



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/462/519 OF 2010-2011 OF
M/S. ARTEK SURFIN CHEMICALS LTD., VASAI (EAST) REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

M/s. Artek Surfin Chemicals Ltd.,
Plot No. 36, Sector - II,
VTIC Co. Op. Estate Ltd.,
Gauripada, 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 H.T. consumer of the licensee with C. D. 100 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 01/12/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Artek Surfin Chemicals Ltd.

Address: - As given in the title

Consumer No : - 1)001849026580 – 100 KVA

2)001890451710 – 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/796 dated 02/12/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/10941, dated 29/12/2010.
- 4) The forum heard both the parties on 30/12/2010 @ 14.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit Nodal Officer, Shri Sandeep Raut, Asstt. Manager, and Shri J. P. Keni Sub-Engineer, 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 Urja Ind. Estate, Chinchpada,

Vasai (East) in the year 1991. It is averred while extending load in the year 1995 licensee collected SD of Rs. 9,850/-, ASD Rs. 3,100/- (Six months charges) and Addl. SD Rs. 46,500/- but does not appear in the computer due to change over to Oracle System. It is contended on verifying F-1 register or any other evidence as per the directions of Hon. MERC licensee needs to refund the same and that consumer claimed the amount vide chart enclosed with interest but not refunded. As regards excess connected load penalty it is contended by the consumer that licensee collected amount approx. Rs. 10,16,026/- on this count contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06 as mentioned in the chart enclosed. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. RLC amount of Rs. 98,341/- paid for the single phase connection since it is merged in three phase meter, collected RLC is required to be refunded but not refunded so far with interest vide chart enclosed. Consumer by letter dt. 16/09/10 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amount of S.D., ASD, excess connected load penalty and R.L.C. vide charts enclosed with interest.

- 6) Licensee filed reply dt. 29/12/10 contending that amount of SD & ASD with interest is being refunded. So far excess connected load penalty is totally time barred by three years hence cannot be given. So far refund of RLC is also being refunded with interest.
- 7) So far refund of SD in the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in

case No. 93 of 2008. This Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund if not paid earlier, with R.B.I. rate of interest.

- 8) According to consumer vide letter dt. 16/09/10 excess connected load penalty amounting to Rs. 10,16,026/- vide chart enclosed needs to be refunded. Licensee vide reply dt. 29/12/10 pointed out that the claimed amount is hopelessly time barred. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 107 HP officials of the licensee collected excess connected load penalty and the same needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt. 14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and observation made by Hon. Ombudsman as above in para 12, 13, 14 in the order as above in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation of connected load penalty and the need to refund the same.
- 9) So far refund of RLC consumer pointed out that this amount was paid by the consumer to the licensee as loan in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as

regards refund of RLC. When the amount running in thousands i.e. Rs. 98,341/- was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC and Ombudsman and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect.

- 10) While parting with the matter with regret we are constrain to mention that this Forum in many cases filed by the learned representative for the consumer Shri Harshad Sheth on same issues referring relevant orders passed by the Hon. MERC and Ombudsman had given clear directions to the licensee, however it is unfortunate consumer had to knock the doors of this Forum repeating the same grievance. We hope officials of the licensee would honor the orders passed by the Competent Authority so that the very purpose of enacting the act for consumers as well as the smooth functioning of the licensee would fulfill. Consumer is also cautioned that being a customer and the licensee being the custodian of the records to keep rapport so as to smoothen the transactions. It appears instead approaching the licensee consumer sitting at one place seeking help, need to be avoided. Consequently grievance application will have to be partly allowed. Hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to refund the amount of SD and ASD with R.B.I. rate of interest to the consumer as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 45 days and compliance should be

reported to the forum within 60 days from the date of receipt of this decision.

- 3) Licensee is further directed to work out the amount of RLC and excess connected load penalty as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03 and Ombudsman in case No. 39 of 2006 and if collected excess, to refund the same with interest within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) 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”.

- 5) 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 : 06/01/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan