



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/441/497 OF 2010-2011 OF
M/S. DATTARAM PATTERN WORKS, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Dattaram Pattern Works
Gala No. 11,
Paras Ind. Estate,
Navghar, 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. 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. Dattaram Pattern Works

Address: - As given in the title

Consumer No : - 1)001610261155 – 13 HP

2)001610871280 – 30 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/696 dated 28/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9687, dated 22/11/2010.
- 4) The forum heard both the parties on 07/12/2010 @ 19.15 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 Paras Ind. Estate, Navghar, Vasai (East) in the year 1985. According to consumer while taking connection in 1985 licensee collected Rs. 3,690/- as SD. In Oct. 08 SD of Rs. 7,600/- appropriated by the licensee. In June 2009 credit balance while permanently disconnecting the single phase meter licensee did not credit the amount of Rs. 5190/- nor refunded the amount of SD & amount of appropriated ASD with interest and as such licensee is liable to refund the amounts as above vide chart enclosed with interest. As regards excess connected load penalty it is contended by the consumer that licensee collected huge amount i.e. Rs. 3,83,237/- 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. RLC paid for the single phase connection since it is merged in three phase meter, collected RLC approx. Rs. 2,03,057/- is required to be refunded but not refunded so far with interest vide chart enclosed. It is contended that licensee as per the directions in MERC case No. 144 of 2008 also did not refund the amount of ASC Rs. 32,378/- with interest vide chart enclosed. Consumer by letter dt. 30/07/10 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 amount of S.D., appropriated ASD., P.D. credit balance Rs. 5190/-, Excess connection load penalty, R.L.C. and A.S.C. vide charts enclosed with interest.

- 6) Licensee filed reply dt. 20/11/10 contending that the amount of SD and appropriated ASD is being refunded with interest. As regards Excess connected load penalty it is totally time barred by three years hence cannot be refunded. So far amount of RLC and ASC is being refunded with interest as per directions of Hon. MERC & Ombudsman.
- 7) At the outset it is to be noted that consumer vide Letter dt. 09/09/10 filed before this Forum in detail pointed out as regards the claimed refund. About refund of Security Deposit and appropriated ASD in Oct. 2008 and the credit balance while permanently disconnecting single phase meter, it is contended that the same as per chart has not been refunded. When consumer claimed deposited amount as above, licensee is under obligation to refund 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. As seen from the reply dt. 22/11/10 referred to above licensee pointed out the amounts are being refunded with interest and that licensee is liable to refund the same with interest without delay as per the directions given by Hon. MERC and Ombudsman.
- 8) According to consumer vide letter dt. 30/07/10 excess connected load penalty vide chart needs to be refunded with interest. Licensee vide reply dt. 22/11/10 pointed out that the claimed amount is totally time barred hence cannot be refunded. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 107 HP officials of the licensee collected excess connected load penalty approx. Rs. 3,83,237/- 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. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and the observations made by Hon. Ombudsman in para 12, 13, 14 in the order mentioned 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 and the refund of amount even of time barred of connected load penalty.

- 9) So far refund of RLC this amount was paid by the consumer to the licensee as loan in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as regards refund of RLC. When the amount running in thousands i.e. Rs. 2,03,057/- was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC and the Ombudsman and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect.
- 10) As regards ASC this Forum in case No. 394 and 424 of 2010 filed by representative Shri Harshad Sheth clearly pointed out on the compliance of the directions of Hon. MERC in case No. 144 of 2008. This amount

according to consumer is approx. Rs. 32,378/-. In para 8 (g) Hon. MERC pointed out as to how ASC to be calculated categorywise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and to refund with interest the excess amount collected if any, bearing in mind that concerned order of Hon. MERC is of 2008 and now we are at the fag end of the year 2010 and as such sufficient time has elapsed. 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, appropriated ASD and the credit balance in connection with permanently disconnected single phase meter if any, 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 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 connection load penalty, RLC and ASC as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03, 144 of 08 and Ombudsman in case No. 39 of 2006 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 : 30/12/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan