



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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IN THE MATTER OF GRIEVANCE NO. K/ E/208/232 OF 2009-2010 OF  
M/S. TECHNOKRATES, VASAI REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT  
EXCESSIVE BILLING.

M/s. Technokrates  
Gala No.126,Dewan & Shah Ind. Estate No.1  
Opp.Telephye Exchange  
Navghar, Tal.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 conformed 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 above 20 KW consumer of the licensee with C. D. 43 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 16/03/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Technokrates

Address: - As given in the title

Consumer No : - 001610258171

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/247 dated 18/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/3535, dated 04/05/2009.

- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 29/12/2008. The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 18/03/2009.

- 5). The Members of the Forum heard both the parties on 17/04/2009 @ 16.00 Hrs. and on 04/05/09 at 15.00 hours in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri Sidore, A.E., Shri R.G.Gharat, UDC, Asstt.Acctt., representatives of the

licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and 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.

- 6). The following grievances raised by the consumer in its letter dated 29.12.08 sent to the concerned Executive Engineer and of which copy the consumer has attached with the grievance made before this forum, and considering the reply dtd. 04/05/09 with CPL filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolutions on each of such grievance is given against it, for the given reasons.

- 7). As grievance No.1 - Refund of excess amount recovered by applying MD based tariff, PF penalty etc. - The Consumer Representative (CR) submits that the licensee has charged MD based tariff to the consumer without 100% metering and its such action is illegal. He relies on zerox copy of operative order dtd.20.6.08 of MERC in case No.72 of 2007, MSEDCL circular No.81 dt.7.7.08 in support of his such contention. He further submit that as per order dated 12.9.08 of MERC in case 44 of 2008, the licensee can not impose MD based fixed charges, PF penalty and demand penalty/incentive without MD based tariff being made applicable to the concerned consumer but in the instant case, the licensee has applied the above charges or penalties without MD based tariff being applicable to it and hence such action of licensee is illegal. He further submit that thus the licensee has violated the Act, rules and orders of MERC and hence is liable for action under section 142 and 146 of the Electricity Act 2003. He further submits that therefore the licensee be

directed to refund the amounts of such illegally recovered charges together with interest at the rate which it applies to the defaulting consumer. The CR submits that the consumer claims refund of an amount of Rs.1250/- towards the difference in between the fixed charges as per MD based tariff and HP based tariff and refund of PF penalty of Rs.3213.69 on this count.

---As against above contention, the LR submits that the licensee has applied MD based tariff from Aug.08 on completion of 100% TOD metering and as per directives given in Clause 10.5 of Com. Circular No.81 dt.7.7.08. He therefore submits that whatever charges based on MD based tariff, are recovered by the licensee from the consumer are correct and legal and therefore the question of refunding the same to the consumer does not arise.

- 8). While deciding the question regarding the applicability of MD based tariff to the LT above 20 KW industrial units, the Hon.Electricity Ombudsman vide order dated 6.5.09 in representation No.33 of 2009, M/s.Crystal Industries V/S MSEDCL, relying on the MSEDCL's circulars dtd. 05.02.09 held that the MSEDCL has suo moto decided to start MD based tariff for LT V consumers from April 09 inspite of 100% installations of MD meters completed in Aug.08 and therefore the MSEDCL is liable to refund the excess fixed charges and PF penalty recovered from such consumer. Therefore following the above referred decision, the licensee is directed to refund the amount of MD charges collected over and above the fixed charges recoverable as per HP based tariff and the PF penalty recovered from the consumer in the period prior to April 09, together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 9). As to grievance No.2 regarding bill adjustment: - The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs.748.32, Rs,897.60, Rs.106/-, Rs.1089.94 in the bills for the periods 2.8.07 to 1.9.07, 2.7.07 to 2.8.07, 2.6.07 to 2.7.07 and 2.2.07 to 2.3.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee has claimed that the above mentioned 1st and second amounts are of TOSE @ of 4 np p/u from Mar 06 to Sept.06 and TOSE @ of 4 NP p/u from Sept.05 to Feb.06 respectively and as far as the above referred 3<sup>rd</sup> and 4<sup>th</sup> amounts of bill adjustments are concerned, detail clarification is sought from higher authority and on receipt of information, the licensee shall be informed accordingly. The CR has relied upon the order dated 24<sup>th</sup> May 2005 passed by MERC in case No. 28 of 2004 in support of his contention that the licensee has earlier refunded the TOSE charged for the above referred periods as per the above referred order, but has again charged the same as above without any further order of MERC about it. The licensee has not filed any such order of MERC passed after the above order which enabled it recharge the TOSE. In view of the facts as discussed above, the licensee is directed to obtain necessary information in respect of above referred 3<sup>rd</sup> and 4<sup>th</sup> amounts from the higher authority and give the same in writing together with explanation as to how it has recharged TOSE as claimed particularly in reference to the order dated 24/05/2005 passed by MERC in case No. 28 of 2004, to the consumer within a period of 30 days & on failure to do so, or in case of unsatisfactory explanation, refund the excess amount if any, recovered as above together with interest at the

bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after 30 days.

- 10). As to grievance No.3 - regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 - The consumer has claimed refund of an amount of Rs.9259.77 on this count as the charges of the relevant period were reverted back to the HP based tariff from MD based fix charges, due to non completion of installation of MD meters in entire Maharashtra. The licensee claims that it has refunded an amount of Rs.8065.32 in the month of May 07 and some amount in other month which will be intimated after confirmation from the higher authority. However, CPL for May 07 does not show adjustment of giving credit of any such amount as claimed by the licensee. Therefore, the licensee should again verify as to whether any credit of such amount and other amount has been given to the consumer and then give credit of such remaining amount, if any, to the consumer in the ensuing bill after a period of 30 days.
- 11). As to grievance No.4 – regarding ASC recovered in the month of Oct.06 and Jan.08: - The consumer claims that Benchmark consumption (BC) for consumer is 3410 units and therefore threshold comes to 3103 units. The CR submits that the consumer's consumption for the month of Oct.06 was less than the threshold and therefore the licensee should not have charge ASC to the consumer and therefore the license be directed to refund Rs. 312.80 charged as ASC for the said month. As against this, the licensee claims that as per tariff order from 2006 – 2007 in case No.54 of 2005, ASC charges were 12%. The consumption for the month of Nov.06 ( which should be Oct.06) was 2262 unis and its 12% comes to 272 units hence the ASC charged is correct and hence the consumer is entitle for

any refund on this count. The licensee however, did not produce on record any circular in support of its such contention. Therefore the licensee is directed to recalculate the ASC for the months Oct.06 and Nov.06 and give its details alongwith the concerned circular regarding ASC charges for the said month in writing to the consumer within a period of 30 days from the date of this decision, failing which or in case of unsatisfactory explanation, the licensee to refund an amount of Rs.312.80 or the amount recovered in excess, whichever is more, together with interest at the bank rate of RBI to the consumer by giving its credit to it in the ensuing bill after the period of one month from the date of this decision.

- 12). As to grievance No.5 – regarding refund of IASC during the period Oct.06 to Apr 07. The consumer claims that the licensee is to refund IASC charge during Oct.06 to Apr 07 as per order dated 17.9.08 passed by MERC in case No.45 of 2005, and such amount is Rs.110.88 and therefore licensee be directed to refund the same to the consumer. The licensee claims that the matter referred to higher authority for directions regarding refund of IASC charges and decision will be taken accordingly. Incremental additional security charges was charged as directed by MERC but licensee Vasai Division is violating MERC Order No.45 dt. 17.9.08 page No.6 para No.156 which reads as “It is felt necessary to direct MSEDCL to undertake necessary changes to its software within next 30 days. MSEDCL is directed to refund the incremental ASC for the period from Oct.06 to Apr.07 to all the consumers who have contributed towards ASC”. This is the duty of licensee to honor and implement the orders, Regulations of MERC and I.E.Act 2003, Therefore licensee is directed to refund the IASC collected during the period from Oct.06 to Apr 07 from the consumer as per

directions given in the above referred order of MERC, by giving credit of such amount together with interest at the Bank rate of RBI to the consumer in the ensuing bill after 30 days from the date of this decision.

13. As to the grievance No.6 regarding refund of excess FAC recovered in the bill of Sept.08 (billing period Aug 08). The consumer claim that the licensee has shown zero consumption in the bills issued for the months of July and Aug.08 and the total consumption in the bill for the month of Sept.08 is shown as 7439 units. The consumer claim that zero consumption in the above referred bills have been shown as no reading was taken in the said months and it resulted in showing of excess consumption i.e. total consumption of three months in the bill for Sept.08 and it resulted in charging excess FAC in the bill for the month of Sept.08, The consumer claim refund of Rs744.08. As against this the licensee claims that the case is under scrutiny and action to refund will be taken, if applicable. The CPL for the months of July to Sept.08 supports the above contention regarding the consumption shown in the said months of the consumer and therefore there is every possibility of excess charging of FAC. The CPL shows that the meter readings were available at the time of readings for preparing bills for the earlier month of June 08 and subsequent month of Oct.08 and said fact rules out the possibility of there being any fault in or stopping of meter. Therefore, the licensee is directed to recalculate the FAC for the consumer to be charged in the bills for the months July 08 to Sept.08 by taking average consumption for each such month considering the consumer of 7439 units as the consumption of the said three months, and refund the excess recovered FAC to the consumer



together with interest at the bank rate of RBI by giving its credit to the consumer in the ensuing bill after 30 days from the date of this decision.

- 14). As to grievance No.7 regarding refund of proportionate TOD charges charged in the bill for the month Sept.08 – The consumer claim that in view of the facts stated above in respect of grievance regarding charging excess FAC, the TOD charged in the bill for the month of Sept.08 is also liable to be reduced proportionately and according to the consumer it should have been charged TOD charges of Rs.983.21 instead of Rs.1949.65 and therefore the licensee be directed to refund an amount of Rs.1966.44 on this count. The licensee claims that the TOD charges charged in Sept.08 are under scrutiny and action will be taken if applicable. Therefore, the licensee is directed to recalculate the TOD charges to be charged in the bills for the months July, Aug. and Sept.08 after considering the average consumption taking the consumption shown in the bill for the month of Sept.08 as the consumption of the said three months, and refund the excess amount, if recovered, on this count, together with interest at the Bank rate of RBI, to the consumer by giving its credit to the consumer in the ensuing bill after period 30 days.
- 15). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

**O-R-D-E-R**

- 1) The licensee to comply the directions given in above para Nos.8 to 14..

- 2) The Compliance should be reported to the forum within 90 days from the date of decision.
- 3) The Consumer can file representation against this decision with the Ombudsman at the following address.

*“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.

- 4). 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 : 13/05/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan