



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/211/235 OF 2009-2010 OF
M/S. M.K.S.INTERNATIONAL, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s.M.K.S.International
Gala No.4, Kalpataru Ind.Estate No.2
Chinchpada,
Waliv, Vasai (East),
Tal : Vasai, Dist : Thane 401 208

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai (East) Sub-Division

} (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. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 18/03/2009 for Excessive Energy Bill. The details are as follows: -
Name of the consumer :- M/s. M.K.S.International
Address: - As given in the title
Consumer No : - 001840604850
Reason of dispute: Excessive Energy Bill.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/256 dated 18/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/T/3536, dated 04/05/2009.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL., Vasai Division, Vasai East on 07/01/09. 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 first hearing was scheduled on 22.04.09 and same was postponed on request of consumer to 04/05/09. The Members of the Forum heard

both the parties on 4/5/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth & Shri Vinit Sheth, representatives of the consumer & Shri Sidore, AE and Shri R,G.Gharat, UDC, representatives of the licensee attended hearing. Minutes of hearing including submissions made by the representatives of the parties are separately recorded and the same are kept with the record. Submissions made by the representatives of the parties shall be considered while deciding each of the grievance and the same is not separately mentioned in the judgement, to avoid the repetition.

- 6). The consumer has raised the following grievances in its letter dated 03/01/09 sent to the concerned Executive Engineer 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, and submissions made by the parties, record produced by the parties, the finding on each of such grievance is given against it, for the following reasons.
- 7). As to grievance (a) – regarding Security Deposit” The consumer claims that the consumer has paid SD at the time of taking new connection in Oct.97, i.e. Rs.33,150/- but the bills upto May 08 were showing SD as nil. The consumer has paid Rs.34900/- as Security Deposit in June 08 and the same is displayed on the bill. The licensee should check the total amount of SD and should refund the excess S.D. of Rs. 33,150/- paid in 1997 to the consumer and also the interest on SD be also credited to the consumer. As against this, the licensee claims that the connection has been given to the consumer on

16.10.97. The SD paid at the time of connection not displayed on bill. The LR submits that its office is searching its record to find out the exact amount of SD. In the meantime, the consumer may submit the zerox copy of SD receipt for quick disposal of the case. Considering the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with consumer, display the correct amounts of SD, and also give the credit of excess SD amount with the interest at the Bank rate of RBI on such amounts of SD at the prevailing rate to the consumer, in the ensuing bill after a period 30 days.

8). As to grievance (b) - Regarding bill adjustment amounts:

The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs.106/-, Rs.1552/- and Rs.1809.36, in the bills for the billing periods July 07, Aug.07, and Sept.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that detail clarification in respect of first amount of Rs. 106/- is sought from higher authority and on receipt of the same, the consumer will be informed accordingly, and the above second and third amounts are of TOSE @ of 4 np p/u from Sept.05 to Feb.06 and TOSE @ of 4 NP p/u from Mar 06 to Sept.06 respectively. Thus the license has given justification regarding last two amounts but not given such details regarding first amount. 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 first amount 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.

- 9). As to grievance (c) – refund of MD based fix charges from Oct.06 to Mar 07: The consumer has claimed refund of an amount of Rs.11,584.13 on this count as the charges of 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 the amount of such difference i.e. an amount of Rs. 8065=32, in the month of May 07. However, the licensee has not given details as to how it has concluded to such amount, & the consumer claims such amount of difference as Rs. 11,584=13. Therefore the licensee is directed to give detailed calculations as to how it has calculated such amount & the way by which it has paid the amount of Rs. 8,065=32, & refund excess amount

if any, to the consumer, by giving it's credit together with interest at the rate of bank rate of RBI, to the consumer in the ensuing bill after a period of 30 days.

- 10). As to grievance (d) - Refund of ASC : The consumer claims that Benchmark consumption (BC) for consumer was 7215 units per month and therefore its 9% cheap power units come to 6566 units. As per MSEDCL circular, if the consumption is below threshold Benchmark consumption then ASC will not be chargeable in that month. But licensee charged ASC charges for 634 units for billing period Oct. 06 in the bill for Nov. 06 which are not justified. So consumer demanded refund of the amount of Rs.729.10, recovered in excess due to the charging of ASC. The licensee replied that as per tariff order for 2006-07 case No.54 of 2005, ASC charged 12% of the consumption for the month of Nov.06 was 4987 units and 12% of its comes to 4388 units. Hence ASC charged is correct. On scrutiny of CPL, it is found by forum that consumption for billing period Oct. 06 in the bill for Nov.06 is 5280 units which is less than Benchmark consumption i.e. 7215 units. Hence ASC is not applicable. Therefore the licensee is directed to refund an amount of Rs.729.10 which is recovered against ASC in the bill for Nov. 06, together with interest at the Bank rate of RBI, in the ensuing bill after completion of 30 days from the date of this decision.
- 11). As to grievance No.(e) – regarding wrong billing against MF. The consumer claims that the licensee changed the meter in Mar 08 and while giving bill of that month the licensee charged with MF as 1 but next month's bill was charged considering MF-2 and the difference of

earlier month was added which should come to Rs.14,944.13 as shown on bill sheet, but licensee had added arrears of Rs.18,493.59 by mistake so difference amount of Rs.3549.46 may be refunded. As against this, the licensee claims that the bill issued for Mar 08 as considering MF -2 for 8820 units for Rs.45095/- against which the consumer has paid Rs.26590/- on 24.3.08 hence balance amount of Rs.18,493.59 is shown in the bill for April 08. After scrutiny of CPL by forum it is observed that the licensee has considered MF as '2' for earlier period and even after replacement of meter. Therefore the contention of the CR regarding applying of MF-1 in the month of Mar 08, is not justified. Hence the action taken by the licensee is correct. Therefore the request of consumer regarding refund on this count is rejected.

- 12). As to grievance No.(f) regarding recovery of interest and DPC on arrears of SD. : The consumer claims that in the bill of May 08 the licensee has collected Rs.34900 against SD from consumer's regular bill. The licensee added the amount of DPC also in the arrears and in June 08 bill licensee added Rs.35984.29 as arrears so difference of Rs.1084.29 may be refunded. Further consumer claims that SD of Rs.32500/- was already lying with MSEDCL but this extra SD was collected so DPC is not applicable in this case. As against this, the licensee claims that the matter is informed to the higher authority regarding refund of DPC due to diversion of amount of SD, which is paid against energy bill. The licensee further claims that their corporate office will take decision in the matter and then after necessary action

will be taken. The licensee is hereby directed to observe the directives given by Hon. Ombudsman in order dated 26/03/09 in representation No. 23 of 2009 in the matter of Additional Security Deposit, prompt payment discount, load factor incentives etc in the case of 'Natural Sugar and Allied Industries Limited V/s MSEDCL' which reads as "action of appropriating any amount from the payment of May 08 towards ASD is disapproved and the Forum's order in this behalf is set aside. Respondent shall refund the necessary amount including incentive, delayed payment charges and / or interest, if recovered, and pass on appropriate credit in the ensuing bill."

After applying above mentioned Hon. Ombudsman's directives given in case No.23 of 2009, if any excess amount is found recovered earlier by the licensee, same may be refunded to the consumer together with interest at the Bank rate of RBI in the ensuing bill after 30 days from the date of this decision.

- 13) After hearing both the parties, studying all available documents submitted by licensee as well as consumer, 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 and 12.
- 2) Compliance should be reported to the forum within 90 days from the date of decision.

3) 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 : 18/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan