



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph: – 2210707 & 2328283 Ext: - 122**

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**IN THE MATTER OF GRIEVANCE NO. K/E/215/239 OF 2009-2010 OF**  
**SHRI RAMESH CHUGH, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

Shri Ramesh Chugh  
Gala No.9 Bitu Ind.Estate,  
Waliv , Vasai  
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 19/3/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Shri Ramesh Chugh

Address: - As given in the title

Consumer No : - 001840866773

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/269 dated 19/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/ (E)/B/3730, dated 08/05/2009.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 12/01/2009. 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 19/03/2009.
- 5). The Member Secretary & Member of the Forum heard both the parties on 08/05/2009 @ 16.00 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 12/01/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 08/05/09 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) – Refund of Excess SD & interest on SD : The consumer claims that he has paid SD of Rs. 19,500/- + Rs.11700/- = Rs.31,200/-- at the time of taking new connection on 14/01/04. However, bills do not show the said amount of SD. The licensee has also collected Rs. 74,540/- as SD in Jun 08,. Therefore, the consumer had requested for refund of excess SD of Rs. 31,200/- paid in 2004 and interest of Rs. 9009/- as given in the statement.(Annexure 1-a). As against this, the licensee claims that the connection has been given on 14/01/04. The Security Deposit of Rs.19500/- + Rs.11700/- = Rs.31200/- paid at the time of taking connection is not displayed in the bill. Its office is searching for the record for exact amount of SD and in the meantime, the consumer may submit the SD receipts for quick disposal of the case. Considering the average bills, keeping the deposit, action will be taken for refund of SD. The interest will be paid as per rules. In view of 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. 3577.29 and Rs.2979.89 in the bills for the billing periods March 07 and Aug.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee has claims that the said bill adjustments are taken as per the programme prepared by HO IT as per MERC rules and regulations. The licensee did not give details as to about what the said amounts of bill adjustments are. Therefore the licensee is directed to give the explanation in detail about the said amounts of adjustments to the consumer in writing within a period of 30 days and on failure to do so or in case the said amounts of bill adjustments are not justified, refund excess amount if any, recovered as above as amounts of bill adjustments, 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 charged 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 licensee has also not made clear as to in which other month it has

given credit of any other amount on this count to the consumer. Therefore, the licensee is directed to verify the difference of amount i.e.

(11584.13 – 8065.32) and if difference amount is not given earlier, same may be refunded to the consumer 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 IASC during the period Oct.06 to Apr 07. The consumer claims that the licensee is to refund IASC charged recovered during Oct.06 to Apr 07 as per order dated 15.9.08 passed by MERC in case No.45 of 2005, and such amount is Rs. 2033.62 (Rs. 968.22 - March 07 and Rs. 1065.40 - May 07 i.e. total Rs. 2033.62) and therefore licensee be directed to refund the said amount to the consumer. The licensee claims that the matter is referred to higher authority for directions regarding refund of IASC charges and decision will be taken accordingly. It is clear from the above referred order passed by MERC in case No.45 dt.17.9.08 that the MERC directed the licensee to refund the incremental ASC for the period Oct.06 to Apr 07 to all the consumers who have contributed towards ASC. Therefore licensee is directed to refund the IASC if collected during the period from Oct.06 to Apr 07 from the consumer as per directions given in the above referred order of MERC to the consumer, by giving credit of such amount together with interest at the Bank rate of RBI to the consumer in the ensuing bill after 30 days from the date of this decision.

- 11). Grievance No. 5 regarding refund of excess ASC recovered in Oct.06: The consumer claims that its benchmark consumption is 16385 units per month and therefore threshold 91% comes as 14920 units per month and our Oct. 06 consumption is 14360 units which is less than 91% of BC,

hence ASC is not applicable. On this query licensee claims that as per tariff order 2006-07, case No. 54/2005 ASC charges were 12%, the consumption for the month of Nov. 06 was 14360 units and 12% of it comes to 1723 units per month, hence charged is correct and there is no question of refund. It is clear from the MERC's order dt. 20<sup>th</sup> Oct. 06 in case No. 54 of 2005, that 9% of the consumption was to be charged as additional supply charges in the other regions in respect of LT-V general motive power category industry. Therefore, the contention of licensee that 12% of the consumption was to be charged as ASC is incorrect and hence is rejected. In this case the consumption of Oct. 06 is below than the 91% of BC, hence ASC is not applicable. Therefore licensee is directed to refund Rs. 1981.45 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 in this case.

- 12) Grievance No. 6 – Regarding ASC charges from Oct. 07 to June 08 :  
Consumer claims that from the month of billing Dec. 06 onwards average consumption shows 16385 units and after some months licensee reduced the BC to 10746 which is illegal and wrong, hence licensee charged wrong ASC during locked average billing and next month billing. We are enclosing herewith the statement of refund alongwith all related bills and described details in the statement. Hence licensee be directed to refund Rs. 55,506.26 to the consumer with interest. On this query licensee claims that BC given to consumer is 10746 is correct and ASC charged is also correct. It is noted by Forum in the bill of March 07 and August 07 the BC shown as 16385 units and in the month of Nov. 07, Dec. 07, Jan. 08, Feb. 08, March 08 the BC shown as 10746 units per month. Therefore, the licensee is directed to recalculate the BC (average consumption of Jan. 05

to Dec. 05) and charge ASC as per revised recalculated BC. After calculation of revised ASC charges, if licensee has recovered any excess ASC charges for the month of Oct. 07 to June 08 (as per statement enclosed with the grievance), same may be refunded to the consumer together with interest at the Bank rate of RBI after 30 days in the ensuing bill from the date of this decision.

- 13) As grievance No. 7 - Refund of excess amount recovered by applying MD based tariff, PF penalty etc. : The Consumer Representative (CR) submits that the licensee has charged MD based tariff to the consumer without 100% metering and its such action is illegal. He relies on zero copy of operative order dtd.20.6.08 of MERC in case No.72 of 2007, MSEDCL circular No.81 dt.7.7.08 in support of his contention. He further submit that as per order dated 12.9.08 of MERC in case 44 of 2008, the licensee can not impose MD based fixed charges, PF penalty and demand penalty/incentive without MD based tariff being made applicable to the concerned consumer but in the instant case, the licensee has applied the above charges or penalties without MD based tariff being applicable to it and hence such action of licensee is illegal. He further submit that thus the licensee has violated the Act, rules and orders of MERC and hence is liable for action under section 142 and 146 of the Electricity Act 2003. He further submits that therefore the licensee be directed to refund the amounts of such illegally recovered charges together with interest at the rate which it applies to the defaulting consumer. The CR submits that the consumer claims refund of an amount of Rs.1100/- towards the difference in between the fixed charges as per MD based tariff and HP based tariff and refund of PF penalty of Rs.6207.86 on this count.

---As against above contention, the LR submits that the licensee has applied MD based tariff from Aug.08 on completion of 100% TOD metering and as per directives given in Clause 10.5 of Com. Circular No.81 dt.7.7.08. He therefore submits that whatever charges based on MD based tariff, are recovered by the licensee from the consumer are correct and legal and therefore the question of refunding the same to the consumer does not arise.

While deciding the question regarding the applicability of MD based tariff to the LT above 20 KW industrial units, the Hon. Electricity Ombudsman vide order dated 6.5.09 in representation No.33 of 2009, M/s. Crystal Industries V/S MSEDCL, relying on the MSEDCL's circulars dtd. 05.02.09 held that the MSEDCL has suo moto decided to start MD based tariff for LT V consumers from April 09 inspite of 100% installations of MD meters completed in Aug.08 and therefore the MSEDCL is liable to refund the excess fixed charges and PF penalty recovered from such consumer. Therefore following the above referred decision, the licensee is directed to refund the amount of MD charges collected over and above the fixed charges recoverable as per HP based tariff and the PF penalty recovered from the consumer in the period prior to April 09, together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 14) The hearing in this case was earlier fixed on 24/04/09 at 16.00 hrs. but the same was adjourned to 08/05/09 at 16.00 hrs. There has been sudden increase in registration of grievances by the consumers before this forum since last two 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.



- 15). 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) The grievance application is allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 13.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) 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.

- 5). 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 : 25/05/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R. V. Shivdas)  
Member Secretary  
CGRF Kalyan