



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/444/501 OF 2010-2011 OF
M/S. HARSHADBHAI R. SHAH, VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Harshadbhai R. Shah
Gala No. 5 & 6,
Neminath Ind. Estate No. 03,
Navghar, 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-V consumer of the licensee with C. D. 70 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. Harshadbhai R. Shah

Address: - As given in the title

Consumer No : - 1)001619871452 – Spl. LT

2)001610863406 – 65 HP

3)001610361036 – 1 Ph.

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/720 dated 20/11/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10939, dated 29/12/2010.
- 4) The forum heard both the parties on 29/12/2010 @ 14.30 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 Neminath Ind. Estate No. 03, Navghar, Vasai (East) in the year 1999. It is averred while taking connection licensee collected SD of Rs. 12,000/-, ASD Rs. 9,600/- and while extending load to 65 HP in July 2005 collected SD Rs. 7500/- and ASD Rs. 4,500/- but does not appear in the computer due to change over to Oracle System. It is contended on verifying F-1 register or any other evidence as per the directions of Hon. MERC licensee needs to refund the same and that consumer claimed the amount vide chart enclosed with interest but not refunded. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. RLC amount of Rs. 1,28,935/- paid for the single phase connection since it is merged in three phase meter, collected RLC is required to be refunded but not refunded so far with interest vide chart enclosed. It is averred that the licensee as per the directions in MERC case No. 144 of 2008 did not refund the amount of ASC for the period Oct. 2009 Rs. 16,655/- with interest vide chart enclosed. According to consumer in the bill of December 2008 P.F. was charged wrongly. Bills for August and Sept. 2008 were not given, PF of Sept. 08 was 0.33 therefore penalty vide chart enclosed needs to be refunded. 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 letter dt. 09/08/10, 12/08/10 and 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 amount of SD & ASD, RLC, ASC and P. F. penalty with interest is being refunded. As regards P. D. of single phase connection necessary instructions have been given to the concerned.
- 7) So far refund of SD, ASD in the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in case No. 93 of 2008. This Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund if not paid earlier, with R.B.I. rate of interest.
- 8) So far refund of RLC consumer pointed out that this amount was paid by the consumer to the licensee as loan in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as regards refund of RLC. When the amount running in thousands i.e. Rs. 1,28,935/- was given in difficult days, licensee is under obligation to refund

the same as per the directions of Hon. MERC and Ombudsman and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect.

- 9) As regards ASC this Forum in case No. 394 and 424 of 2010 filed by representative Shri Harshad Sheth clearly pointed out on the compliance of the directions of Hon. MERC in case No. 144 of 2008. This amount according to consumer is running in thousands i.e. Rs. 16,655/-. In para 8 (g) Hon. MERC pointed out as to how ASC to be calculated category wise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and to refund with interest the excess amount collected if any, bearing in mind that concerned order of Hon. MERC is of 2008 and now we are in the beginning of the year 2011 and as such sufficient time has elapsed.
- 10) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer vide rejoinder dt. 30/12/10 in the month of September 2008 contrary to the formula as approved by the Hon. MERC power factor penalty was wrongly collected. Based on the MRI

data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer.

- 11) 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.
- 12) 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 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 further directed to work out the amount of RLC, ASC and Power Factor penalty as per the directions of Hon. MERC in case No. 72 of 2007, 144 of 08, 116 of 08 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