



**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/539/637 OF 2011-2012 OF**  
**M/S. S. V. P. PACKING INDUSTRY PVT. LTD., VASAI (EAST)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

M/s. S.V.P. Packing Industry Pvt. Ltd.,  
Gala No. C - 1,  
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 20/09/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. S.V.P. Packing Industry Pvt. Ltd.

Address: - As given in the title

Consumer No : - 1) 002170781166 – 65 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/602, dated 20/09/2011 to Nodal Officer of licensee. At the time of hearing licensee filed letter No. DYEE/VSI/T/6097, dated 17/10/2011 from Dy. Executive Engineer, Vasai Road, East Sub-Division.
- 4) The Member Secretary and Member of the Forum heard both the parties on 17/10/2011 @ 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 as under :
- a) The consumer / complainant M/s. S.V.P. Packing Industry Pvt. Ltd. is a L.T.- V consumer having a sanctioned load of 65 HP situated at Gala No. C -1, Sagar Sangam Industrial Complex, Sativali, Vasai (East). The supply was released on 3<sup>rd</sup> May 2003.
  - b) According to the consumer it has two galas i.e. C-1 and C-2. According to the consumer the meter is installed in Gala No. C – 2.
  - c) The consumer further states that it has paid an amount of Rs. 19,500/- against S.D. vide receipt No. 2013971 dt. 16/05/2003 and Rs. 11,700/- towards ASD vide receipt No. 2013978 dt. 16/05/2003.  
Grievance of the consumer is that though it has paid the amounts mentioned above, it do not reflect on the bill.
  - d) The consumer further contended that the amount of S.D. Rs. 81,000/- reflects in the electricity bill of June 2008.
  - e) The consumer states that licensee has collected connected load penalty from the consumer which is a clear cut violation of the directives of Hon. MERC in case No. 2, dated 14/07/2005.
  - f) According to the consumer it has made the submission regarding the refund of S.D. , A.S.D., connected load penalty etc. to I.G.R.Cell but in vain. The consumer therefore approached the Forum requesting that directions be given to the licensee to refund the amounts mentioned above, with interest.
- 6) Notice was issued to the licensee who appeared and stated that :
- a) It has visited the premises of the consumer on 15/10/2011 and carried out the spot inspection.
  - b) As per the spot inspection report Gala No. 3 and 2 are inter connected with Gala No. 1.

- c) The licensee further states that it has also carried out spot inspection of Gala No. 1 on 15/10/2011 and found that address of the consumer shows that it is situated at gala No. 1 but the meter is installed in Gala No. 2 . Further it has stated that Gala No. 1,2,3 are inter connected having one entrance.
- d) According to the licensee since three Galas are inter connected with one entrance only, it is a breach of rule of Indian Electricity Act 2003 Section 126 (b) and (d) and hence consumer is not entitle for legitimate right within the provisions of Law.
- e) Licensee therefore requested to dismiss the complaint of the consumer.
- 7) We have gone through the record placed before us and have observed that
  - a) In the rejoinder submitted by the consumer on 17/10/2011 it is stated in Clause No. (a) that meter is installed in Gala No. 2 which contradicts the remark of the consumer on exhibit (6) where it is stated by the consumer that “there is no meter in Gala No. 2. Gala No. 1 and 2 is the one unit”.
  - b) Address on the bill and CPL shows that S.V.P. Packing Industry (i.e. consumer) is situated at gala No. 1.
  - c) In rejoinder consumer has stated in Clause No. (b) that “Now we have made arrangement with Magic Seal, the owner of Gala C 3 to use his gala. However, it also has supply of 65 HP”, and after the arrangement with Magic Seal consumer submitted a letter to the licensee on 20/09/2011 for load extention which creates a doubt about the bonafide intentions of the consumer. The consumer has not clarified what type of arrangement it has made with the Magic Seal which is situated on Gala No. 3.
- 8) Taking into consideration all the above observations we prima facie feel that the matter comes under Section 126 of Electricity Act 2003 which does not

permit the Forum to entertain the matter. So also Clause 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 states that if the Forum is prima facie of the view that any grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum.

- (a) Unauthorized use of electricity as provided under Section 126 of the Act.
- 9) We are of the opinion that grievance No. K/E/539/637 does not come within the purview of the Forum. Hence we pass the following order :

**O-R-D-E-R**

- 1) The grievance application stands disposed of since it does not come under the purview of the Forum as per Clause 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.
- 2) 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”.*

Date : 08/11/2011

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan