



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/ E/209/233 OF 2009-2010 OF
M/S. S.V.P. PACKING INDUSTRIES, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. S.V.P. Packaging Industries
Gala No.111 & 126 Dewan & Shah
Ind.Estate No.1 Opp.Tel.exchange
Navghar, Tal.: Vasai (East), Dist.Thane

(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.-V above 20 KW consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 18/3/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. S.V.P.Packaging Industries

Address: - As given in the title

Consumer No : - 001610255236

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/250 dated 18/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/ (E)/B/3132, dated 20/04/2009.

- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 03/01/2009. 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 21/04/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri B.D.Sidore, A.E., Shri S.B.Hatkar, 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, arise for consideration, and considering the reply dtd. 20/04/09 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 zero 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 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.185.24, Rs.328.12, Rs.30.74. Rs.169.54 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 3rd & 4th 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 24th 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 3rd and 4th 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.5925.33 and Rs.3852.20 recovered during Oct.06 and next four months respectively, 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. The CPL for the month May 07 does show that the licensee has given credit of Rs.8063.80 to the consumer. However, it is not mentioned in the CPL that the said amount is of the difference of MD based tariff and HP based tariff of the above referred period. The licensee has also not made clear as to whether it has given credit of any other amount on this count to the consumer. Therefore, the licensee should again verify as to whether the above referred of Rs.8063.80 is of such difference and whether credit of any other amount on this count has been given to the consumer, and refund excess amount, if any, together with interest at the bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after a period of 30 days.
- 11). 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. 07 to 10.
- 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.

“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.

- 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 : 14/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan