



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/353/397 OF 2010-2011 OF
M/S. JAA PEE PLASTICS VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Jaa Pee Plastics
Gala No. 09,
Ruby Ind. Estate, Gokhiware,
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 25/06/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Jaa Pee Plastics

Address: - As given in the title

Consumer No : - 001590470356

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/281 dated 25/06/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. IGRC/VC/CGRC-0353/0397/2010-11/5098, dated 21/07/2010.
- 4) The forum heard both the parties on 22/07/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & 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 Ruby Ind. Estate, Gokhiware,

Waliv, Vasai (East) in the year 1997. It is contended that on perusal the CPL licensee wrongly charged capacitor penalty from July 2003 to April 2004 about Rs. 30,000/- as per chart enclosed and the same needs to be refunded with interest as per the directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and representation No. 39 of 06 dt. 05/09/06. It is further averred that MD TOD meter was installed at the premises in March 2009, no reading of KVA (MD), KVAH, RKVAH, TOD and KW (MD) displayed on bill till Feb. 09 and as such MD based recovered charges till Feb. 09 needs to be refunded with interest as per the chart enclosed. It is contended HP tariff was to be recovered at the rate of Rs. 250/- for seven months, however instead HP tariff MD tariff was recovered in contravention to the order in MERC case No. 26 of 09 dt. 05/03/10. Vide letter dt. 28/05/10 consumer requested the Dy. Executive Engineer Vasai Sub-Division to refund the amount charged excess with interest but not responded and hence lodged the instant grievance with prayer to direct the licensee to refund the excess amount on the both counts as above.

- 6) Licensee filed reply dated 21/07/10 contending that both these points were not agitated before the IGR Cell, therefore for non compliance of Regulation 6.2 grievance is not maintainable. By way of reply dt. 20/08/10 Executive Engineer pointed out that on verification from Accounts Section appropriate action will be taken.
- 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 excess collected capacitor penalty charges to the consumer as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and representation No. 39 of 06 dt. 05/09/06 of Ombudsman ?	Yes
b) Whether licensee is liable to refund M. D. based charges as per the directions in case No. 26 of Hon. MERC ?	Yes
c) 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 capacitor penalty charges according to consumer these charges were collected during July 2003 to April 04 as per the chart enclosed in violation of the licensee’s conditions of supply as well commissions order in this behalf. Consumer in his complaint dt. 28/05/10 nor the licensee in their reply pointed out details on the capacitor penalty. It is therefore apt to direct the officials of the licensee going through the chart enclosed and verifying the records, to work out and refund the amount of capacitor penalty charges with simple interest at the same rate

charged as unpaid amount of bill, if wrongly collected in the light of the directions given by Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Hon. Ombudsman in representation No. 39 of 06 dated 05/09/06.

- 10) As regards refund of Maximum Demand (MD) TOD tariff inviting our attention to the letter dt. 28.05.10 learned representative for the consumer urged with force that MD TOD meter was installed in March 09, no reading of KVA (MD), KVAH, RKVAH, TOD and KW (MD) displayed on bill till Feb. 09 and as such MD based recovered charges till Feb. 09 needs to be refunded with interest as per the chart enclosed relying on the order in MERC case No. 26 of 09, dt. 05/03/10. We have carefully read relevant para No. 29 of the order. On the other hand, learned representative for the licensee contended that verification of MRI data is essential. Nothing on record to show whether in the relevant period reading as above not displayed though it is admitted position that MD TOD meter was installed in the premises of company in the month of March 2009. 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 based tariff and HP based tariff and to refund the amount in this context if found excess with RBI rate of interest to the consumer as per the directions of Hon. MERC in the case referred to above.
- 11) It is to be noted that learned representative for the consumer alleged that officials of the licensee give anti consumer treatment, do not even peep to their documents and their attitude is recalcitrant towards the consumer. In the present scenario considering the laudable objects of the Electricity Act 2003 and the directions given by the Hon. MERC, Ombudsman it is high

time for the officials to hear the consumers patiently and to decide wisely so that consumers as a whole would not put to trouble, inconvenience, harassment. In view of the discussion supra we find proper to direct the licensee to refund the amount of capacitor penalty and MD based tariff if recovered excess with interest, consequently points are answered accordingly and grievance application will have to be allowed.

- 12) 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 15/06/2010. 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 and submitted the same on 20/08/2010, 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 capacitor penalty if recovered excess to the consumer with simple interest at the same rate charged as unpaid amount of bill, as per the directions of Hon. MERC and Ombudsman within 30 days from the date of this decision.
- 3) Licensee is directed to refund the amount of M.D. based tariff if recovered excess to the consumer with RBI rate of interest as per the directions of Hon. MERC within 30 days from the date of this decision.

- 4) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 5) The Compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 6) 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”.

- 7) 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 : 07/10/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan