



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/343/387 OF 2010-2011 OF
M/S. D. D. POLYPLAST P. LTD. , VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. D. D. Polyplast P. Ltd.
Gala No. 03, Pride Ind. Estate
Sativali Road, Nr. Waliv Phata,
Vasai (E), 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. consumer of the licensee with C. D. 107 HP. 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 :- M/s. D. D. Polyplast P. Ltd.

Address: - As given in the title

Consumer No : - 1)001849031580 – 107 HP

2)001840872358 – 65 HP

3)001840869624 – 1 Ph. Commercial

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/238 dated 11/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0343/0387/2010-11/4629, dated 02/07/2010.
- 4) The forum heard both the parties on 29/07/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & 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) Consumer has taken electricity connection from the Distribution Licensee to their industry situated at Sativali Road, Vasai. As per revised tariff in May 2007 and since Oct. 2009 licensee started giving ASC refund based on the order in MERC case No. 144 of 2008, it is averred by the consumer that licensee wrongly charged entire units as costly power from June 07 to Sept. 07 in contravention to the equation laid down in the said order therefore consumer claimed refund in this context, however since calculation not fed to I.T. not refunded so far. It is further contended that single phase connection has been disconnected in January 2008 while extending load from 65 to 107 HP, however Security Deposit (SD), Regulatory Liability Charges (RLC) have not been refunded. By letter dt. 03/11/09 consumer requested the Dy. Executive Engineer Vasai Sub-Division to refund the amount on the above counts with other factors, however relief has been given in so far other factors only. Consumer therefore approached the IGR Cell but in vain and hence lodged this grievance with prayer to direct the licensee to refund excess collected ASC with interest and SD, RLC in so far single phase permanently disconnected connection with compensation for delay/negligence/lethargy/inaction on the part of licensee.
- 6) Licensee filed reply dt. 02/07/2010 contending that their Accounts Section is examining the position in connection with refund of ASC as averred by the consumer. In so far refund of SD and RLC of single phase permanently disconnected connection consumer has to give separate application and to produce original receipt of SD/ASD/RLC for payment in view of Account and Audit procedure and on completing the formalities as above

compliance can be made as per the rules and regulations therefore licensee prayed to dispose of the grievance since sans 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 is liable to refund ASC with interest to consumer as per the directions of Hon. MERC ? | Yes |
| b) Whether licensee is liable to refund SD/ASD & RLC in connection with single phase permanently disconnected connection to consumer as per the directions of Hon. MERC ? | Yes |
| c) Whether licensee is liable to pay compensation for causing delay in giving final dues to consumer ? If yes, how much ? | Yes Rs. 2800/- |
| 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 put forth 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.

- 9) Learned representative for the consumer submitted that since May 2007 tariff has been revised and accordingly from 2009 licensee started giving excess collected ASC by installments. This refund is based on MERC case No. 144 of 2008. Inviting our attention to the para 8 (g) of the said case learned representative for the consumer contended that officials of the licensee charged entire units of the months June, July, August, Sept. 07 as costly units and wrongly collected ASC, therefore difference is liable to be refunded to consumer vide letter dt. 29/07/10. Learned representative for the licensee pointed out that considering methodology of ASC calculation enumerated in MERC order as above Accounts Section on verifying the records would refund the amount if found excess, as per reply dt. 20/08/10. In para 8 (g) referred to above Hon. MERC pointed out as to how amount of ASC to be calculated and that licensee has to refund if found excess with RBI rate of interest. Licensee therefore can very well be directed to make calculation of ASC and to refund if found excess with RBI rate of interest in the light of the directions given by Hon. MERC within the stipulated time bearing in mind that the concerned orders of Hon. MERC are of 2008 and we are now in 2010 i.e. sufficient period has elapsed.
- 10) It is the grievance of consumer that their single phase connection vide consumer No. 001840869624 was permanently disconnected in January 2008 while extending load from 65 HP to 107 HP, however licensee did not transfer SD, RLC and interest in respect of this single phase connection to the account of consumer No. 001849031580 till today. Learned representative for the consumer in this context submitted that on 03/11/09 they had requested the Dy. Executive Engineer to refund SD & RLC of this connection permanently disconnected in January 2008 but none responded

though approached the IGR Cell. He urged with force that as per MERC Regulation 2005 and SOP licensee has to settle dues of such consumers within 30 days from the date of receipt of application for closure of account and for delay penalty of Rs. 100/- per week is imposed. On the other hand learned representative for the licensee submitted that as per the department circular dt. 15/12/08 consumer has to apply for P. D. and refund of SD, RLC separately, however consumer has not given separate applications in as much as because these applications are processed through various sections like Accounts, Audit, I.T. etc. On perusal the records available i.e. letter dt. 29/07/10 mentions consumer gave application for P.D. on 03/11/09, however nothing to show that he gave separate application for refund of SD & RLC as required. It is seen while extending the load from 65 to 107 HP in January 2008 single phase connection was permanently disconnected without application and that later on 03/11/09 this sort of application tendered. Apart from giving applications, one thing is apparent that in case of P. D. connection licensee is under obligation to refund/transfer the amount of SD & RLC with interest to the consumer. In this case according to licensee this amount has not been transferred/refunded since separate application as per the circular dt. 15/12/08 not given by consumer. Under the circumstance consumer can be directed to give separate application for refund of SD & RLC if not given earlier. Assuming for a movement no separate application is given, vide application dt. 03/11/09 consumer apprised that his single phase connection is to be made P.D. follows SD/RLC in this context is to be refunded, therefore it cannot be said that officials of the licensee were and are not aware of single phase connection P.D. Considering the position we

are of the considered view that licensee has to refund SD & RLC with RBI rate of interest when connection is made P.D.

- 11) As stated above consumer gave application for permanently disconnection of single phase connection on 03/11/09. As per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 Appendix 'A', Clause 7 (iii) 30 days time is provided as standard time for payment of final dues to consumer from the date of application for closure of account. Therefore officials of the licensee should have paid final dues of SD/ASD/RLC to the consumer herein within 30 days from 03/11/09 i.e. till 04/12/09 however in the case in hand, inspite of giving application for P.D. final dues are not paid till today is apparently causing delay, inaction/lethargy/negligence on the part of officials of the licensee. For this licensee is liable to pay compensation. As per Appendix 'A', Clause 7 (iii) as above this compensation comes 7 months X 4 weeks = 28 weeks X Rs. 100 per week = Rs. 2800/-. It is therefore proper to direct the licensee to pay Rs. 2800/- as compensation for non payment of final dues as above and further to pay compensation of Rs. 100/- per week till final payment is made.
- 12) Learned representative for the licensee contended that receipts of SD/ASD & RLC are necessary to be produced for refund. On this count case No. 93/08 filed by Akhil Bharatiya Grahak Manch is before the Hon. MERC awaiting decision. Therefore presently consumer has to produce receipts for refund as above. In view of the discussion supra, the licensee will have to be directed to furnish update and correct copy of CPL, to refund amount of SD/ASD/ASC/RLC with RBI rate of interest on production of receipt, and

to pay compensation for delay in giving final dues to consumer and points are answered accordingly.

- 13) While parting to the matter it is to be noted that this grievance 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 allowed.
- 2) Licensee to refund the amount of SD/ASD/ASC/RLC on production of receipts with RBI rate of interest and pass on the appropriate credit in the ensuing bill within 30 days from the date of receipt of this decision.
- 3) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 4) Licensee to pay compensation of Rs. 2800/- (Rs. Two Thousand Eight Hundred only) for delay in giving final dues to consumer and further to pay compensation Rs. 100/- per week from today till the final dues are paid.
- 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 : 08/09/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan