



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in**

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**IN THE MATTER OF GRIEVANCE NO. K/E/521/617 OF 2011-2012 OF**  
**M/S. PROFILE STEEL BARS MFG., VASAI (EAST) REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE BILLING.**

M/s. Profile Steel Bars Mfg.,  
Gala No. 32, 33  
Subodh Sagar Industrial Estate,  
Chinchpada, 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 60 HP load. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 02/07/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Profile Steel Bars Mfg.

Address: - As given in the title

Consumer No : - 1)001590446854 – 60 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/435 dated 02/07/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/B/8760, dated 16/07/2011.
- 3) The Members of the forum heard both the parties on 19/07/2011 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri U. M. Naik, Dy. Executive Engineer, representative 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.
- 4) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Subodh Sagar Industrial Estate,

Chinchpada, Vasai (East) in the year 1995. It is averred E.D. Rs. 14,400/- and Dev. Charges Rs. 4,500/- collected from the consumer which is not displayed on the bill. The consumer has submitted original receipts on 18/04/2011 for refund but the same is not refunded, which should be refunded alongwith interest. The consumer further contended that while extending load in the year 2003 licensee collected SD of Rs. 40,000/- but the same was not displayed on bill. It is contended as per the directions of Hon. MERC licensee needs to refund the S.D. amount and that consumer claimed the amount vide chart enclosed with interest but not refunded. As regards excess connected load penalty it is contended by the consumer that licensee collected amount Rs. 4,96,046/- on this count contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06 as mentioned in the chart enclosed. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. Consumer by letter dt. 18/04/2011 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amounts as above vide charts enclosed with interest.

- 6) Licensee filed reply dt. 16/07/11 contending that after submission of original receipt or any other proof of S.D. payment, the same will be refunded and so far connected load penalty cannot be refunded being barred by limitation.
- 7) At the outset it is to be noted that consumer produced Receipts of the SD as above on 18/04/2011 however this amount is not refunded. When consumer produced receipts, licensee is under obligation to refund the amount with interest without delay. This Forum in many cases including

Case No. 393 and 433 of 2010 filed by representative Shri Harshad Sheth clarified on this aspect. It is seen from the record consumer produced receipt alongwith application dt. 18/04/2011 but not refunded so far indicative of gross negligence, inaction on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement consumer not produced receipts, on perusal F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee is under obligation to comply and cannot obviate it's liabilities. For non receipt of the amount in time, consumers suffer mental agony and torture, he must have suffered loss on this count is necessary to be saddled the licensee with compensation of Rs. 500/-. Therefore licensee can be directed to refund the amount of SD with Bank rate interest and compensation as above.

- 8) According to consumer vide letter dated 18/04/2011 excess connected load penalty amounting to Rs. 4,96,046/- vide chart enclosed needs to be refunded. According to consumer on perusal the GPL, it is transpired that while enhancing load from 65 to 107 HP during the relevant period officials of the licensee collected excess connected load penalty and the same needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06 and 65 of 06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the order as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and if collected excess,

refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty and the need to refund the same.

- 9) While parting with the matter with regret we are constrain to mention that this Forum in many cases filed by the learned representative for the consumer Shri Harshad Sheth on same issues referring relevant orders passed by the Hon. MERC and Ombudsman had given clear directions to the licensee, however it is unfortunate consumer had to knock the doors of this Forum repeating the same grievance. We hope officials of the licensee would honor the orders passed by the Competent Authority so that the very purpose of enacting the act for consumers as well as the smooth functioning of the licensee would fulfill. Consumer is also cautioned that being a customer and the licensee as custodian of the records to keep rapport so as to smoothen the transactions. It appears instead approaching the licensee consumer sitting at one place seeking help, need to be avoided. Consequently grievance application will have to be partly allowed. 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 as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) Licensee is further directed to work out the amount of Excess connected load penalty as per the directions of Hon. MERC in case No. 02 of 03 and Ombudsman in case No. 39 of 2006 and 65 of 06 and if collected excess, to refund the same with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) 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”.*

- 5) 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 : 24/08/2011

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan