



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/443/500 OF 2010-2011 OF
M/S. K. P. PLASTICS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. K. P. Plastics
Gala No. 10 / 13,
Kalpataru Ind. Estate,
Chinchpada, Waliv

Vasai (East), Dist. : Thane – 401 208

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 Consumer)

(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. 54 KVA.. 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. K. P. Plastics

Address: - As given in the title

Consumer No : - 1)001840503891

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/717 dated 20/11/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10946, dated 29/12/2010.
- 4) The forum heard both the parties on 29/12/2010 @ 14.15 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 Kalpataru Ind. Estate, Chinchpada, Waliv, Vasai (East) in the year 1995. It is averred in June 2008 licensee appropriated the Security Deposit (SD) of Rs. 48,200/- to the unpaid bill and collected interest/DPC consequently they could not get the benefit of PPD vide chart enclosed. As regards excess connected load penalty it is contended by the consumer that licensee collected huge amount i.e. Rs. 1,30,906/- 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 consumer applied for permanent disconnection of their single phase meter 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. 21/12/09, 28/05/10 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 appropriated S.D. amount with excess connected load penalty is being refunded with interest. As regards P. D. of single phase connection necessary instructions have been given to the concerned.
- 7) So far appropriation of SD amount Rs. 48,200/- in June 2008 it is submitted by the licensee that PPD, DPC etc. will be refunded through the bill for the month of January 2011. As per the order of Hon. Electricity

Ombudsman in representation No. 23 of 09 dt. 26/03/09 in case Natural Sugar and Allied Industries V/s. MSEDCL licensee cannot transfer the amount of SD/ASD if unpaid to the main bill and treat it as arrears cautioning transferring unpaid SD/ASD amount in the main bill would mean allowing interest or DPC on the SD/ASD like any other arrears is not provided in the law and contrary to the Supply Code Regulation and further pointed out that licensee's action of appropriating the amount of SD/ASD is disapproved directing licensee to refund the amount including DPC and/or interest if recovered. In the instant case showing Nil amount of appropriated SD in June 2008 consumer was treated defaulter for payment of energy bill thereby the consumer deprived from PPD and that DPC and interest was imposed. Considering the facts as above action of the licensee of appropriating SD imposing DPC and interest is not inconsonance to the provisions of Section 47 of Electricity Act 2003 and the Supply Code Regulation. In view of this licensee is liable to refund the amount of DPC, PPD and interest collected while appropriating ASD as above as per the order dt. 26/03/09 referred to above if not refunded earlier. This Forum in many cases including case No. 398 & 422 of 2010 filed by learned representative Shri Harshad Sheth on this point thrown light.

- 8) According to consumer vide letter dt. 28/05/10 excess connected load penalty amounting to Rs. 1,30,906/- vide chart needs to be refunded. Licensee vide reply dt. 29/12/10 pointed out that the claimed amount is hopelessly time barred. 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 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. Inviting our attention to the documents on record learned representative for the consumer urged that the licensee adopt delay tactics thereby cause harassment and torture to the consumer in account matters. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the order as 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, concerned account matters pertaining to the consumer and to settle at rest 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 of connected load penalty and the need to refund the same.

- 9) 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 refunded the amount collected in this context and not consumed time as happened. Licensee therefore will have to be directed to refund the amount of SD/ASD/RLC collected in this context without delay.

- 10) 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 DPC, PPD and interest collected while SD appropriated in June 2008 with R.B.I. rate of interest to the consumer if not paid earlier, as per the directions given by Hon. Ombudsman in representation No. 23 of 09 dated 26/03/2009 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 work out the amount of excess connected load penalty as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03 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) 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