



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/442/499 OF 2010-2011 OF
M/S. NEEL PACK, VASAI REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE
BILLING.

M/s. Neel Pack
Gala No. 14, Samruddhi
Sagar Plaza Ind. Estate,
Satali Road, Gokhiware,
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. consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 20/11/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Neel Pack

Address: - As given in the title

Consumer No : - 1)001590791551 – 13 HP

2)001590792264 – 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/714 dated 20/11/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10950, dated 29/12/2010.
- 4) The forum heard both the parties on 29/12/2010 @ 14.00 Hrs. in the meeting hall of the Forum’s office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri M. S. Patil, Asstt. Acctt.. and Shri J. P. Keni Sub-Engineer, 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 Sagar Plaza Ind. Estate, Gokhiware, Vasai (East) in the year 2004. It is averred while taking connection in 2004 licensee collected SD of Rs. 3900/- and ASD Rs. 2340/- however did not refund the same though receipts produced, therefore, the licensee is liable to refund the amount vide chart enclosed with interest. It is further contended that consumer applied for permanent disconnection of their single phase meter as mentioned above, however licensee did not do anything on this count. It is therefore the contention of the consumer that the licensee be directed to settle their account matters as per the rules and regulations. Consumer by letters dt. 12/08/10, 13/09/10 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 amounts as above vide charts enclosed with interest.
- 6) Licensee filed reply dt. 29/12/10 contending that S.D., ASD amount is being refunded with interest. As regards P. D. of single phase connection necessary instructions have been given to the concerned.
- 7) At the outset it is to be noted that consumer produced Receipts of the SD & ASD as above however, till the beginning of the year 2011 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 receipts alongwith application dt. 12/08/10

but till the beginning of the year 2011 this amount is not refunded 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 of 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/-.

- 8) So far permanent disconnection of single phase meter and refund the amount collected in this context, it is contended by the licensee that instructions have been given to concerned Section Engineer and on receipt of his report, account will be finalized In fact, while permanently disconnecting the single phase meter licensee should have refund the amount collected in this context and not consuming time as happened. Licensee therefore will have to be directed to refund the amount of SD/ASD/RLC collected in this context without delay.
- 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 being the 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 and ASD 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 directed to pay compensation of Rs. 500/- (Rs. Five Hundred only) to the consumer as mentioned in para No. 07 as above within 90 days from the date of receipt of this decision.
- 4) Licensee is directed to refund the amount of SD/ASD/RLC collected in the context of single phase connection with R.B.I. rate of interest to the consumer if not refunded earlier, within 45 days and compliance should be reported to the forum within 60 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 : 07/01/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan