



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/348/392 OF 2010-2011 OF
M/S. ACCURATE PLASTICS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Accurate Plastics
Gala No. 07 ,
Riddhi Ind. Estate, Gauripada,
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 consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 15/06/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Accurate Plastics

Address: - As given in the title

Consumer No : - 1)001890452708 – 65 HP

2)001890455685 – 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/254 dated 15/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0348/0392/2010-11/4658, dated 03/07/2010.
- 4) The forum heard both the parties on 13/07/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. R. Purohit Nodal Officer and Shri S. M. Bangar, Dy. Ex. Engr. 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) Consumer has taken electricity from the Distribution licensee to the company premises situated at Riddhi Ind. Estate, Gauripada, Vasai (East) in the year 1995. According to consumer Security Deposit (SD) and Additional Security Deposit (ASD) i.e. Rs. 19,500/- (+) Rs. 13,650/- was

paid in the month of October 1995 however do not display in the computer and the bill. Consumer does not have receipts of SD & ASD as above, however verifying F-1 register in the light of the chart enclosed said amount with interest can be refunded however not refunded so far though claimed. It is further contended that MD was not reset for September 2008 to November 2008, consequently KVA MD did not display for these three months. As per the directions of Hon. MERC in case No. 26 of 09 H.P. based tariff is to be applied, therefore the difference of M.D. tariff charges as depicted in the chart enclosed since wrongly collected needs to be refunded. It is further the contention of consumer that licensee did not update the data therefore there is a possibility of manipulation of wrong entries in the system therefore correct and update CPL is require to be furnished. It is contended that officials of the licensee collected excess connected load penalty and capacitor penalty from May 2003 to September 2003 vide chart enclosed and the same needs to be refunded as per the directions given by Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Hon. Ombudsman in case No. 39 of 06, dt. 05/09/06. It is averred that consumer's single phase connection No. 001890455685 was permanently disconnected (PD) and the amount in this context i.e. SD/ASD/RLC was necessary to be refunded with interest however inspite of department circular of Sept. 2009 officials of the licensee did not refund the same. By letter dt. 15/02/10 and 28/05/10 consumer apprised the same to the Dy. Ex. Engr. Vasai Sub-Division and requested to refund the amount as above but not responded therefore moved the IGR Cell but in vain as usual and hence lodged the grievance with prayers to direct the licensee to furnish correct and update CPL, to refund the amount of, SD/ASD, excess connected load, capacitor Penalty and MD based charges with interest as

per the charts enclosed and also to refund amount of SD/ASD/RLC in connection with single phase P. D. meter with interest.

- 6) Licensee opposed the contentions raised as above by filing reply dt. 03/07/10. So far refund of SD & ASD without the production of receipts and zero display, according to licensee at times registers are not preserved therefore it is unsafe to refund the amount and the problem of zero display due to change over to Oracle system is technical difficulty. In this context according to licensee case filed by Akhil Bharatiya Grahak Manch before the Hon. MERC bearing No. 93/08. In short, according to licensee presently without production of SD & ASD receipts, it is unsafe to refund and that problem of zero display is under consideration of IT. As regards MD based charges, it is contended monthly reading is a joint process, representative of consumer and licensee jointly take the reading and on the premise had consumer doubt on the reading or resetting of the MD, they could have requested for re-check history data of the reading or the MRI, however after-thought on the instructions of the professional advisor, consumer falsely alleged on excess recovery of MD charges. In so far supply of update CPL, has already been given. In so far excess connected load and capacitor penalty it is contended by the licensee that their Accounts Section has already been moved. As regards single phase connection it is averred no details of the same has given nor consumer made separate application for P.D. as per the procedure and on furnishing the same SD/ASD/RLC to that aspect will be refunded as per rules and the accounts procedure. For all these reasons licensee prayed to dispose of the grievance being devoid of substance.

- 7) On perusal of the record and hearing both the parties at length following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether licensee is liable to refund the amount of S.D. / ASD without the production of receipts and in case of zero display as per the directions of Hon. MERC ?	Yes
b)Whether licensee is liable to refund the amount of excess connected load and capacitor penalty as per the directions of Hon. MERC ?	Yes
c)Whether licensee is liable to refund M.D. based charges as per the order of MERC ?	Yes
d)Whether licensee is liable to disconnect the single phase meter and to transfer the amount of SD/ASD/RLC to the consumer's LT-V connection ?	Yes
e)What Order ?	As per Order below

Reasons

- 8) At the outset learned representative for the consumer submitted that officials of the licensee have not supplied them correct and update CPL for want of which they face difficulty to putforth their grievances properly. During the course of hearing Forum directed the representative for the licensee to supply correct and update CPL to consumer and accordingly it was supplied. In fact, officials of the licensee are duty bound to supply correct and update CPL as and when required.
- 9) So far refund of SD and ASD amount in case of non availability of receipts and in the event of zero display due to change over to oracle system

learned representative for the licensee submitted that on verifying F-1 register furnishing indemnity bond in the light of update CPL, amount as mentioned in the chart enclosed can be refunded. In the instant case consumer do not have receipts of SD & ASD and there is problem of zero display. Point therefore arises whether without receipts amount with interest can be refunded on furnishing indemnity bond. Learned representative for the licensee submitted that at times F-1 registers are not preserved therefore it is rather risky to refund amount without receipts. He pointed out that "Akhil Bharatiya Grahak Manch" has filed case No. 93/2008 involving this vital point. Learned representative for consumer urged that F-1 Register is maintained in the Office in which entry of consumer's number, name, date of release of connection, details of S.D. and ASD etc. is recorded and on verifying the Firm Quotations and concerned records in the presence of consumer or his representative, amount of lost/misplaced SD & ASD with interest can be refunded. Learned representative for the licensee all the while submitted that Case No. 93 of 2008 is pending on this count. From the website we collected the copy of order dt. 01/09/2010 passed by Hon. MERC in case No. 93 of 2008. In para 10 (v) & (vi) licensee pointed out in the context of their letter dt. 29/04/09 that on production of money receipts or any other documentary evidence in respect of S.D. after due verification data regarding SD can be updated and correct amount of SD can be shown in the energy bill in the event of zero display and further pointed out that consumers who do not produce money receipts or any other documentary evidence in respect of S.D. paid, it will be presumed that these consumers have not paid any SD and on this background Hon. MERC in para 19 (ii) directed the licensee to take efforts to correct error regarding zero SD display within six months

time. Considering the aspect of zero display, on production of any other documentary evidence in respect of SD paid, the officials of the licensee have to correct the position. As regards lost/misplaced receipts of SD/ASD, on verifying F-1 register, record of consumers in and around the locality and the amounts paid as SD/ASD at the time of new connection, firm quotation and considering prevailing practice of collecting SD/ASD from the respective tariff category, furnishing indemnity bond, hearing the consumers patiently, officials of the licensee to do the needful in the light of the directions given by Hon. MERC without violating the consumers rights under Electricity Act 2003.

- 10) So far claim regarding refund of excess Maximum Demand (MD) charges inviting our attention to the letters dt. 15.02.10 / 28.05.10 learned representative for the consumer urged with force that Sept. 08 to Nov. 08 MD data was misleading and no activation was done and that KVA MD did not display for these three months therefore licensee charged $1100 \times 3 =$ Rs. 3300/- instead the correct charges and hence licensee is liable to refund the excess collected amount as above relying on the order dt. 05/03/10 passed by Hon. MERC in case No. 26 of 09. We have carefully read relevant para No. 29 and 31 of the said order. At this juncture learned representative for the licensee urged with force that verification of MRI data is essential. On going through the charts and the contentions made by the learned representative for licensee we find force in the submission of learned representative for consumer. Under the circumstance it is proper to direct the officials of the licensee verifying the MRI data couple with documents produced by the consumer to calculate the difference between MD base and HP base tariff and to refund the amount in this context collected excess with RBI rate of interest to the

consumer as per the directions of Hon. MERC in the case referred to above.

- 11) As regards excess connected load and capacitor penalty learned representative for the consumer inviting our attention to the chart enclosed to this context submitted that MD tariff started from August 2008 and that penalty is charged on the consumption of Sept. 08 to Nov. 08. He urged with force that exaggerated KVAH is used to charge penalty instead giving 7% incentive and as such connected load and capacitor penalty charged excess needs to be refunded as per the directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and Ombudsman in representation No. 39 of 06 dt. 05/09/06 however due to recalcitrant attitude towards the consumers officials of the licensee avoided to refund the amount. Consumer enclosed calculation chart with the application dt. 15/02/2010. We have gone through both the orders referred to above. On going through the charts and hearing the contentions made by learned representative for the licensee we find force in the submission of the learned representative for consumer and therefore we feel proper to direct the licensee to calculate connected load and capacitor penalty in the light of the directions given in the orders as above, and to refund excess collected amount on this count to the consumer with interest within stipulated time.
- 12) It is further the grievance of consumer that their single phase connection vide consumer No. 001890455685 was permanently disconnected while extending load however licensee did not transfer SD, RLC and interest in respect of this single phase connection so far to their account of LT-V. Learned representative for the consumer in this context further submitted that on 15/02/10 they have requested the Dy. Executive Engineer to refund SD & RLC of this permanently disconnected connection but none

responded though approached the IGR Cell. He urged with force that as per MERC Regulation 2005 and SOP referred to above licensee has to settle dues of such consumers within 30 days from the date of receipt of application. On the other hand, learned representative for the licensee submitted that as per the department circular dt. 15/12/08 consumer has to apply separately for P. D. and refund of SD, RLC, however consumer has not given separate applications in as much as these applications are processed through various sections like Accounts, Record, Audit, I.T. etc. On perusal the records available i.e. letter dt. 15/02/10 / 13/07/10 mention consumer gave application for P.D. on 15/02/10, however nothing to show that he gave separate application for refund of SD & RLC as required. It is seen while extending the load single phase connection was permanently disconnected and later on this sort of application tendered. Apart from giving applications, one thing is apparent that in case of P. D. connection licensee is under obligation to refund/transfer the amount of SD & RLC with interest to the consumer. In this case according to licensee this amount has not been transferred/refunded since separate application as per the circular dt. 15/12/08 not given by consumer. (No circular is produced for the perusal of forum though repeatedly directed to the representative for the licensee to produce the same). Under the circumstance consumer can be directed to give separate application for refund of SD/ASD/RLC if not given earlier. Assuming for a movement no separate application is given, vide application dt. 15/02/10 consumer had apprised that his single phase connection is to be made P.D. follows SD/RLC in this context to be refunded therefore it cannot be said that officials of the licensee were and are not aware of single phase connection P.D. Considering the position we are of the considered view that licensee has to refund SD/ASD/RLC of

such meter with RBI rate of interest. In view of the discussion supra, we find proper to direct the licensee to refund the amount of SD/ASD, excess connected load charges / capacitor penalty and MD meter charges with interest and to transfer SD/ASD/RLC in connection with single phase meter to the consumer's LT-V connection and to furnish correct update copy of CPL as and when required. Points are therefore answered accordingly. Consequently grievance application will have to be allowed.

- 13) While parting to the matter it is to be noted that this reference was submitted by the consumer before the Forum and was registered on 15/06/2010. Vide para 6.18 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 Forum to decide the grievance within a period of two months from the date of receipt. Learned representative for the licensee sought time to file written argument therefore delay is caused in deciding the grievance. Hence the order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to refund the amount of S.D. and A.S.D. with RBI rate of interest to the consumer as per the directions given by Hon. MERC in case No. 93 of 2008 dated 01/09/2010.
- 3) Licensee is further directed to refund the amount of connected load penalty /capacitor penalty and M.D. base charges collected excess with RBI rate of interest to the consumer as per the directions of Hon. MERC and the Ombudsman within 30 days from the date of receipt of this decision and

report compliance to the forum within 60 days from the date of receipt of this decision .

- 4) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 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, 003, 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 : 29/09/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan