



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/449/506 OF 2010-2011 OF
M/S. SCRAP STEEL PVT. LTD., WADA REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Scrap Steel Pvt. Ltd.
Survey No. 39-A/2/1/1
Village – Kandivali, Tal : Wada,
Dist. : Thane – 421 303

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Vasai Circle, 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 EHV. consumer of the licensee with C. D. 3448 KVA.. The Consumer is billed as per H. T. Industrial tariff. Consumer registered grievance with the Forum on 23/11/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Scrap Steel Pvt. Ltd.

Address: - As given in the title

Consumer No : - 1)010519035320

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/735 dated 23/11/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/VC/Tech/IGRC/1056, dated 05/02/2011.
- 4) The forum heard both the parties on 07/02/2011 @ 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 C. P. Mane, Assistant 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 S. No. 39-A/2/1/1, Village – Kandivali, Tal : Wada in the year 2009 with sanctioned load 3879 KW and contract demand 3448 KVA. It is contended while issuing load sanction

licensee added the condition of charging additional 2% energy units consumed in the monthly energy consumption. As per the provisions under Regulation all installations with contract demand above 1500 KVA and upto 3000 KVA should be supplied at 22 KV net work level, and above 3000 KVA to 5000 KVA 33 KV level should be there. However licensee supplied the power at 22 KV level contrary to SOP and from July 2009 to 5th March 2010 collected Rs. 6,29,231/- 2% penalty as voltage surcharge. According to consumer Hon. MERC in case No. 71 of 09 by order dated 5th March 2010 directed to levy voltage surcharge of 2% additional units to be billed for supply to the consumers at voltages lower than that specified in the SOP Regulation from the date of issue of this order. It is further contended that the Hon. Ombudsman by order in Representation No. 28 of 2010 dt. 30/03/2010 directed to refund the excess amount of voltage surcharge of 2% so collected prior to 5th March 2010 with interest at Bank rate as provided in Section 62 (6) of the I.E. Act 2003. Based on these orders consumer by letter dt. 10/05/2010 requested the licensee to refund the excess amount collected as per the chart enclosed but not responded. Consumer moved the I.G.R. Cell but in vain, hence filed the grievance with CGRF to direct the licensee to refund the excess collected amount as per the chart enclosed with interest.

- 6) Licensee filed reply dated 05/02/2011 and 04/03/2011 mentioning the orders passed by Hon. MERC and the Electricity Ombudsman referred to supra. It is contended that the licensee challenged the above said orders by Writ Petition (stamp No. 3865 / 2011). Since the point as regards levy of 2% voltage surcharges is under dispute before the Hon. High Court, this Forum cannot entertain such grievance vide Clause 6.7 of "Maharashtra

Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006” and therefore it will have to be disposed off.

- 7) Licensee vide application dated 09/12/2010 sought time to file reply and eventually placed on record reply on 05/02/2011 and 04/03/2011, therefore delay caused in disposing the matter. Hence the order :

O-R-D-E-R

- 1) The grievance application is disposed off as not entertainable vide Clause 6.7 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006”.
- 2) 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”.

Date : 16/03/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan