



**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/342/386 OF 2010-2011 OF**  
**SHRI BHERARAM PATEL, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

Shri Bheraram Patel  
Gala No. 18, Geeta Ind. Estate No. 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-V 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 Bheraram Patel

Address: - As given in the title

Consumer No : - 001840854741

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/236 dated 11/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0342/0386/2010-11/4628, dated 02/07/2010.
- 4) The forum heard both the parties on 29/07/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Shri S. M. Bangar, Dy. Ex. Engr. 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.
- 5) Consumer has taken electricity to the industry situated at village Waliv, Sativali Road, Vasai (East). It is contended that upto June 2008 consumer had received correct energy bill however from the month of July 2008

licensee issued unreasonable and incorrect bills showing wrong meter readings. It is contended in Sept. 2008 by recording wrong meter reading licensee issued huge bill for Rs. 89,160/- and thereafter also raised and issued incorrect bills in the month of Jan. and Feb. 2009. There was no reason to issue such incorrect and unreasonable bills however due to negligence such bills were issued for which consumer had to visit the office of the licensee to complain to that effect. Consumer had to spend about Rs. 100/- for each visit and he had so visited 24 times in a year. According to consumer due to unreasonable and incorrect bills they suffered mental and financial trouble therefore licensee is liable to pay them compensation totaling to Rs. 3000/-. It is further the contention of consumer that officials of the licensee appropriated the amount of Security Deposit (SD) Rs. 24800/- in the main bill for the month of June 2008 in contravention to the rules and regulations and therefore licensee is liable to refund delay payment charges (DPC), interest and prompt payment discount (PPD). Consumer complained to that effect to the Executive Engineer Vasai Division vide letter dt. 17/08/09 but not responded therefore they approached the IGR Cell where their grievance was partly redressed. Now it is the grievance of consumer that licensee charged excessive energy bill and has not refunded the amount of SD/ASD/DPC/PPD & interest, therefore licensee be directed to refund the amount as per the order of Hon. Electricity Ombudsman in Representation No. 23 of 09 so also the excess amount received towards energy bill with compensation and further to direct to issue correct and update copy of CPL.

- 6) Licensee opposed the contentions as above by filing reply dt. 02/07/2010. It is contended that as per correct recording of meter reading bills were

raised and issued to the consumer during the material period, however while making calculation on the sheet submitted with the case penalty calculation was avoided but P.F. incentives were shown however consumer tried to show the excess amount bill to get refund, is absolutely incorrect therefore question of raising excess bill negligently and giving compensation on that count does not arise. So far DPC, PPD and interest, it is averred while appropriating the Security Deposit/Additional Security Deposit (SD/ASD) in the month of June 2008 amount was not refunded for want of instructions to the I.T. department from Head Office. For all these reasons licensee prayed to dispose of the grievance being devoid of merits.

- 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 licensee charged excess amount of Rs. 886.72 from the consumer ?	No
b) Whether licensee is justified to appropriate SD/ASD amount from the main bill of the consumer ?	No
c) Whether licensee is liable to pay compensation to the consumer	Does not arise
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 copy of

CPL for want of which they face difficulty to put forth their grievances properly. During the course of hearing Forum directed the representative for the licensee to supply correct and update copy of CPL to consumer and accordingly it was supplied. In fact, officials of the licensee are duty bound to supply correct and update copy of CPL as and when required.

- 9) As per the letter dt. 19/07/2010 according to consumer licensee charged from them excess Rs. 886.72 per month vide bills of July 2008 to Feb. 2009 need to be credited in the ensuing bill revising the same. This has been controverted by the licensee vide reply dt. 02/07/10 contending that during the material period meter reading was progressive and correct, no average bill was charged and same meter was used to record consumption afterwards also. It is urged by representative for the licensee that consumer trying to show the amount of P.F. penalty as excess amount to get refund. On plain reading of the application given by consumer to the Executive Engineer dt. 17/08/09 mentions excess bill amount on this count comes to Rs. 89,160/- however, by letter dt. 19/07/10 as above he claims Rs. 886.72 per month for eight months. Inviting our attention to the chart page 4 learned representative for the consumer submitted that meter reading was wrongly taken therefore average difference of the material period comes about Rs. 886.72. Nothing to show that average bill was charged during the material period. Admittedly same meter used to record consumption afterwards also. On the premise perusing the record in the light of the relevant provisions to this aspect, hardly can be said that licensee charged excess amount as claimed. We find no force in the submission of the learned representative for the consumer for the reason

discussed supra and we hold that licensee raised and issued correct bill for the relevant period as per the actual consumption of energy.

- 10) Learned representative for the consumer inviting our attention to the application given to Executive Engineer Vasai Circle dt. 17/08/09 urged with force that the officials of the licensee appropriated their SD of Rs. 24,800/- from the main bill in the month of June 2008 is in contravention to the order in Representation No. 23 of 09 dt. 26/03/2009 therefore licensee is liable to refund DPC, interest and PPD. Hon. Electricity Ombudsman observed in the said matter that licensee cannot transfer the amount of ASD/SD if unpaid to the main bill and treat it as arrears, cautioning transferring unpaid SD/ASD amount in the main bill would mean allowing an interest or DPC on the SD/ASD like any other arrears not provided in the law and contrary to the Supply Code Regulations and further observed that licensee's action to this aspect of appropriating the amount from the main bill of May 2008 is disapproved directing licensee to refund the amount including PPD/DPC and interest if recovered. In the case in hand licensee appropriated the SD amount from the main bill is absolutely unjustified. It is therefore apparent that licensee grossly erred in appropriating SD/ASD as above as not in consonance to the provisions of Section 47 of Electricity Act 2003 and the Supply Code Regulation. Learned representative for the licensee at this juncture pointed out that they have not refunded the SD amount for want of instructions to I.T. department from Head Office. When Hon. Electricity Ombudsman on 26/03/2009 clarified the position referred to supra licensee has to act accordingly and liable to refund the amount of SD/ASD with DPC, PPD and interest thereon and pass on the appropriate credit in the ensuing bill.

- 11) It is to be noted that at times consumers claim amount of SD/ASD without producing receipts thereof as misplaced/lost. Representative for the licensee pointed out that Akhil Bharatiya Grahak Manch have filed case No. 93 of 2008 in this context before Hon. MERC, is awaiting decision. If that is so, it can safely be directed the licensee to refund the amounts as above on production of receipts.
- 12) It is thus clear that licensee has not recovered excess bill amount from the consumer thereby there was no negligence/inaction on the part of licensee therefore question of payment of compensation in the light of the SOP relied on by the representative for the consumer does not arise. Licensee however is liable to pay the amount of SD/ASD/PPD/DPC and interest thereon to the consumer within the stipulated time. In this view of the matter the grievance application will have to be partly allowed. Points are answered accordingly.
- 13) 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 has 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 of SD/ASD/DPC/PPD with RBI rate of interest and pass on the appropriate credit in the ensuing bill of consumer within one month from the date of receipt of this order.
- 3) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 4) The Compliance should be reported to the forum within 45 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 : 08/09/2010

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan