



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

**IN THE MATTER OF GRIEVANCE NO. K/E/0159/0181 OF 08-09 OF M/S.
CRYSTAL INDUSTRIES, VASAI REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

M/s. Crystal Industries
Gala No. 20, Suryakirti Ind. Estate
Chinchpada, Village : Gokhiware,
Tal : Vasai, Dist : Thane

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai (East) Sub-Division

(Here in after
referred to
as Consumer)

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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 conformed 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 connected to their 415-volt network. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on dated 19/01/2009 for Excessive Energy Bill. The details are as follows: -

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

Address: - As above

Consumer No : - 001590486503

Reason of dispute: Excessive Energy Bill.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/039 dated 19/01/2009 to Nodal Officer of licensee. They replied incomplete vide letter No. DYEE/VSI(R)/ Bill/1095, dated 09.02.2009 received on 12.02.09 at the time of hearing.
- 4). The Members of the Forum heard both the parties on 12/02/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Consumer Shri Sanjay Shah, Shri Harshad Sheth, representative of the consumer & Shri D. V. Mehetre, Dy. Ex.Engr., Shri S. B. Hatkar, Asstt.Acctt., Shri D.A. Apandkar, LDC. representatives of the licensee attended hearing.
- 5) The consumer approached to IGRC on dated 15/11/2008 but the licensee did not inform the consumer about any solution to his grievances & therefore the consumer approached this forum on 19/01/2009.
- 5). The Consumer Representative (CR) stated that he got parawise reply from Dy.EE MSEDCL Vasai Sub Division vide letter No.1095 dt.09.02.2009. The reply given by the licensee is incomplete and not satisfactory, therefore CR given his parawise reply to the licensee's letter in the hearing, to the licensee as well as to the forum on 12.02.09. He further stated that he has got CPL from Jan.98 to Nov.07 only and demanded CPL of balance period. The licensee agreed to provide the same.
- 6).*Excess MD charges*: The consumer stated that since Aug.08 i.e. billing month 5.8.08 to 5.9.08 they have been charged as MD based tariff. The power factor penalty and incentive shall be applicable to only those consumers who have MD based tariff and are provided with meters to measure their power factor. They have been charged power factor penalty and TOD charges. They challenge that the MSEDCL's action is against the following circulars.
 - a). As MERC Case No.72 of 2007 dt.20.6.08 para 47 reads that unless 100% metering is done, MD based tariff can not be made effective. As per licensee

circular No.81 dt. 7.7.08 para 10.3 to 10.5 it is mentioned that 100% metering is not done and respective information of metering of express feeders, DTC meters and consumer data of sanctioned load and contract demand to be submitted to IT section, then to MSEDCL HO to be given ultimately to MERC for verification and finally date of effect to be given by MERC.

b).As per case No.44 of 2008 dt.12.0.08, clarification sought by MSEDCL on power factor, para No.5 and ruling given by MERC says that power factor penalty/incentive shall be applicable only those consumers who have MD based tariff and are provided with meters to measure their power factor. In this case, MERC has not yet permitted to charge MD based tariff, so licensee can not charge MD based fixed charge, P.F. penalty/incentive and Demand penalty/incentive.

c).As per licensee circular No.88 dt.26.9.08, the PF penalty and incentive is only applicable to those consumers who have both i.e. MD meters and MD based tariff. As such MD based tariff is not yet approved by MERC for LT V industries so it is illegal to charge Demand based charges, demand and PF penalty ;to consumers who have HP based tariff at present. Therefore inspite of clear cut MERC and Licensee's order, if the the SE do not revise bills, it will be violation of rules and orders of MERC it is violation of I.E. Act 2003, Sections 142 & 146. Therefore the matter required to be regularized.

On this query, the licensee stated that on completion of 100% TOD metering and as per the directives given in Circular No.81, Clause No.10.5, the MD based tariff is applied to the consumer from August 2008, which is as per licensee is correct. But the consumer was not agree with this, because without MERC's permission, licensee can not do this.

- 7). Amount collected under bill adjustment: The consumer stated that in some bills, they stated "bill adjustments". No details are given. For the period of 5.7.08 to 5.8.08 the licensee collected Rs.2500 against Rs.1950 so Rs.550 to be refunded. The licensee shown in the bill of 5.7.08 to 5.9.08 of Rs.1789.47 and interest Rs.221.57 amounting to Rs.2011.04 which is not payable by us. Clarification of each adjustment should be given or the amount should be

refunded. - In this regard, licensee replied that the period for bill adjustment is not mentioned in the letter. However, various types of adjustment has been given to the consumer by I.T.Section as per circulars and amended time to time. However, we will collect the details from I.T. and we will give detail report to the consumer with a copy to forum. Forum asked time for giving these details, when licensee asked 15 day's time (on or before 27.2.09).

8). **SD interest not paid:** The consumer stated that at the time of getting new connection in 1998, the consumer have paid Rs.19,500/- as SD but it was not reflected in the bill upto May 2008. Thereafter they paid Rs.55,800/- in June but shown SD as Rs.77,300/- from Aug.08. They demanded interest on SD of Rs.19,500 from Jan.98 to Jul.08 of Rs.9972.00 and the same may be compounded on yearly basis and after adding in principal, respective year interest may be calculated and refunded. They stated in reply that an amount of Rs.13,650/- collected while giving new connection is not displayed on bill nor interest given – As per reply in Para 3 we have submitted demand note displaying the amount of interest of Rs.9972/-. We want this interest and interest on this amount. We have asked RBI interest @ of 6% after 10 years. First year interest should be treated as arrears to be paid by licensee and add the yearly interest upto this date. - On this demand, the licensee replied that since the SD pertains the year 1998, we find it difficult to trace out the record. If the consumer can produce the original receipt, we can take action immediately.-- On this, consumer stated that we are also doubtful about possession of the receipt. If the first deposit receipt is not trace out, whether we can give an Affidavit to that effect. The consumer and forum agreed with a view to solve the issue. The licensee further stated that we will see the record and after studying the case we will give the interest. In respect of interest on interest there is no such practice, however, we will take up the matter with higher authorities and will see whether any thing can be done. This process will be completed within 15 days and intimated to consumer and the forum.

9). **Disproportionate** charges by clubbing consumption of 3 months:- The licensee has collected excess and exorbitant ASC amount. Wrong

justification is given by licensee. For the billing period 1.9.08 ad 1.10.08 they issued average bill for 2 months, 10240 units and for 1.11.08 issued combined bill and deducted earlier 2 month bill amount but while doing so, many excess charges are levied disproportionately. Licensee has to refund Rs/14.060.67 alongwith interest so they are charging to consumer for their default period (as per our calculation sheet). - The licensee stated they will verify records and relevant circulars and finalized the matter within 15 days under intimation to consumer and forum.

10. **FCA excess charged**:- They charged bill adjustment of Rs.2797.20 in the period 2.8.07 to 1.8.07 which may please be refunded. FAC 2 charges was to be charged on 6329 units 0.22 paise which should be Rs.1392.38 but in bill period 2.7.07 to 2.9.07 they have charged Rs.1433.96 i.e. Rs.41.58 collected extra which should be refunded. -The licensee stated that FCA is variable from month to month as per HO circulars. We will verify what says such HO circulars at that time and revise, if required. This will be done within 15 days with a copy to forum and consumer.
 - Forum asked the consumer that you have been charged FCA extra in Sept.07, why you not complained earlier? The C. R. replied because the consumer not knowing what is FCA.
11. **Excess ASC collected based on B.C(2—5)**:- Additional supply charges are collected excess for the period from 1.5.07 to 31.5.08. Benchmark consumption of year 2005 is taken as 7111 unit per month. We are giving the details of month wise bills consumed as 89,210 units. During Nov.05 due to repairs in plant, half month was closed. Consumption was only 2250 units. So if we consider 89,210 for 11.5 months, monthly average comes 7757 units. Licensee has collected Rs.10,498 excess from us which may be refunded with interest. Actual, total consumption of 2005 is to be verified with the consumption taken by MSEDCL for ASC calculation. ASC for Oct.06 is disproportionate. So refund may be made along with interest. Upon this query the licensee stated that the ASC is

charged to the consumer as per the circular. However, we will take the details from the IT including amendment made time to time.

12. **Refund of Excess MD fixed charges:** (i) As per our earlier submission we have to receive Rs.11,584.13 but the licensee have refunded Rs.8065.32 (ii) Licensee may be directed to refunded balance Rs.3519+interest as they charge to consumers (iii) HO does not come in picture any where (iv) MERC has made licensee to revert back from MD tariff to HP based tariff. So this amount may be refunded alongwith interest. - On this point, the licensee argued that the refund of Rs.8065.32 given to the consumer in May 2007 is as per IT programme. The I.T. section has given 4 month's refund whereas consumer demand for 5 months. This will be verified and action taken accordingly.
13. **ASC refund: Incremental additional security charges** was charged as directed by MERC but licensee Vasai Division is violating MERC Order No.45 dt. 17.9.08 page No.6 para No.156 which reads as "It is felt necessary to direct MSEDCL to undertake necessary changes to its software within next 30ndays. MSEDCL is directed to refund the incremental ASC for the period from Oct.06 to Apr.07 to all the consumers who have contributed towards ASC". This is the duty of licensee to honor and implement the orders, Regulations of MERC and I.E.Act 2003, therefore refund IASC amount with interest. - On this query the licensee reiterated that the consumer's letter is now received and we will take the action and give reply shortly.
14. **Excess amount collected as per connected load.:-**As per Ombudsman & MERC case No.2 of 2003, MSEDCL shall refund any amounts collected on account of invocation of connected load/power factor penalty not in due with this dispensation, to the concerned consumers along with interest at the rate adopted by MSEDCL to their consumers, from the date of collection till the date of refund but not later than three months from this order. The licensee should refund the interest should be paid as charged by licensee to the consumer. - The licensee stated that in 2003 this

has been done correctly. However, we will study the case and will take necessary action. On this licensee asked exact period, which we have given in point wise reply dt.12.2.09 as Nov.02 to Apr.03".This may be refunded along with interest. On this point the licensee stated whatever amount collected against excess MD is as per circular. However, asked the consumer to furnish exact period so that they can again verify whether the amount collected against excess MD is correct.

15. As per consumer's demand following consumer's amount are with licensee as credit. He has also given tabulated statement for respective claim enclosing Annexure therein.

Rs.	32,503.49 - (less Rs.70,000/- less actual bill payable) as per bill Dt.16.10.08
Rs.	16,716.87 - charges of 5.8.08 to 5.9.08 as bill dt.29.9.08
Rs.	2,561.04 - for 5.7. to 5.8.08 period bill.
Rs.	14,960.67 – Difference of average bills 1.9.07 to 1.11.07
Rs.	2,797.20 – Bill adjustment 2.7.07 to 2.8.07
Rs.	41.58 – FAC2 charges collected excess.
Rs.	9,972.00 – Interest on security deposit
Rs.	10,498.00 – ASC collected extra for period 1.5.07 to 31.5.08
Rs.	<hr/> 90,050.85

The consumer further stated that Interest at the rate being charged to consumer on default period i.e. 12% for first 3 months, 15% for next 3 months and 18% for period there after as per tariff booklet to paid on respective period and amounts as mentioned above provisional total comes to Rs.90,050.85 + interest as mentioned above.

If all these credit amounts were paid to the consumer in due time, these amounts would have been utilized into their business and gained good profit in rotation. Therefore the credit amounts should be treated as arrears

with the licensee in its respective dates and interest be calculated upto this date.

Forum asked the consumer that subject to the finalization of the above refunds of various heads narrated above, whether you are agree to effect refund by way of adjustment? Consumer agreed to that.

16. The C. R. expressed his doubts regarding licensee's payment of interest @ 15% , 18% etc. and he further added that he know that he never get beyond RBI interest of 6% from the licensee in his whole life.

17. Forum observations:

A).The consumer raised following grievances in his application:

i). Excess MD charges.

ii). Amount collected under bill adjustments

iii).SD interest not paid.

iv).Disproportionate charges by clubbing consumption of 3 months.

v). FCA excess charged.

vi). Excess ASC collected based on Bench Mark consumption

vii).Less refund of MD fixed charges.

viii). ASC refund – incremental additional security charges

ix). Excess amount collected as per connected load.

B). Nature of relief sought from forum:

i). Illegal and excess amount collected should be refunded. Interest should be given by MSEDCL as they charge to the consumer on fault amount.

ii).SD + extra amount paid + unpaid interest to refund.

iii). MERC order is violated, get assurance that it is not violated repeatedly or E.Act 2003 section to B invoked faulty and wrong data is fed in computer and excess amount such collected should be stopped and penalty should imposed in this case.

iv). Average billing for than one month is violation so if repeated we should be financially compensated.

v). Compensation of Rs.5000/- for such huge documentation.

18. At the time of hearing on 12.02.09 the licensee stated vide their letter No.....that the forum had given time limit to submit the point wise reply upto 27.2.09, however, due to unavoidable circumstances they are unable to submit the same within 27.2.09 and again required time for 7 days for suitable reply in the matter.

i). Excess MD charges:-

As per licensee's reply on the subject referring circular No.81, clause No.10.5, they stated that the "the MD based tariff is applied to consumer from Aug.08." Clause No.10.5 is as follows:

"MSEDCL is thus allowed to charge MD based tariff immediately on completion of 100% metering. All Zonal Chief Engineers to immediately inform the IT centres under their jurisdiction about such completion & may also send certificate immediately to that effect to Chief Engineer (Dist).

The clause clearly states that after completion of the 100% metering the Zonal Chief Engineers are required to immediately inform IT centres under their jurisdiction about such completion for the change in charges of MD based tariff.

- Forum demanded the copy of 100% completion of metering letter from the licensee. The licensee replied vide letter No. 1625 dt. 26.02.09 "that we have given assurances for reply on dt. 27.2.09, however, due to unavoidable circumstances, we are unable to submit the same. Hence 7 days extension date for issue of suitable reply may be given in the matter."

- The licensee did not submit any letter / reply regarding above subject till to-day. Under the above circumstances forum come to the conclusion that as the licensee is not able to substantiate their statement of 100% metering completion of their area and also not producing the clearance from Commission for charging the MD based tariff for LT V consumers. In view of above, I reach to the conclusion that the work 100% metering is not yet completed and hence they can not charge MD tariff to the consumer. The excess amount charged under this tariff from the

consumer should be adjusted in the future bills, with interest @ RBI saving account rate prevailing at the date of decision of the forum. I also recommended the refund of the excess amount with interest @ RBI saving account rate prevailing at the date of decision on this category.

(i)(a) As far as the grievance of consumer to the effect that the MSEDCL/Licensee has recovered electric charges as per M. D. based tariff for the month of August 08 illegally is concerned Shri M. N. Patale, Chairperson and Shri Shivdas Member Secretary, differed from the above view taken by Sau. V. V. Kelkar, Member and therefore, the view taken and the reasons given by them for such view are separated recorded as under :

(b) Para 47 of the Operative Order dt. 20/06/2008 of MERC in Case No. 72/2007, on the basis of which the licensee/MSEDCL issued Commercial Circular No. 81, dt. 7/7/08, reads as under :

“47. In line with Commission’s ruling in the MYT order, since MSEDCL is yet to achieve 100% MD metering for LTV industrial consumers above 20 KW (around 97% completion has indicated by MSEDCL till date), the MD tariffs for LTV industrial consumers will not be made effective. Till the MD meters are installed, MSEDCL will be allowed to charge only the earlier HP based tariffs, though the revenue has been assessed based on MD based tariffs”.

It is clear from the above order that while passing the said order or giving the said directions, MERC relied on the report about completion of 97% given by MSEDCL/licensee, without insisting for proof about it. It is clear from Clause No. 10.5 in commercial circular No. 81, dt. 7/7/2008 issued by the MSEDCL/licensee, reproduced in above para 18 (i) that in view of the above referred order in para 47 of order dt. 20/06/2008 of MERC in case No. 72/2007, the MSEDCL/licensee issued directives to all Zonal Engineers to immediately inform IT centres under their jurisdiction about such completion and further directed that they may also send a certificate immediately to that effect to Chief Engineer (Dist). The MSEDCL/licensee through Dy. Executive Engineer, MSEDCL Vasai Road (E) S/Dn. vide say cum letter dt. 9/2/2009, claims that on completion of 100% TOD metering and as per the directives given in circular No.

81, clause No. 10.5, the MD based tariff is applied to the consumer from August 2008. Moreover, the licensee in its circular No. PR-3/Tariff, dt. 05/02/2009 clearly stated that the MSEDCL has completed the 100% work of installation of TOD meters to LTV industries having load more than 20 KW. MSEDCL is a public institute and therefore, the same or its officers have no personal interest to falsely say that 100% TOD metering was completed and therefore MD based tariff is applied to the concerned consumers i.e. LTV Industries above 20 KV consumers. Under such circumstances, in our opinion, it would not be proper to insist for filing of documents about 100% completion of TOD metering. Therefore we accept the contention of MSEDCL that 100% TOD metering was completed by the end of July 2008.

(c) It is clear from the provisions of 3.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & other conditions of Supply) Regulations, 2005 that MSEDCL/licensee can recover charges for the electricity supplied as per the tariffs fixed from time to time. It is clear from the order dated 20/06/2008, passed by MERC in case No. 72 of 2007 that the Commission (MERC) fixed tariffs for LT-V industries above 20 KW consumers on HP basis as well as on MD TOD basis with a direction that the TOD tariff shall be applicable after installation of MD meters. It is true that as per para 47 in the said order, the Commission (MERC) at that time allowed the licensee to charge as per earlier HP based tariffs but it was because at that time the licensee reported that the work of MD metering was completed to the extent of 97% only. It is further made clear in the said para 47 of the said order that till the MD meters are installed, MSEDCL will be allowed to charge only the earlier HP based tariffs. Moreover, the fact that the Commission (MERC) in the said order also fixed & finalized the MD tariff or TOD tariff clearly show that the licensee was permitted to charge electricity charges as per the MD metering or TOD metering immediately after completion of 100% work of installation of MD meters, as clearly stated in the Commercial circular No. 81, dt. 07/07/2008 by the licensee. In view of this, and since in my opinion the licensee has already completed 100% installation of MD meters as discussed above, in my opinion the licensee

has correctly charged the electricity charges to the consumer as per MD tariff and therefore, such charging cannot be said to be illegal as alleged by the consumer and therefore he is not entitled for refund of or adjustment of any amount on such count. Hence I hold accordingly.

Clause 8.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum) & Electricity Ombudsman) Regulations 2006, reads as under :

- i) *"On completion of proceedings conducted under Regulation 6, except where the forum consist of a single member, the forum shall take a decision by majority of votes of the members of the forum & in the even of equality of volts, the Chairperson shall have the second & casting vote."*

It is clear from the above clause 8.1 of the Regulations 2006 that the Chairperson has been given a second or casting vote, in case of equality of votes, & it clearly means such equality of votes is meant to be equality of the votes of other two members.

In the instant case, there has been difference of opinion or view amongst two members, & therefore, Shri M. N. Patale, as a chairperson will have to give the second or casting vote & the view out of the different views taken by two members, seconded by Shri M. N. Patale Chairperson will become the view of the majority & hence such view will be the decision of the forum.

Shri M.N. Patale, after giving due consideration to the different views expressed by two members as above, approves or supports the view taken by Shri R. v. Shivdas to the effect that considering the tariff order issued by the Commission (MERC) & circular No. 81 issued by the licensee, read with the circular dated 05/02/2009 referred & other facts discussed by him it is clear that the licensee has completed 100% installations of meters & therefore correctly recovered the electric charges as per MD tariff or TOD

tariff & therefore the consumer is not entitled for any refund or adjustment of any amount on such ground.

- ii). Amount collected under bill adjustments by a bill for the period 02/08/07 to 01/09/07 : Regarding this claim the licensee assured to the forum that they will collect the details from IT Section and report to the consumer and forum within 15 days. However, licensee has not given any further information. The amount of bill adjustment in the concerned bill is shown as Rs. 2797=20. The licensee should explain about such amount to the consumer & if the same are in writing, & if the same are in excess, should adjust such amount in next bill, within one month from the date of decision in this case.
- iii). SD interest not paid :- It is noted by the forum that the consumer paid SD amount Rs.13,750/- at the time of new connection (20.3.98). It is not displayed on the bill or interest given on this SD uptill now. The licensee agreed to give interest from the date of receipt of SD till to date. Forum asked the licensee that the interest should be given at the rate prevailed at that time. Also total SD amount should be displayed in the bill henceforth regularly.
- iv). Disproportionate charges by clubbing consumption of 3 months:- In this regard licensee's parawise comments submitted vide letter No.1095 dt. 9.2.09 states "it is seen that from the record that the bill is issued in Sept.08, Oct.08 & Nov. 08 are as per consumption recorded by meter and not as per average". This is signed by Dy.E.E. Vasai Road (East) sub Division. In the meeting the licensee's representatives stated that they will verify the records and relevant circulars and finalize the matter within 15 days under intimation to consumer and the forum. The above contention of licensee is correct as is clear from CPL of concerned month produced by the licensee. excess should adjust such amount in next bill, within one month from the date of decision in this case.

- v) It is further contended by consumer that the consumer received bill with reading as 90124 for Rs. 99741.82. On this, consumer called licensee's people and took reading (attached check reading report) on 06.11.08 as "88110". The alleged excess consumption shown in the bill for the period 6/9/08 to 5/10/08, must have been adjusted in the bills for subsequent months which must have been issued as per actual meter reading as per usual procedure. If not so are adjusted, licensee to give credit for excess amount recovered by the above referred bill to the consumer in ensuing bills.
- v). FCA excess charged:- The licensee agreed that FCA is variable from month to month as per HO circulars. We will verify what says such HO circulars at that time and revise, if required. This will be done within 15 days with a copy to forum and consumer. The forum did not receive any reply from licensee till to day. Therefore the licensee should adjust Rs.41.58 in the bill, as claimed by the consumer within one month.
- vi). Excess ASC collected based on Bench Mark consumption: - CPL being a authentic document, the calculation of average consumption for this consumer is 7111 units per month. (the average consumption of Jan.05 to Dec.05) However the consumer stated that his Plant was shut down for half month in Nov.05. But no evidence is produced by the consumer to the licensee. Hence licensee calculated a consumption for 12 months, which is correct.
- vii). Less refund of MD fixed charges:- The licensee agreed that they have received Rs.11,584.13 towards MD fixed charges and they have refunded an amount of Rs.8065.32 in the Month of May 07, without any justification. Therefore forum reached to the conclusion that licensee should adjust the balance amount of Rs.3518.81 with interest at the Bank rate of R. B. I. from May 07 till the date of this decision in the ensuing bills.
- viii). ASC refund – incremental additional security charges:- Incremental additional security charges was charged as directed by MERC but licensee Vasai Division is violating MERC Order No.45 dt. 17.9.08 page No.6 para

No.156 which reads as “It is felt necessary to direct MSEDCL to undertake necessary changes to its software within next 30ndays. MSEDCL is directed to refund the incremental ASC for the period from Oct.06 to Apr.07 to all the consumers who have contributed towards ASC”. This is the duty of licensee to honor and implement the orders, Regulations of MERC and I.E.Act 2003, therefore refund IASC amount with interest. The licensee agreed to take action and give reply shortly. But they did not reply till to day. Therefore forum have no alternative than to accept the consumer’s claim. The licensee should adjust the amount with interest, at the Bank rate of RBI in the ensuing bills.

- ix). Excess amount collected as per connected load:- During the hearing the consumer informed that the licensee has charged excess amount on connected load from Nov.02 to April 03. Whereas after receipt & study of CPL from licensee on 12.2.09 he informed that the licensee has charged excess connected load penalty for May & June 2003 also. However, the licensee stated that they will study the case and will take necessary action. On this, licensee asked exact period. The consumer informed they have already given “from Nov.02 to Apr.03” in their point wise reply dt.12.2.09. On this point the licensee stated whatever amount collected against excess MD will have to be refunded or adjusted as per circular. Hence, the licensee asked the consumer to furnish exact period so that they can again verify whether the amount collected against excess MD is correct. However, in view of the above statement made by the consumer, it is clear that the consumer is claiming refund of such amount collected as per connected load, during the period from Nov. 02 to June 2003. Therefore, the licensee should verify as to whether such amount as per the connected load has been recovered by it during the above period, and if so, adjust such amount recovered in the ensuing bills. However, in this particular point, the amount of such adjustment should be in line with the decision

given by the MERC in case No. 2/2003, dt. 14/07/2005 that is the net amount + interest charged by the licensee.

- 19) After hearing both the parties, studying all available documents submitted by licensee as well as consumer, majority view on the point of charging as per M. D. Based tariff, and unanimous decision on other points, the forum passes the following order.

ORDER

- 1) Prayer of consumer for the refund of the amount of electric charges recovered by licensee as per MD based tariff or TOD based tariff is rejected.
- 2) All the refund amount with interest, as stated above, be adjusted in the ensuing bills within 60 days.
- 3) Compensation of Rs.5000/- for alleged documentation is hereby rejected.
- 4) Compliance should be reported to the forum within 90 days from the date of this decision.
- 5) Consumer can file appeal against this decision with the Ombudsman at the following address.

***“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”***

Appeal can be filed within 60 days from the date of this order.

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission 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 :

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan

- **Forum noted that in 1999 the MSEDCL was supposed to give the interest @ 4%, which was not done. Now after 10 years, on licensee's fault, if this rate of interest is applied, it will not be fair. The rate of interest would be at the rate as applying to the defaulted consumers. The MSEDCL taking 15% interest on the bill payment. Licensee should also transparency. MERC given directives to give interest at 12% and 15%.**