



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/007/0056 OF
2006-07 OF M/S SHRI UDHOMAL MOTUMAL PLASTIC
HELD AT REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
THE PENALTY CHARGES FOR USE OF EXCESS LOAD
THAN SANCTIONED LOAD BY LICENSEE IN HIS BILL.**

Shri Udhomal Motumal Plastic
M/s Anand Plastics, Shop No.1035,

(Here in after
referred to

Flour Near Shanti Textiles,
Ulhasnagar421003

as consumer)

Versus

Maharashtra State Electricity Dist.Co.Ltd

(Here in after

Through it's

Dy.Executive Engineer, Sub- Division III

referred to

as Licensee)

Ulhasnagar

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 a L.T. consumer of the licensee connected to their 415-volt network. The consumer disputed the charges levied by the licensee in the bill for use of excess load than sanctioned load vide his above grievance registered with forum. The consumer number., sanctioned load, period of dispute, are as follows: -
Name of consumer: - Shri Udhomal Motumal Plastic.
Address: - Same as above.
Consumer No. 02151006102.
Sanctioned load: - 52 H.P.
Period of dispute: Since July 2001.
- 3) The batch of 13 papers containing above grievance of consumer was sent to the Nodal Officer by the forum vide letter No.0477 dated 13/03/2006. The letter, however, remained unreplied by Nodal Officer.
- 4) Shri R.C Tekchandani was present on behalf of consumer during hearing on 10/04/2006.Nodal Officer

of the Licensee attended hearing on 10/04/2006 to represent the case, However during hearing Nodal officer requisitioned the services of Shri S.K.Savle, Dy.Ex.Engineer, and Shri J.R.Reddy, Assistant Engineer. The both then joined hearing. All two members Member and Member Secretary of the forum were present during hearing on dt.10/4/2006.

- 5) Shri R.C.Tekchandani took part in hearing he said that
- I) Licensee, levied the penalty in the energy bill for additional connected load 16 HP stating sanctioned load 37 HP and connected load 52 HP in the energy bill.
 - II) Afterwards they levied the penalty for additional connected load 23 HP stating sanctioned load 37 HP and connected load 60 HP in the energy bill.
 - III) It is absurd as sanctioned load is 52 HP and connected load is also 52 HP. So penalty for extra load is incorrect and it is to be withdrawn.
 - IV) Actually he has sanctioned 37 HP load as on 11/06/2001. He has got 15 HP additional load sanctioned and all necessary demand charges Rs.26, 740/- paid by him and submitted Test Report for additional load on dt. 13/06/2001. But the licensee did not corrected the load in energy bill and wrongly mentioning the sanctioned load 37 HP instead of 52 HP and continued to charge the penalty in the bill. It is to be withdrawn.

- 6) The Nodal officer of the licensee has failed to furnish the para wise comments on the grievance of consumer sent vide letter No.0477 dated 13/03/2006 to him by forum. The Licensee, representative Shri S.K.Salve, Deputy Executive Engineer stated that during the inspection of consumer installation by Jr. Engineer Q.C on dt.09/04/2002, the connected load of installation is found 60 HP. The consumer was present during inspection and he has agreed for the same and also signed the inspection report. One xerox copy of the same he has handed over to the forum.
- 7) Shri Tekchandani said that the Licensee Engineer never visited to his installation for inspection. Also after Inspection he never handed over one copy of inspection report to the consumer. However, forum shown to him the xerox copy of inspection reports during the hearing he has verified the copy and agreed for total load of 60 HP. But further he argued that the ICGRF Nodal officer withdrawn the extra load penalty vide his order No. SE/O&M/KEII/Tech/2742 dt.20/10/2005 so according to his order he further requested to forum to withdraw the penalty.
- But for defense Shri Salve Deputy Executive Engineer appealed to the S.E. Klayan Circle II (appellate authority) against Nodal Officer, order No.2742 dt. 20/10/2005, and appellate authority given decision vides order no.321 dt/. 27/1/2006 and according to this order the penalty for additional 8 HP is levied since

date 09/04/2002 till the date of regularization of the load. Consumer representative agreed for additional 8 HP load but he said that his present load is 52 HP now he should be billed on 52 HP. Shri Salve DYEE agreed for the same but he told for which the party has to submit the present connected load test report and on receipt of test report he will carried out the inspection of installation. & will confirm the connected load 52 Hp accordingly effect will be given to the consumer in the next bill.

The consumer representative agreed for the above.

- 8) Further, Mr. Salve, Dy.Executive Engineer, made the statement that as per the order of appellate authority (S.E Kalyan Circle II) order no.321 dt 27/1/2006, the penalty is levied in the bill only for extra 8 HP load, as per additional 15 HP sanction the consumer total sanctioned load is considered is 52 HP and this sanctioned load is corrected on the bill from the month of April 2004. Also B-80 is prepared for Rs.1, 84,814/- and is in process for approval of higher authority to waive the penalty of 15 HP which was proposed in the previous bill.
- 9) In view of the observation made in the preceding para 8 and study of case, we (CGRF) come to the conclusion as below: -
- 10) The consumer has got the bill on dt. 6.2.2002 for January and February 2002, for Rs.88, 920/- i.e. bill of adjustment of penalty of connected load 16 HP. The

Licensee, issued the past recovery considering the load is unauthorise extended by him. The consumer has protested the same and paid Rs. 50, 000/- against the recovery. The licensee fails to produce documentary evidence i.e. (load inspection report) to forum on which ground the penalty is levied.

- 11) The consumer has got additional load sanctioned 15 HP. So making total load 52 HP. (previously sanctioned 37 HP fresh additional sanctioned load 15 HP) and paid the necessary demand charges Rs 26,740/- and submitted test report of additional load 15 HP on dated 13/06/2001. The consumer installation revised sanctioned load is 52 HP since dt.13/06/2001. Total load 52 HP should be considered in the bill since date 13/06/2001.
- 12) The load inspection report dated 19/04/2002 submitted to forum by licensee representative during hearing, it bear the signature of the consumer. According to this report the connected load of the consumer is found 60 HP.
- 13) The consumer is billed as per tariff code 3(A) i.e. LTP-G 9 (General motive Power)

Applicability:	Applicability for General Motive power Services excluding Agricultural Pumping Loads. This Tariff shall also be applicable to IT Industry & IT enabled services (as defined in the Government of
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Maharashtra policy)

Approved by Maharashtra Electricity Regulatory

Commission with effect from 1st December 2003. The salient features of the said tariff applicable to this consumer for exceeding sanctioned load shall be determined on the basis of load actually drawn by the consumer to be measured through an appropriate meter.

- 14) From the material available on record the following points are worth noting.
- i) The penalty levied to the consumer in the bill dated 6/02/2002 of Rs.88,920/- is without verification/ inspection connected load.
 - ii) The additional 15 HP load sanctioned and formalities are completed on dated 13/06/2001 by the consumer. Hence final sanctioned load of the consumer from date 13/06/2001 became 52 HP.
 - iii) During inspection of consumer installation on dt.19/04/2002 the connected load is found 60 HP by the licensee's representative.
 - iv) The Maharashtra Electricity Regulatory Commission revised tariff applicable since date 1/12/2003.

- 15) After carefully going through the entire material available on record and observation made in preceding paras we are inclined to pass the following order.

O - R - D - E - R

- 1) The consumer-sanctioned load is 52 HP since date 13/06/2001 means the consumer connected load is

52 HP. Since date 13/06/2001 the amount of penalty levied extra load making total connected load 52 HP since date 13-06-2001 is hereby quashed.

- 2) Extra load amount of penalty levied in the bill dt.6/2/2002 for Rs.88, 920, is hereby quashed and set aside.
- 3) The penalty of excess load of 8HP (60-52) should be levied w.e.f 13/06/2001 till the date 30/11/2003.
- 4) The licensee should refund the amount if any paid by the consumer against the item 1 &2 above, should also withdraw the DPC interest (Delayed payment charges) levied on the said amount within a period 60 days from the date of this order.
- 5) 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 5.

Appeal can be filed within 60 days from the date of order

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can also 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”.

Dated:- 27/04/2006 Consumer

(V.V.Kelkar)

Member,

CGRF, Kalyan

(R.G.Maheshwari)

Member Secretary,

CGRF, Kalyan.