



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/213/237 OF 2009-2010 OF
M/S. RAMESH PLASTICS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Ramesh Plastics
Gala No.2 Kalpataru Industrial Estate
Chinchpada, Waliv
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 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 18/3/2009 for Excessive Energy Bills. The details are as follows: -

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

Address: - As given in the title

Consumer No : - 0018400603497

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/262 dated 18/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/ (E)/B/3227, dated 23/04/2009.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 3/01/2009. 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 23/04/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, and Shri Vinit Sheth representatives 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 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.

- 6). The following grievances raised by the consumer in its letter dated 03/01/09 sent to the concerned Executive Engineer and rejoinder dt.23.4.09 of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 23/04/09 with CPL filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). As to grievance 1 – Regarding Security Deposit”. The consumer claims that the consumer has paid SD of Rs.19,500/- and .Rs.13,650/- i.e. Total. Rsw.33,150/- at the time of getting connection 26.5.97 for 65 hp load, but the bills were showing Deposit as Nil. Further the consumer has paid SD of Rs. 65200/- in June 08. The said amount is displayed in the bill. The licensee should verify the total amount of SD and should give credit of compound interest on it, to the consumer. The consumer also claims refund of excess SD. As against this, the licensee claims that Rs. 19500/- and Rs. 13650/- was paid by consumer as SD in May 97. The SD paid at the time of connection was not displayed in bill. The interest will be paid as per rules. Considering the average bill, the balance amount will be refunded for which the consumer should produce original receipts. 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, calculate the proper SD at this stage & refund the excess amount of SD & the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 30 days.

- 8). 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.106/-, Rs.4275.20- and Rs.3827.20 in the bills for the months July 07, Aug.07 and Sept.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee has claimed that details clarification of the above mentioned 1st amount is sought from higher authority and on receipt of information, action will be taken, and that the above mentioned 2nd amount and third amount 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. 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 to recharge the TOSE. In view of the facts as discussed above, the licensee is directed to obtain necessary information and give 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, in writing 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 No. 3 - Regarding refund of difference of MD based charges and HP based 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 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.8065.32 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 in which month 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 amount of Rs.8065.32 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.

- 10). As to grievance No. 4 – Regarding refund of excess ASC recovered in the month of Nov.06 : The consumer claims that its Benchmark consumption is 14733. Therefore 9% ASC unit comes to 13407 units. It's consumption during Oct. 06 was 11450 units. Therefore, no ASC could be charged for the said month. However, the MSEDCL has charged ASC for 1374 units in the bill for the month Nov.06 for the billing period 03.10.06 to 03.11.06. Thus the licensee has illegally charged ASC for the said month to the consumer and therefore the consumer is entitle for refund of Rs.1580.10 on this count. As against this the licensee claims that the case is under scrutiny and action will be taken, if applicable. The bills for Dec.06 and Jan.07 show that the benchmark consumption for the year 05 was 14733

units. Therefore, the contention of consumer that the benchmark consumption for it is 14733 units will have to be accepted. As per the bill for the concerned month Nov.06, the consumption was 11450 units. Since as per the say of licensee, the case is already under scrutiny, the licensee should recalculate the benchmark consumption for the month of Nov.06 and refund excess amount, if any, together with interest at the Bank rate of RBI at the prevailing time, to the consumer, by giving its credit to it in the ensuing bill after a period of 30 days from the date of this decision.

- 11) The CR has filed rejoinder dated 23/04/09 at the time of hearing containing some grievances based on the CPL and requested the Forum to consider the same on the ground that the licensee has supplied CPL to the consumer on the date of hearing and therefore, he could not raise the said grievances earlier. The LR undertook to file reply to the rejoinder and supply it's copy to the consumer within reasonable time. It is a fact that the licensee has supplied CPL to the CR as well as Forum on the date of hearing and therefore, the Forum decides to consider the grievances in the said rejoinder.
- 12). As to grievance No. 5 (Rejoinder dt. 23/04/09) - Regarding amounts of bill adjustments : The consumer claims that the licensee has shown the amount of Rs. 3207.18 and Rs. 1076 as amounts of bill adjustments in the bills for the month March 07 and January 07 respectively. The licensee be directed to explain the said amounts and to refund the same, if not justified. The licensee did not file reply to the said rejoinder inspite of such undertaking by it's licensee at the time of hearing. The CPL for the month of March 07 does show such amount of Rs. 3208.83 as the amount of current bill adjustment. However, the CPL for January 07 is not filed by the licensee and copy of the bill for the month Jan. 07 does not show any such

amount of Rs. 1,076 as the amount of bill adjustment. The consumer claims that it is entitle for refund of the said amount of Rs. 1076 as the amount of difference in between the amount of credit of Rs. 2590.84 given to it in the said bill and the amount of Rs. 3666.84 of which credit the licensee should have given to the consumer. The consumer however, has not made it clear as to how it was entitle for the credit of the said amount of Rs. 3666.84. Therefore, the request of consumer in respect of the said amount is rejected. However, the licensee is directed to give details in writing to the consumer justifying the amount of bill adjustment of Rs. 3208.83 in the month of March 07 within 30 days from the date of decision in this case, and if not justified, refund the said amount together with interest at the Bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after the period of 30 days from the date of this decision.

- 13) As to grievance No. 6 (Rejoinder dt. 23/04/09) - Regarding refund of MD based charges for the month of Sept. 06 : The consumer claims that licensee charged additional MD based fixed charges for Sept. 06 for Rs. 397.53 in addition to earlier submission. Hence licensee may be directed to refund the same. The licensee did not file reply to the said rejoinder inspite of such undertaking by it's licensee at the time of hearing. On scrutiny of CPL by Forum, it is observed that licensee charged fixed charges of Rs. 1950 for the month of Sept. 06 i.e. as per HP based tariff. Hence refund of excess recovery of MD based fixed charges is not valid. Hence such grievance is rejected.
- 14) As to grievance No. 7 (Rejoinder dt. 23/04/09) - Regarding refund of ASC charges for the months of Aug. 07, Oct. 07, Dec. 07, Jan. 08, Mar. 08, April 08, May 08 and June 08 : The consumer claims that licensee had shown Benchmark consumption (BC) as 14733 units, however, it is seen

from CPL that BC for Feb. 05 to Jan. 06 comes to 15554 units, so refund of Rs. 6895.98 alongwith interest as per statement enclosed for the months of Aug. 07, Oct. 07, Dec. 07, Jan. 08, Mar. 08, April 08, May 08 and June 08. The licensee did not file reply to the said rejoinder inspite of such undertaking by it's licensee at the time of hearing. The licensee is hereby directed to recalculate the BC (i.e. average consumption of Jan. 05 to Dec. 05) and recalculate ASC charges for the above mentioned period as per statement given by the consumer and if it is found that excess ASC has been recovered from the consumer, the same may be refunded together with interest at the Bank rate of RBI to the consumer in ensuing bill after 30 days from the date of this decision.

- 15) As to grievance No. 8 (Rejoinder dt. 23/04/09) - Regarding appropriation of Security Deposit amount : The consumer claims that the licensee collected Rs. 62,200 as Security Deposit (SD) in June 08. While appropriating amount from it's main account, the licensee has collected Rs. 2629.14 by way of DPC and interest and consumer suffered loss of Rs. 840 by loosing PPD (prompt payment discount) and therefore, as per the order dated 23/03/09 passed by Hon. Ombudsman in representation No. 23 of 2009, licensee be directed to refund the said amount. The licensee did not file any reply to this grievance though it's representative undertook to file reply at the time of hearing. However, the CPL for the month of June 2008 does not show charging of such amount of Rs. 2629.14 as DPC and interest. The consumer filed copy of the bill for the said month June 2008. The said bill display the amount of Rs. 62,200 as S.D. after the bill for May 08 shows SD as zero and SD arrears as Rs. 62,200. It clearly means that the licensee has appropriated the said amount of SD out of the total amount of bill paid by the consumer as per the bill for May 08. The bill for

May 08 shows that the said bill was for the amount of Rs. 89,458.48, and if paid on or before 20/05/08, the consumer was supposed to pay Rs. 88,620 and if paid after 28/05/08, the consumer was supposed to pay Rs. 91,250. CPL for the month June 08 does show that the consumer has paid Rs. 26,420 and 62,200 i.e. total 88,620 on 20/05/08. It means the consumer has paid the amount of electric charges fully by due date i.e. on 20/05/08, but since amount of Rs. 62,200 out of the said total amount has been appropriated by the licensee towards SD, the consumer had been shown to be defaulter in the next month and therefore, the licensee may have charged DPC and interest. Therefore, the licensee is directed to verify as to whether it has charged DPC and interest of Rs. 2629.14 and the consumer lost PPD of Rs. 840/- due to such appropriation of the amount deposited in pursuance to the bill for electric charges, and if so, refund the said amounts of DPC and interest and also the amount of prompt payment discount which the consumer may have lost due to such appropriation, to the consumer as observed by Hon. Ombudsman in order dated 26/03/09 in representation No. 23 of 2009 by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision.

- 16) There has been no. of holidays and consequently less working days during last month. There has also been sudden increase in registration of grievances by the consumers before this forum since last three months, as result of which this forum is forced to hear arguments in two cases on every day and also to decide such a cases at the same rate. Therefore, there has been some delay in deciding this case.
- 17) 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) Grievance application is partly allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 10, 12, 14 and 15.
- 3) Grievance No. 6 is rejected as observed in para 13.
- 4) The Compliance should be reported to the forum within 90 days from the date of decision.

- 5) 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.

- 6). Consumer, as per section 142 of the Electricity Act, 003, 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 : 20/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan