



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/341/385 OF 2010-2011 OF
SHRI ARUN YASHPAL AGRAWAL, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

Shri Arun Yashpal Agrawal
Gala No. 10, Geeta Ind. Estate No. 2 & 3
Waliv, Sativali Road,
Vasai (East), Dist. : Thane

(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. consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 11/06/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Shri Arun Yashpal Agrawal

Address: - As given in the title

Consumer No : - 001840855186

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/232 dated 11/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0340/0385/2010-11/4626, dated 02/07/2010.
- 4) The forum heard both the parties on 13/07/2010 @ 14.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. R. Purohit Nodal Officer and 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) in their company premises situated at Sativali Road, Vasai (East) in April 2003 in the name of Geeta Enterprises. According to consumer at the time of new connection they paid Rs. 19,500 (+) Rs. 11,700 as Security Deposit (SD)/Additional Security Deposit (ASD) but not

shown the said amount in the bill, therefore additional SD Rs. 26,600/- was collected and shown in the bill. It is contended that keeping the amount of Rs. 26,600 shown in the bill SD amount already collected Rs. 31200 needs to be refunded with interest. It is averred while appropriating SD amount licensee collected delay payment charges (DPC), interest and prompt payment discount (PPD) i.e. 1091.48 (+) 330 due to their negligence, of not showing SD/ASD amount in the bill. It is contended charging of PPD interest, DPC as above is contrary to the order dated 26/03/09 passed by the Hon. Ombudsman in representation No. 23 of 2009, therefore licensee is liable to refund the recovered amount. According to consumer single phase meter is not required since it is to be clubbed with three phase meter and the single phase to be permanently disconnected and to transfer SD (+) RLC to their LT-V connection, however, licensee collected excess amount from them and the said amount needs to be refunded. It is the grievance of consumer that in the event of lost/misplaced receipts of SD/ASD licensee is required to refund the said amount verifying the F-1 register and on receiving indemnity bond to which licensee not responding. It is contended licensee did not supply correct and update CPL for want of which they are put to trouble. In short, according to consumer licensee is liable to refund total Rs. 45,329 with interest. Consumer by their letter dt. 09/11/09 apprised the same to the Dy. Ex. Engr. but not responded hence approached the IGR Cell but in vain, therefore lodged this grievance with prayer to direct the licensee to refund amount of SD/ASD with interest without insisting receipts and the amount recovered towards DPC, interest and PPD and difference of MD based and HP based charges and further to direct to permanently disconnect single phase connection and to transfer

the amount of SD, RLC to their LT-V connection and to supply update and correct CPL.

- 6) Licensee filed their reply dated 02/07/2010. It is contended that without production of SD/ASD receipts amounts cannot be refunded. Case No. 93 of 2008 on this point is pending before the Hon. MERC. According to licensee MSEDCL's circular No. 57 authorize to appropriate SD/ASD from the main bill. In so far permanently disconnection of single phase supply and transferring amount of SD (+) RLC will be done as per the procedure. Licensee for all these reasons contended to dispose of the grievance.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a) Whether it is proper to refund the amount of SD and ASD without production of receipts by consumer ?	No
b) Whether action of the licensee to appropriate SD/ASD amount from the main bill of the consumer is justified ?	No
c) Whether licensee is liable to disconnect permanently single phase meter and to transfer the amount of SD, RLC to the consumer's LT-V connection ?	Yes
d) What Order ?	As per Order below

Reasons

- 8) At the outset learned representative for the consumer submitted that officials of the licensee have not supplied them correct and update CPL for

want of which they face difficulty to putforth their grievances properly. During the course of hearing Forum directed the representative for the licensee to supply correct and update CPL to consumer and accordingly it was supplied. In fact, officials of the licensee are duty bound to supply correct and update CPL as and when required need not to be reiterated.

- 9) Main grievance of consumer is that officials of the licensee do not refund amount of SD/ASD without the production of receipts thereby their huge amounts are blocked. It is urged by the learned representative for consumer that amount of SD/ASD are mentioned in the energy bill raised by licensee, and entry of this is recorded in F-1 register. In the event of misplaced/lost receipts on verifying F-1 register couple with billing records supported by indemnity bond officials of the licensee can refund the amount of SD/ASD however due to lethargy and inaction refund is avoided causing harassment. At the same time learned representative for the licensee contended that at times F-1 registers are not preserved, and that it is unsafe to make payment without the receipts, therefore from revenue precedents it is risky to refund amount without receipt. In this context he has pointed out that Akhil Bharatiya Grahak Manch has filed case No. 93/08 before Hon. MERC awaiting decision. We find force in the submission as above made by the learned representative for the licensee. When matter pertains to this vital point is under consideration of Hon. MERC we find difficult to give any directions in this context therefore presently it can safely be said that it is not proper to refund the amount of SD/ASD without the production of receipts.
- 10) So far refund of DPC, interest and PPD inviting our attention to the complaint dt. 09/11/09 addressed to the Dy. Ex. Engr. Vasai Sub-Division representative for the consumer submitted that at the time of getting new

connection in April 2003 Rs. 19,500 (+) 11,700 were paid as SD/ASD however, these amounts were not displayed on the bill, therefore fresh SD of Rs. 26,600 was appropriated from the current bill. Consumer was regularly paying the bills raised. Though the bill was paid within discount period, he was shown defaulter and deprived from the facility of PPD. Because of this licensee imposed DPC without any fault on the part of consumer, therefore claimed Rs. 1091.48 (+) 330, relying on the decision of Hon. Electricity Ombudsman in representation No. 23 of 2009 dated 26/03/09 in case Natural Sugar & Allied Industries V/s. MSEDCL. In this case licensee without intimating to the consumer appropriated Rs. 39.61 lacs from the May 2008 paid bill amount towards the ASD rendering May 2008 bill payment as insufficient, therefore licensee included delayed payment charges and interest in the bill of June 2008. Hon. Electricity Ombudsman observed licensee cannot transfer the amount of ASD/SD if unpaid to the main bill and treat it as arrears, cautioning transferring unpaid ASD amount in the main bill would mean allowing an interest or DPC on the ASD like any other arrears is not provided in the law and contrary to the Supply Code Regulations and pointed out that licensee's action to this effect of appropriating the amount from the payment of May 2008 bill towards ASD is disapproved directing licensee to refund the amount including DPC and/or interest if recovered. In the case in hand showing Nil amount of SD appropriated the SD amount from the current bill thereby consumer was treated defaulter for payment of energy bill though he regularly paid the bill thereby licensee imposed DPC and he was deprived from PPD. Above action of the licensee is obviously not in consonance to the provisions of Section 47 of Electricity Act 2003 and the Supply Code Regulation, therefore question of DPC does not arise and consumer is

entitle to interest on this amount of DPC and the PPD and the licensee is under obligation to calculate the same and pass on the appropriate credit in the ensuing bill. It is seen from the reply of the Executive Engineer Vasai Circle dt. 20/08/10 SD/ASD was appropriated from the main energy bill in the month of June 2008. Order of Hon. Electricity Ombudsman is dt. 26/03/09 consumer brought this order to the notice of Dy. Executive Engineer Vasai Sub-Division. It is not that this order of Hon. Electricity Ombudsman was not known to the officials of the licensee. It is therefore apparent that officials of the licensee flouting the provisions and the decision of Hon. Electricity Ombudsman referred to above, caused injustice in this context to the consumer. The licensee therefore can very well be directed to refund the amount including DPC, PPD and interest thereon and pass on the appropriate credit in the ensuing bill.

- 11) According to consumer single phase connection provided earlier has to be disconnected permanently clubbing with three phase meter installed in their premises and SD (+) RLC to be transferred to the existing LT-V connection. As per the letter of consumer dt. 13/07/2010 they have applied for P.D. on 09/11/09. Licensee vide their say dt. 02/07/10 para (3) conceded that single phase connection is to be clubbed with three phase connection and the SD & RLC to be refunded as per the rules. As per the department circular officials of the licensee are under obligation to comply the same. It is seen from the application of consumer dt. 13/07/10 as per the directions of IGR Cell application for P.D. was given on 09/11/09. When consumer applied on 09/11/09 it is not understandable as to how the officials of the licensee kept quite. This clearly demonstrates the recalcitrant attitude of the officials of the licensee towards the consumers amounting to deficiency of service. At the same time consumer failed to

placed on record copy of the application and its acknowledgement. In the absence of this hardly can be said that application for P.D. received to the licensee, therefore we are restrain ourselves to pass any order in respect of compensation as provided under Sub-Clause iii of Clause 7 in Appendix 'A' under Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. However looking to the glaring deficiency referred to supra licensee can be directed to disconnect permanently single phase supply if application filed by the consumer and to transfer recovered amount of SD/ASD (+) RLC to the existing LT-V connection as per rules. In this view of the matter we unanimously allow the grievance partly and answer the points accordingly.

- 12) While parting to the matter it is to be noted that this reference was submitted by the consumer before the Forum and was registered on 11/06/2010. Vide para 6.18 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 Forum to decide the grievance within a period of two months from the date of receipt. Learned representative for the licensee sought time to file written argument and submitted the same on 20/08/2010, therefore delay is caused in deciding the grievance. Hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee to refund the amount including DPC, PPD and interest thereon and pass on the appropriate credit in the ensuing bill.

- 3) Licensee is directed on receipt of application from consumer to disconnect permanently single phase connection and transfer the amount of SD (+) RLC to the existing LT-V connection.
- 4) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 5) The Compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 6) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, 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.

- 7) 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 : 01/09/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan