



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

Date of Grievance : 19/11/2012
Date of Order : 15/12/2012
Period Taken : 27 days

IN THE MATTER OF GRIEVANCE NO. K/E/656/775 OF 2012-2013 OF
M/S. GHARDA CHEMICALS LTD., DOMBIVALI (EAST) REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE ENERGY BILL

M/s. Gharda Chemicals Ltd.
Plot No. B – 27/29,
M.I.D.C.
Dombivali (East) : 421 203

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer,
Kalyan Circle - I

(Here-in-after
referred
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This 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. The 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 H.T. consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 19/11/2012, for Excessive Energy Bill.
The details are as follows :
Name of the consumer :- M/s. Gharda Chemicals Ltd.
Address: - As given in the title
Consumer No : - 020129003287
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0778 dated 19/11/2012 to Nodal Officer of licensee.
- 4) On 12/12/2012 we heard Mr. Mantri representative of consumer and on behalf of Licensee Nodal Officer Shri Patil alongwith Shri S. M. Bharambe Assistant Engineer. Today on behalf of Licensee reply is placed on record alongwith letter written by the Superintending Engineer KCK – I dt. 24/08/2012 to Chief Engineer (Commercial) and letter dt. 5th February 2011 addressed to all Superintending Engineers by Chief Engineer (Commercial) are enclosed.

On reading the complaint and hearing both sides following factual aspects are disclosed.

Consumer is having an electric supply i.e. Dedicated Express Feeder in other words consumer is the only one consumer having supply from the said feeder. It is contended that though said consumer is not required to pay voltage surcharge 2%, it is being charged from March 2010. It is contended that said recovery is not legal and it be refunded and further no said voltage surcharge be levied.

In this regard on behalf of Licensee it is submitted that 2% voltage surcharge is shown in the bills of consumer from the month of March 2010 and recovered. However, it is contended said calculation is done in the light of circular issued by the Chief Engineer (Commercial) from time to time right from 15/04/2010 till 5th February 2011. However, it is contended in this regard even letter is addressed to the Chief Engineer (Commercial) by Superintending Engineer on 24/08/2012 about the claim of consumer that 2% additional voltage surcharge should not be imposed and meters at consumer's end and EHV Sub-Station end are to be installed by the Licensee of same accuracy. Accordingly it is contended that claim of Licensee towards said voltage surcharge is correct.

In this regard consumer representative drawn our attention to the order of MERC in case No. 111 of 2009, dt. 12th Sept. 2010 in the Petition filed by MSEDCL for Truing Up for Financial Year 2008-2009, Annual Performance Review for Financial Year 2009-210 and Aggregate Revenue Requirement and Tariff Determination for Financial Year 2010-2011. The

relevant portion relied on by Learned representative of consumer reads as under at the centre of page No. 197 :

“Accordingly, the till such time as the detailed technical study is undertaken and the Commission approves the levy of Voltage Surcharge based on detailed deliberations in this regard, the Commission approves MSEDCL’s request for permission 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 Regulations. Further, the Commission has accepted MSEDCL’s request in the above-said Petition, and it is hereby clarified that the above Interim Relief is applicable for the consumers connected on Non Express Feeders (more than one connection on the said feeder), and in case only one connection exists on the said dedicated feeder, the tariffs should be charged on the basis of consumption recorded by the meters installed at the source of supply (EHV Level) and at the consumer’s end (Premises), whichever is higher, without any levy of voltage surcharge.”

He further brought to our notice the order of Hon. MERC in Case No. 31 of 2011 decided on 2nd June 2011 in the Petition filed by M/s. R. L. Steels and Energy Ltd. V/s. MSEDCL. He more particularly relied on the Para No. 08 (c), (d) & (e), those are now re-produced as under for ready reference :

“ Para No. 8 : Having heard the Parties and after considering the material placed on record, the Commission is of the view that :

- (c) The Commission in its Order dated September 12, 2010 in Case No. 111 of 2009 also clarified in 5.3 (d) regarding levy of surcharge which is reproduced below :

.....

The Commission approves MSEDCL's request for permission 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 Regulations. Further, the Commission has accepted MSEDCL's request in the above said Petition, and it is hereby clarified that the above Interim Relief is applicable for the consumers connected on Non Express Feeders (more than one connection on the said feeder), and in case only one connection exists on the said dedicated feeder, the tariffs should be charges on the basis of consumption recorded by the meters installed at the source of supply (EHV Level) and at the consumer's end (Premises), whichever is higher, without any levy of voltage surcharge."

Above ruling of the Commission has already clarified that, levy of 2% Voltage Surcharge is not applicable for consumers connected on Express Feeder.

- (d) The Commission opined that the responsibility of installing meters of same class of accuracy at both the Substation and consumer ends rests with MSEDCL. The Petitioner cannot be held responsible for the same and as meters have been placed at the both the ends, MSEDCL should not find any problem in billing the higher of the either meter readings.

- (e) As the Petitioner is fed from the Express feeder, the Commission directs MSEDCL to refund amount collected from the Petitioner against the voltage surcharge from April 2010 to October 2010 within 30 days from the issue of this Order. The Respondent shall report compliance to the Commission within seven days after making the refund as directed.

The Learned consumer representative submitted that from the aforesaid observations it is clear as laid down by Hon. MERC that the consumer having Dedicated Express Feeder supply is not to be charged any voltage surcharge @ 2% and that it is to be charged only in case there are more than one connection on said feeders. Accordingly he submitted the present consumer is the only consumer on the Dedicated Express Feeder and hence 2% voltage surcharge as per the order of Hon. MERC is not correct and it is illegal.

Secondly, he submitted that in case of installation of meters of same accuracy at both sides is the responsibility of MSEDCL and it is required to be complied by MSEDCL, however he clarified that prior to the aforesaid orders of Hon. MERC consumer has provided the meters, no doubt meter provided in his premises is of 0.5 accuracy whereas meter provided at the EHV level is of 0.2 accuracy. However, he submitted that there is no any follow up or insistence from consumer side to the Licensee for providing meters of same accuracy at both sides which is a independent aspect and sole responsibility of Licensee but at this stage he is not seeking any relief on that count but restricting the claim only to the extent of 2% voltage surcharge levied and recovered which needs to be refunded and further it

should not be charged as per the present existing order of Hon. MERC.

On behalf of Licensee Nodal Officer and Assistant Engineer maintained their stand contending that aspect is brought to the notice of Higher Authority by writing letter on 24/08/2012 to which yet there is no any reply.

It is seen from the record that present consumer with this grievance has approached I.G.R.C. on 13/08/2012 which is decided on 12/11/2012 but relief is not granted, hence he has forced to attend this Forum. Accordingly it is seen that in between Superintending Engineer KCK – I had moved Chief Engineer (Commercial) on 24/08/2012 which is clear.

Considering the factual aspect now brought before us and the orders of Hon. MERC dt. 12/09/2010 in Case No. 111 of 2009 and order dt. 02/06/2011 in Case No. 31 of 2011 the relevant portion of which is already re-produced above, we find, when consumer is having supply through Dedicated Express Feeder and it is the only consumer on it, then there cannot be any voltage surcharge @ 2% and said recovery found not in tune with the order of Hon. MERC. Hence amount so recovered from the consumer on that count, from March 2010 needs to be refunded and this grievance is to be allowed.

Hence we pass the following order :

ORDER

- 1) Grievance application of consumer is hereby upheld and this application is allowed.

- 2) Licensee is directed to refund 2% voltage surcharge recovered from the consumer from March 2010 till this date with interest at the Bank rate (RBI). Said amount be worked out and be adjusted in the ensuing one, two or three bills of consumer. Said working is to be done within one month from the date of service of this order and to give credit in the ensuing bills.
- 3) The Consumer if not satisfied, 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”.

- 4) 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 : 15/12/2012

I Agree

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan