



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/536/634 OF 2011-2012 OF
M/S. SAVEX SEAL PVT. LTD., VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Savex Seal Pvt. Ltd.,
Gala No. C - 7,
Sagar Sangam Industrial Complex,
Sativali, Vasai (East),
Dist. : Thane – 401 208

(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.- V consumer of the licensee with 65 HP load. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 14/09/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Savex Seal Pvt. Ltd.

Address: - As given in the title

Consumer No : - 1)002170280469 – 65

2)002170281198 – 1 Phase

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/591 dated 14/09/2011 to Nodal Officer of licensee. The licensee did not file reply though sufficient time period given.
- 4) The Member Secretary and Member of the forum heard both the parties on 10/10/2011 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth representative of the consumer & Shri U. M. Naik, Dy. Executive Engineer, representative 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 brief facts of the case are :
- a) The grievance application has been filed by Shri Chotalal Shah who is a Director of M/s. Savex Seal Pvt. Ltd. situated at Gala No. C-7, Sagar Sangam Industrial Complex, Sativali, Vasai (East) and has taken H. T. connection from the licensee.
 - b) According to the consumer licensee has given 65 HP supply to him on 25th Feb. 1997 and he is paying the electricity bills regularly.
 - c) The consumer further states that he has paid Security Deposit of Rs. 19,500/- and six months charges of Rs. 29,250/- on 07/01/1997 vide receipt No. 243337 and 243339 resp. However, according to the consumer these amounts do not reflect in the bills.
 - d) It is the contention of the consumer that the licensee has collected connected load penalty of Rs. 34,000/- in Feb. 2004 and Rs. 30,177/- which is not as per the guide lines of Hon. MERC. According to the consumer licensee has collected excess connected load penalty from him.
 - e) It is also pleaded by the consumer that he was having zero consumption in the month of March 2008 and April 2008. However, licensee has wrongly charged him ASC on 16698 units.
 - f) It is stated by the consumer that licensee has not made P.D. of single phase connection as per Vasai Circle policy till the date and hence the refund amount is lying with the licensee.
- 6) Grievance of the consumer is that though he has made a continuous follow up with Vasai Circle regarding the refund of SD / ASD and connected load penalty as mentioned above, licensee did not heed to his request. The consumer therefore approached the Forum and prayed that :

- a) Licensee be directed to refund the deposit with interest of Rs. 35,958/-
- b) Licensee be directed to refund the amount of excess connected load penalty which comes to Rs. 5,89,903/- as per the statement submitted by the consumer.
- c) Licensee be directed to refund excess S.D. of Rs. 52,850/- by keeping Rs. 20,000/- as S.D.
- d) Licensee be directed to refund the amount of ASC which comes to Rs. 29,849/- according to him.
- e) Licensee be directed to make P. D. of single phase connection and refund the amount by cheque with I.P. refund of Rs. 13,643/-.
- f) Licensee be directed to refund the entire amount of cheque or it (amount) be transferred in the same name account in Vasai Circle.
- 7) Notice was issued to the licensee who appeared and submitted a letter dated 05/10/2011 at a time of hearing (i.e. on 10/10/2011) addressed to the Member Secretary CGRF Kalyan. Licensee has not filed any say or documents in support of it's submission though sufficient time was granted by the Forum.
- 8) Licensee have informed by it's letter dated 05/10/2011 that :
 - a) The issue of refund of SD is under consideration and after scrutiny appropriate action will be taken and will be intimated to the consumer.
 - b) So far as the grievance regarding connection load penalty for the period from January 2004 to June 2005 the amount of Rs. 01,01,520/- is already refunded in the billing month of April 2006.
 - c) The excess amount of S.D. as shown in exhibit (1) by the consumer will be adjusted in the forth coming bill.

- d) Licensee further stated that the figure claimed by the consumer of Rs. 29,849/- against ASC does not tally with the CPL statement, hence the matter is under scrutiny and appropriate action will be taken within the period of 30 days.
- e) It is further stated by the licensee in the letter that as per the request of the consumer his single phase connection will be permanently disconnected and the amount of S.D. if found refundable, will be adjusted in the I.P. connection.
- 9) We have gone through the documents placed before us and have observed that :
 - a) Consumer has produced xerox copies of deposits on the record.
 - b) Licensee has collected excess amount towards costly power charges from the consumer under the head of ASC. Hon. MERC in the case No. 144 of 2008 dated 09/11/2009 has directed the licensee to refund the excess amount collected under the head of ASC.
 - c) Hon. MERC has given clear guide lines in case No. 2 dated 14/07/2005 regarding excess connected load penalty. Licensee has refunded the amount of Rs. 01,01,520/- towards excess connected load penalty charges for the period of January 2004 to June 2005 in the billing month of April 2006 which is admitted position. As per the representation 39 of 2006 of Hon. Ombudsman, Hon. Ombudsman has given directives / guide lines that excess amount collected in the connection with excess connected load by the licensee, if any needs to be refunded with simple interest at the rate applied by the licensee on outstanding arrears. Hence as per the directives licensee is liable to refund the balance amount of excess connected load penalty if any to the consumer with simple rate of interest.

- d) As per MERC (Electricity Supply Code & other conditions of supply) Regulation 2005 – xi Clause 11.5 where the amount of Security Deposit maintained by the consumer is higher than the security required to be maintained under this Regulation 11, the Dist. Licensee requires shall refund the excess amount of such security deposit in a single payment. Therefore licensee is liable to refund the amount of S.D. to the consumer after verifying the original receipts or any other evidence as per the directives / guide lines given by Hon. MERC in case No. 93 of 2008
 - e) Licensee has still not permanently disconnected single phase supply of the consumer though repeatedly requested by him.
 - f) Consumer has demanded in his grievance that the entire refundable amount be refunded by cheque or it be transferred in the existing I.P. connection account. The Forum can very well give the directions in this connection.
- 10) Taking into consideration all the above observations we pass the following order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to recalculate the amount of Security Deposit deposited by the consumer and refund the excess amount recovered, alongwith simple rate of interest on verifying original receipts or any other evidence as per the directives given by Hon. MERC within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) Licensee is directed the refund balance excess connected load penalty to the consumer with interest as clarified in para 9 (c) above within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) Licensee is directed to refund the amount of A.S.C. collected by the consumer as clarified in para 9 (b) above within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 5) Licensee is directed to permanently disconnect the supply of single phase connection of the consumer and refund the amount of S.D. etc. with interest on verifying the original receipts or any other evidence as per the directives of Hon. MERC within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 6) Licensee is directed to refund the amount (after re-calculation) standing in the name of the consumer by cheque or transfer the same in the existing I. P. connection in the same name account within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 7) 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”.

8) Consumer, as per section 142 of the Electricity Act, 003, 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 : 08/11/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan