



**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/223/247 OF 2009-2010 OF**  
**M/S. SHREEJI INDUSTRIES, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

M/s. Shreeji Industries  
Gala No. 06 Kailash Sagar 'A'  
Chinchpada, Tal : 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.-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 30/03/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Shreeji Industries

Address: - As given in the title

Consumer No : - 001590448547

Reason of dispute: Excessive Energy Bills and PD of 1 ph connection

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/307 dated 30/03/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/3752, dated 11/05/2009 in the form of letter addressed to the consumer with a copy to this Forum.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 15/01/2009. 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 30/03/2009.

- 5). The Forum heard both the parties on 11/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri B. D. Shidore, A.E., Shri S. B. Hatkar, A.A. 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 15/01/09 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. 11/05/09 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. 15,600/- + Rs. 4,900/- = Rs. 20,500/-- at the time of taking new connection on 07/08/95. However, bills do not show the said amount of SD. The licensee has also collected Rs. 15,600/- and Rs. 19,600/- as SD. Therefore, the consumer had requested for refund of excess SD and interest. As against this, the licensee claims that the connection has been given on 17/05/96. The Security Deposit of Rs. 15,600/- + Rs. 04,900/- = Rs. 20,500/- paid at the time of taking connection is not displayed in the bill. Further licensee claims that total SD

Rs. 35,200 is displayed on bill till May 08 and 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. 401.10, Rs. 71.44, Rs. 838.40 and Rs. 849.20 i.e. total Rs. 2160.14 in the bills for the billing periods March 07, July 07, Aug.07 and Sept. 07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that the said bill adjustments are taken as per the programme prepared by H. O. IT as per MERC rules and regulations. In view of the facts as discussed above, the licensee is directed to obtain necessary information in respect of above all bill adjustment amounts from the H. O. IT and other record and give the same in writing together with explanation to the consumer within a period of 30 days and refund the excess amount if any, recovered as above 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 charges 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 total amount of such difference to which the consumer is entitle and the amount if any refunded by it to the consumer and inform about it in writing to the consumer within 30 days and refund excess amount if any, together with interest at the Bank rate of RBI, to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 10). As to grievance No. 4 - Regarding refund of IASC during the period Oct. 06 to April 07 : The consumer claims that the licensee is to refund IASC charges of Rs. 346.15 recovered during Feb. 07, Rs. 143.50 recovered during May 07 i.e. total Rs. 489.65, as per order dated 15.9.08 passed by MERC in case No.45 of 2005, and therefore licensee be directed to refund the said total amount of Rs. 489.65 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, billed in Nov. 06 : The consumer claims that for the month of Oct. 06, the ASC was to be charged to the 9% of consumption/month. It's consumption for the said month was 3520 units. It's 9% comes to 317 units. However, the licensee has charged ASC for 422 units instead of 317 units, and therefore the consumer is entitle for the refund of Rs. 120.75. The consumer has annexed copy of the bill for the month Nov. 06 at annexure-3(a) mentioning the details of refund claimed by it. As against this the licensee claims that as per tariff order 2006-07 case No. 54 of 2005, ASC charges were 12%, the consumption for the month of Nov. 06 was 3520 and 12% of it comes to 422 units. Hence ASC charges charged are correct and there is no question of refund.
- 12) It is also noted by Forum that 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 during the period from Oct. 06 to April 07. Therefore, the contention of licensee that 12% of the consumption was to be charged as ASC during the said period is incorrect and hence is

rejected. Therefore licensee is directed to charge 9% ASC charges on consumption for the month of Oct. 06 (billed in Nov. 06) and refund the excess charged ASC, together with interest at the Bank rate of RBI to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision in this case.

- 13) Grievance No. 6 – Regarding ASC charges from Dec.07 to Feb.08 :  
Consumer claims that in billing months Dec. 07 and Jan. 08, licensee charged on locked average basis and then in Feb. 08 bill, licensee billed for three months consumption reading but ASC BC relief is given only for one month, so refund of 5154 units ASC difference is to be refunded. On this licensee claims that the average bills charged in Dec. 07 and Jan. 08 has been credited in Feb. 08. Charging of ASC is under scrutiny and action will be taken accordingly. It is noted by Forum that for February 08 bill, the billing period is considered 01/11/07 to 02/02/08 i.e. bill is prepared for three months but licensee appears to have given advantage of cheap power of one month only. Therefore, the licensee is directed to recalculate the ASC charges for the billing month Feb. 08 by considering the total consumption shown in the bill for the month Feb. 08 as the consumption of three months i.e. Dec. 07, Jan. 08 and Feb. 08, after taking into consideration the bills for the month of Dec. 07 and Jan. 08 and refund ASC charges recovered in excess in the month of Feb. 08 if any together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 14) As to grievance 7 - Regarding disconnection of single phase commercial 3.6 KW supply with consumer No. 001590431725 : The consumer claims that it has demanded disconnection of the said single phase commercial supply, since according to it in view of the clause 19.1 of MERC (ESC & OCS) Regulation 2005 implemented from 20<sup>th</sup> Jan. 2005, all irrational circulars & orders of MSEDCL are invalid, & tariff booklet definition & MERC operative order says that supply at low voltage except use of agricultural pump is allowed under LT-V & therefore, it does not need separate single phase commercial supply. The licensee claims that regarding disconnection of single phase supply, the matter is taken up with higher authority and decision will be taken shortly and action will be taken accordingly.

Clause 19.1 of above referred Regulations 2005, on which the consumer relies, reads as under :

“19.1 : Any terms or conditions of the Distribution Licensee, whether contained in the terms & conditions of supply & / or in any circular, order, notification or any other document or communication, which are inconsistent with these regulations shall be deemed to be invalid from the date on which these regulations come into force.”

The consumer has not made clear in his grievance as to exactly what type of activities it is carrying on in the premises for which it has earlier taken the said supply for commercial purpose. The CR also could not show any recent circular or order by which at present the supply given for Industrial purposes can also be used for commercial purpose also. Therefore, earlier



restrictions if any, about it, cannot be said to be invalid on the basis of above referred Clause 19.1. However, it is a matter of common understanding that, a person cannot be forced to continue to have particular type of supply against it's wishes. Therefore, the licensee is directed to permanently disconnect the said supply with consumer No. 001590431725 to the consumer at the risk of consumer within 30 days from the date of decision in this case, & there after transfer the SD amount together with interest till the date of such PD & all other credits including the amount of RLC as per MERC operative order 77 of 2007 if any, of the consumer in the said connection, to it's other industrial connection with consumer No. 001590448547 within a period of 30 days from the date of decision in this case.

- 15) As to grievance No. 1 as per rejoinder dt. 11/05/09 – Regarding refund of excess charges recovered by levying MD based charges during the period Aug. 08 to March 09 : The consumer claims that the licensee has recovered excess charges by levying the same as per MD based tariff during the above referred period and therefore, the same may be refunded as per order dt. 06/05/09 passed by Hon. Ombudsman in case No. 33 of 2009. It claims refund of Rs. 1554.94 on this count. The licensee did not file any reply to the rejoinder including this grievance even though it's representative undertook to do the same at the time of hearing. CPL of the concerned period corroborates the contention of consumer that the licensee has charged fixed charges as per MD based tariff to the consumer during the said period. Therefore, the licensee is directed to refund the

excess charges recovered from the consumer by applying MD based tariff instead of HP based tariff to the consumer during Aug. 08 to March 09, as per order dated 06/05/09 passed by Hon. Ombudsman in representation No. 33 of 2009 together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 16) As to grievance No. 2 as per rejoinder dt. 11/05/09 – Regarding refund of excess ASC charges : The consumer claims that it's BC as per the average consumption of the period Jan. 05 to Dec. 05 as given in the bills for the months Feb. 05 to Jan. 06 comes to 3135 units. However, the licensee has charged ASC to it by taking BC as 2895 units as is clear from the CPL. Therefore, the licensee be directed to correct the BC and refund the excess ASC recovered from the consumer. The licensee did not file any reply to the rejoinder including this grievance even though it's representative undertook to do the same at the time of hearing.

Copies of the bills for July 08, June 08, March 07, July 07, Aug. 07, Sept. 07, Dec. 06, Jan. 07, Feb. 07, May 07, Feb. 08, Jan. 08 and Dec. 07 filed by the consumer give the BC as 2895 units as contended by the consumer. It is clear from the Commissions' clarificatory orders of 17<sup>th</sup> Dec. 07 (para 4 of chapter 8) referred and reproduced in the order dt. 30/09/08 passed by Hon. Ombudsman in representation No. 57 of 2008 that the BC is the average consumption during Jan. 05 to Dec. 05. Usually a consumer is billed for the consumption in Jan. in the bill for the next Feb. month. Therefore, for finding out the average consumption during Jan. 05 to Dec. 05, the consumption of the said period as given in the bills from Feb. 05 to

Jan. 06 will have to be referred and considered. The average monthly consumption calculated by taking into consideration the consumption shown in the bills for the months Feb. 05 to Jan. 06 as given in the CPL, comes to 3135 units as contended by the consumer. Though the exact billing periods are not mentioned in the CPL, copies of the bills filed by the consumer show that generally the consumption of any month is billed in the bill for the next month. Considering the above facts, there appears some substance in the contention of consumer. Therefore, the licensee is directed to recalculate the correct BC by calculating the average monthly consumption of the period from Jan. 05 to Dec. 05, generally given in the bills for the months Feb. 05 to Jan. 06 and other relevant factors, and then recalculate the ASC charges considering such correct BC, and refund excess ASC recovered if any, together with interest at the Bank rate of RBI within 30 days from the date of this decision.

- 17). 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 10, and 12 to 16.
- 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 : 29/05/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan