed and paid the amount. Also in the second hearing the consumer representative Me. Vijay Dhaga has agreed for the same hence he point is deleted by the forum.

- vii) The Nodal Officer in his para wise compliance report letter No. 1526 dated 17/04/2006 stated that, the consumer installation in inspected time-to-time and connected load found as below.

Sanctioned load = 65 HP

Sr. No.	Inspection authority and date of inspection	Power factor observed	Connected load detected	Remark
1.	Testing Dn. Kalyan Circle on 02/06/2001	0.853	74.75 HP	Excess load found 10 Hp
2.	Fting squad Kalyan 13/08/2001	-	63.00 HP	No excess load found
3.	Flying squad Klayan on 4/09/2002	0.852	107.00 HP	Excess load found 42.00HP
4.	Energy audit cell, Klayan on 18/06/2003	0.812	99.15	Excess load found 14.00 HP
5	Kalyan Urban Dn. on 27/09/2004	0.785	95.97 HP	Excess load found 11.00 HP

From the above table the excess load is observed connected t consumer premises and as per condition of supply 31(e), f (ii) excess load penalty is lodge to the consumer.

The consumer representative Mr. Vijay Dhaga stated in his grievance that, during inspection by licensee on dated 18/06/2003 and 27/09/2004 the connected load is found 99015 HP and 95.78 HP respectively and he was already applied on dated 18/09/2002 for additional load 35.00 HP making total load 100 HP, hence all the bills issue by the licensee for connected load 107 HP is to be revised considering his sanctioned load 100 HP from the date of application dated 18/09/2002 an excess amount collected for 7.00 HP by licensee from 12/09/2002 be refunded with interest an admissible.

The consumer representative Mr. Vijay Dhaga has stated in his rejoinder dated 10/05/2006 that during inspection they included the spare and unused machineries in the alleged list and unilaterally carries out the alleged the inspection. The spot inspection of the said installation is carried out on date 13/08/2001 by flying squad Kalyan and connected load

is found 63.00 HP this inspection report confirm that connected load of consumer is 63.00 HP and omitted the spare/unused machinery from the alleged earlier inspection report but still licensee is claiming excess load penalty for indefinite period.

During the second hearing dated 10/05/2006, the Nodal Officer said that, if the consumer will pay the all pending dues, which are justified and which will be given to him within a 10 days, after giving him the particular of amount to be paid by him, the additional load will be treated as release with retrospective date i.e. 26/02/2003(from date of additional load sanctioned) and his sanctioned load will be treated as 100.00 Hp since date 26/02/2003 Mr. Vijay Dhaga Consumer representative agreed for this same.

The Nodal Officer accordingly revised the bill of May 2006 half amount Rs. 2,61300.00 to the credit bill of Rs. 9522.67 issued to the consumer along with the detail of fix charges, penalty on excess load, DPC interest, slow meter recovery to be refunded to the consumer. As the grievance of the extra load penalty of the consumer is resolved by the licensee hence this point is deleted by the forum.

- 26) The forum could not awarded decision within a period of two months but the date of receipt of grievance (grievance was received and registered by forum on 13/03/2006 as required as per clause 6.12 of chapter II of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulation 2003 because of the following reason.

i) The first hearing scheduled on 03/04/2006. The forum wrote a letter No. 746 dated 13/03/2006 to the Nodal Officer Kalayn Circle I, with relevant copies of papers and asked to him for parawise comments / reply within 15 days. The letter remain unreplied and informed vide his letter No. 1389 dated 01/04/2006 top grant of more time to submit the reply along with document / record. In order to understand to dispute clearly the forum requested to licensee to submit the information before 17/04/2006 and second hearing was scheduled on 10/05/2006

- ii) In the second hearing as agreed by the consumer to pay all pending dues which are justified within 10 days after receipt of amount to be paid by the consumer and agreed by Nodal Officer on receipt of all pending dues with the consumer the additional load will be treated as release with retrospective effect i.e. date 26/02/2003 (from the date of additional load sanctioned).
  - iii) The revised bill with particular of amount to be withdrawn and refunded to the consumer is given on dated 19/05/2006 and 20/05/2006 .
- 27) The revised bill issued to the consumer by the licensee for the credit amount of Rs. 9522.67 against excess load, DPC interest and slow meter recovery the month dated May 2006.
- 28) After carefully going through the entire episode, the forum unanimously decides to pass the following order.

### **O-R-D-E-R**

1. The licensee levied the PF penalty to the consumer since May 2003, is found justified and hence his claim refund of PF penalty has been rejected.
2. Consumer can file appeal against this decision with the Ombudsman at the following address.  
Maharashtra Electricity Regulatory Commission, 606/608,  
Keshav Building, Bandra Kurla Complex, Mumbai 51  
Appeal can be filed within 60 days from the date of this order.

3. Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address.

Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05

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".

***Date: -31/05/2006 Consumer***

**(V.V.Kelkar)**  
**Member**  
**CGRF Kalyan**

**(R.G.Maheshwari)**  
**Member Secretary**  
**CGRF Kalyan**