

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

No. K/E745/892 of 2013-14

Date of Grievance: 02/12/2013

Date of order : 29/01/2014

\Period Taken : 59 days.

IN THE MATTER OF GRIEVANCE NO. K/E/745/892 OF 2013-14 IN RESPECT OF M/s. Aakar Corporation, Navghar), Vasai (E), DISTRICT-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF RLC,S.D., ASD, AND CREDIT BALANCE OF PD CONNECTION.

M/s.Aakar Corporation
Gala Nos. 10 & 15,Sheetal Industrial Estate,
Navghar (E) Vasai (E),401 208 District-Thane. .. (Hereafter referred as
consumer)

Consumer (present) No.0018490386-107 HP
Consumer no. (Earlier)-00161030714-65HP ..

Versus

Maharashtra State Electricity Distribution
Company Limited though its
Dy.Exec.Engineer, Vasai Road (E) S/Dn. (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Seth, Consumer's Representative
For Licensee - Shri Umberje Dy.Executive Engineer,
Shri Vaze - Accountant

(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 having Industrial supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 2/12/2013 for Refund of R.L.C. and credit balance of P.D. meter.

3] The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0506 dated 2/12/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 07/01/2014.

4] From factual aspect it is seen that Consumer is having Industrial Supply for so many years. During that period Security Deposit was paid, even development charges were also borne, and Consumer has deposited Regulatory Liability Charges, i.e. RLC to the tune of Rs.2,44,635/-, during the period from December 2003 to September, 2006 for 33 months. As per the Tariff Order of MERC in Representation No.19/2012 on 16/8/2012, direction is given to refund the said RLC amount in six equal installments. It is contended that after the said Order, within six months, no any amount was paid, but on behalf of Licensee, circular giving guidelines issued on 31/10/2012 and it is contended that as per the said guidelines in case of connection which resulted in P.D. but there is shifting to Special-L.T., then on any such surviving or continuing supply, the payment is to be done , by adjusting in the bills. Till August 2013 no any payment was done, by the Licensee adjusting it in the bills and hence, consumer submitted application with the Dy Executive Engineer on 8/8/2013, seeking total RLC refund amount, by cheque but till this date said claim is not finalized or no cheque is issued. Accordingly it is contended that though Licensee insists, on implementation of the Licensee's circular dated 31/10/2012, and guidelines therein, in no way it can restrain for issuing a cheque if demanded. Secondly it is contended that period of one year is over from the Order of MERC hence in no case amount can be withheld and it is to be paid by way of cheque.

5] In the light of the above, we find the aspect of RLC is dealt right from the year 2003 to 2006 and Hon'ble MERC passed Orders for its refund previously in

Case No.72 of 2007 wherein methodology is prescribed. Lastly in the Order No.19 of 2012 dated 16/8/2012 position is made clear and direction given to refund the amount in equal six, monthly installments. There is no dispute that the Licensee is to refund the amount in six, monthly installments to the present Consumer. As prayed by the Consumer, it is not paid till August 2012 or adjusted in the bills. Consumer is specifically seeking its payment by cheque on the ground that one year time is already over after the order of MERC.

6] Consumer had approached for refund on 8/8/2013 to the Dy. Exe.Engineer and then approached IGRC on 3/10/2013 sought refund of RLC without interest. Matter before IGRC not decided. Refund as prayed not given. Hence he approached this Forum on 3/10/2013, thereafter IGRC issued letter on 7/12/2013. Licensee filed reply in this matter on 7/01/2014. The Officers of Licensee heavily relied on the internal circular issued by the Chief Engineer (Commercial), dated 31/10/2012 towards the framework to refund RLC to P.D. Consumer. One of the mode for P.D. Consumer, is, to pay by cheque, however, if there is any conversion to Special category, then it is to be paid by adjusting in the bills. C.R. submitted and insisted that old supply is P.D. and it falls in the category of P.D. meters, hence refund should be by cheque only. He submitted that consumer shifted to special LT on 5/01/2008 for said new supply, new Consumer number is given and hence it is totally new.

7] Admittedly, in this matter, Consumer has taken additional load and shifted to 107 HP in Jan. 2009, and in the same month, previous connection was permanently disconnected. Question is of RLC, repayment even to such shifting for Special category. It is noted above that order is passed by Hon'ble MERC in Aug. 2012, payment was to be done in six installments, payable per month, and in pursuance of it, above referred circular is issued by Chief Engineer (Comml.) on 31/10/2013. Period of six months, even for this circular, completed in Apr. 2013. Till July, 2013, no any payment was done. It is necessary to mention that the Consumer

has approached the Officers of Licensee in August, 2013 as stated above, period of six months was over even considering the letter of Chief Engineer (Comml.).

8] Further it is seen that this grievance is submitted with the Licensee on 08/08/2013 and IGRC on 01/10/2013, till then, already one year was over after the order of Hon'ble MERC. Even six months period is over after circular and total amount is due.

Now question comes up when the period of six months is already over, even to the letter of Chief Engineer (Comml.) dated 31/10/2013, the payment which is due, is not done prior to Apr. 2013 and now period of one year is also over, payment is overdue, Can it be said consumer not entitled to receive by cheque. Though from August, 2013, Consumer himself has sought, not to adjust it in the bill but to pay it by issuing cheque, for the balance period, on the ground that consumer's unit is not working and from April 2013 minimum bills are received and those are paid, hence the refund of RLC, if to be paid in installments, it will take years which will not be in tune with MERC order.

We find said payment was legitimately due prior to Apr. 2013 but it is not paid till August,2013, and there is no any reason to refuse payment by cheque relying on the letter of Chief Engineer (Comml.) dated 31/10/2013 when period of six months has already over after issuing it. Hence cheque was required to be given when it was sought. Accordingly, we find by interpreting it in any way, amount is due, it is to be paid and when Consumer is seeking it in the form of cheque, it cannot be denied in these particular circumstances. Hence the Licensee is to be directed, to pay the said amount, by issuing the cheque with appropriate interest as directed by Hon'ble MERC as per Bank Rate.

9] Consumer has sought an amount of Rs.15,600/- which is said to be credit balance towards P.D. connection. Licensee verified this aspect denied the said sum and submitted that in the correct credit balance is only of Rs.2,217.96 Ps and as per the

record more particularly CPL, consumer was yet to pay an amount of Rs.13,380.03 Ps. deducting the credit balance available, which is of Rs.2,217.96 ps, that balance comes to Rs.10,155.84. Reference is made to CPL ,pointed out and how by mistake that credit balance is continued and due amount is not carried forward. Consumer's representative has no dispute about this issue. Hence, it is clear that consumer is yet to pay an amount of Rs.10,155.84 Ps which is to be deducted from RLC amount payable i.e. Rs.2,44,635.50 Ps. So balance comes to Rs.2,34,479.66 Ps to be paid to the consumer. Grievance of consumer is be allowed. Licencee is to be directed the to issue cheque for due amount of refund of RLC i.e. Rs.2,34,480/- to consumer.

10] Consumer has sought refund of security deposit and additional security deposit to the tune of Rs.30,300/- which Licensee verified but not found. Even consumer is also not showing any such receipt, hence no any relief can be granted on this count. Grievance accordingly needs to be partly allowed.

Dated: 29/01/2014.

I agree.

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

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

Member Secretary (Chandrashekhar U. Patil) :

I have gone through the above reasoning. I respectfully agree with it except for the contents in para Nos. 7 to 9 for the reasons that :

- a) Due to consumer's letter dated 8/8/2013 for refund by cheque,the process of refund was withheld. MSEDCL should not be held responsible for it and hence refund with interest will not be justified.

- b) As per the guidelines, the scheme of refund by cheque is for P.D.consumers. The present consumer is shifted from LT to special LT and in such cases, previous consumer number is required to make PD (on paper) for processing his conversion and streamlining the conversion process only. Giving him the treatment as 'real PD consumer' will not be on the realistic grounds. Hence refund by cheque/cash should not be entertained in this case, as also the owner/consumer is the same after shifting to special L.T. Hence the Grievance cannot be allowed.

(Chandrakant U Patil)
Member Secretary
CGRF, Kalyan.

Hence the order by majority

ORDER

- 1] The grievance of the Consumer is hereby partly allowed.

The Licensee directed to issue cheque for due amount of refund of RLC i.e. Rs.2,34,480/- with interest as per order of MERC incase No.72/2007 dated 20/6/2008 at the rate 6% per annum.

- 2] Above compliance of directions be done within 30 days from the date of receiving this Order and compliance be given thereafter within further 15 days .

Date : 29/01/2014.

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

(Sadashiv S. Deshmukh)
Chairperson
CGRF, Kalyan

Note:-

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”

- b) 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”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.