



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/350/394 OF 2010-2011 OF
M/S. HI – TECH – N – GRAVER'S, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Hi – Tech – N – Graver's
Gala No. 116 ,
Merchant Ind. Estate No. 2
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 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. consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 16/06/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Hi – Tech – N – Graver's

Address: - As given in the title

Consumer No : - 001840872064

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/265 dated 16/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0350/0394/2010-11/4660, dated 03/07/2010.
- 4) The forum heard both the parties on 14/07/2010 @ 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) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Merchant Ind. Estate, Waliv, Vasai (East) in the year 2005. According to consumer at the time of new

connection in the year 2005 they paid Rs. 19,500 as Security Deposit (SD) and Rs. 11,700 as Additional Security Deposit (ASD), thereafter while enhancing load SD of Rs. 38,400/- was collected. It is the contention of consumer that the amount already collected towards SD and ASD disappeared from the processing data. Consumer does not have receipts of SD & ASD as above, however verifying F-1 register receiving indemnity bond in the light of the chart enclosed amount with interest can be refunded however officials of the licensee though persuaded did not respond. It is further averred by the consumer that as per revised tariff in May 2007 and since Oct. 2007 licensee started giving ASC refund based on the order in MERC case No. 144 of 2008, licensee wrongly charged entire units as costly power from June 07 to Sept. 07 in contravention to the equation laid down in the said order therefore consumer claimed refund in this context about Rs. 16,411.61 vide chart enclosed, however since calculation not fed to I.T. not refunded since last eight months. By letter dt. 24/08/09 consumer requested the Executive Engineer Vasai Division to refund the amount on the above counts however did not respond is indicative of inaction/negligence/lathorgy on the part of the officials of the licensee liable for compensation of Rs. 1000/- for delay in refunding the amount vide Clause 9.4 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. Consumer therefore approached the IGR Cell but in vain and hence lodged this grievance with prayer to direct the licensee to refund excess collected ASC and the amount of SD/ASD with interest.

- 6) Licensee opposed the contentions raised above by filing stereotype 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 the technical difficulty. In this context according to licensee Akhil Bharatiya Grahak Manch has filed case 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 the amount and that problem of zero display is under consideration of I. T. As regards refund of ASC as contended by the consumer it is the contention of licensee that considering methodology of ASC calculation appropriate action will be taken by Accounts Department. As such according to licensee grievance application since sans merits on the grounds mentioned above be dismissed in limine.
- 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 SD/ASD in the event of zero display/without the production of receipts as per directions of Hon. MERC in case No. 93 of 08 ?	Yes
b) Whether licensee is liable to refund ASC with interest to consumer as per the directions of Hon. MERC ?	Yes
c) What Order ?	As per Order below

Reasons

- 8) 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 consumer submitted that on verifying F-1 register furnishing indemnity bond in the light of update CPL, amount as mentioned in the chart enclosed needs to 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 at this juncture submitted that at times F-1 registers are not preserved therefore it is rather risky to refund such 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 SD 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 SD 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 SD 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 needful can be done by the officials of the licensee in the light of the directions given by Hon. MERC as above without violating the consumers rights under Electricity Act 2003.

- 9) Learned representative for the consumer submitted that since May 2007 tariff has been revised and accordingly licensee started giving excess collected ASC by installments. This refund is based on MERC case No. 144 of 2008. Inviting our attention to the para 8 (g) of the said case learned representative for the consumer contended that officials of the licensee charged entire units of the months June, July, August, Sept. 07 as costly units and wrongly collected ASC, therefore difference is liable to be refunded as per the charts prepared in the light of directions given by Hon. Ombudsman in representation No. 34 of 09 dated 06/05/09. Learned representative for the licensee pointed out that considering methodology of

ASC calculation enumerated in MERC order as above, Accounts Section on verifying the records would refund the amount if found excess. In para 8 (g) referred to above 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 if found excess at the rate of interest as stated in the case bearing in mind that the concerned orders of Hon. MERC are of 2008 and we are now in 2010 as such sufficient period has elapsed. On going through the records and the directions given by Hon. MERC and the Ombudsman we find proper to direct the licensee to refund the amount of SD, ASD and ASC with interest to the consumer. Points are therefore answered accordingly and the grievance application will have to be allowed.

- 10) While parting to the matter it is to be noted that this grievance was submitted by the consumer before the Forum and was registered on 16/06/2010. Vide para 6.18 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 Forum has 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 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.
- 3) Licensee is directed to calculate amount of ASC and to refund if found excess with interest in the light of the directions given by Hon. MERC and Ombudsman within 30 days from the date of this decision.
- 4) 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”.

- 5) 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 : 06/10/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan