



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/466/523 OF 2010-2011 OF
M/S. JITENDRA C. JANANI, VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Jitendra C. Janani,
Gala No. A - 1,
Dalvi Ind. Estate,
Satali Road, Waliv,
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 C. D. 54 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. Jitendra C. Janani

Address: - As given in the title

Consumer No : - 1)001840853817 – 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/808 dated 02/12/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10945, dated 29/12/2010.
- 4) The forum heard both the parties on 30/12/2010 @ 15.00 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 Dalvi Ind. Estate, Sativali Road, Waliv, Vasai (East) in the year 2001. It is averred while taking connection in 2001 licensee collected SD of Rs. 19,500/- and ASD Rs. 23,400/- (six months minimum charges) however did not refund the same though receipts produced, therefore, the licensee is liable to refund the amount vide chart enclosed with interest. According to consumer in the bill of Oct. 2008 P.F. was wrongly charged. In Aug and Sept. 2008 P.F. was 0.87 / 0.85 and in Oct. 08 it was 0.43 and as such PF penalty charged wrongly totaling to Rs. 6312.90 vide chart enclosed and the same needs to be refunded. As regards excess connected load penalty it is contended by the consumer that licensee collected amount approx. Rs. 1,72,579/- 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. Consumer by letter dt. 25/08/10 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, P. F. penalty and excess connected load penalty vide charts enclosed with interest.
- 6) Licensee filed reply dt. 29/12/10 contending that amount of SD and ASD alongwith excess P. F. penalty with interest is being refunded. So far excess connected load penalty is totally time barred by three years hence cannot be given.

- 7) At the outset it is to be noted that consumer produced Receipts of the SD & ASD as above however, till the beginning of the year 2011 this amount is not refunded. When consumer produced receipts, licensee is under obligation to refund the amount with interest without delay. This Forum in many cases including Case No. 393 and 433 of 2010 filed by representative Shri Harshad Sheth clarified on this aspect. It is seen from the record consumer produced receipts on 03/09/2010 but till the beginning of the year 2011 this amount is not refunded indicative of gross negligence, inaction on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges DPC. Assuming for a movement consumer not produced receipts, on perusal of F-1 Register, Firm Quotation or any other evidence, as per the guide lines given in case No. 93 of 08, dt. 01/09/2010 licensee is under obligation to comply and cannot obviate it's liabilities. For non receipt of the amount in time, consumers suffer mental agony and torture, he must have suffered loss on this count is necessary to be saddled the licensee with compensation of Rs. 500/-.
- 8) So far PF penalty this Forum in many cases including case No. 396 and 428 of 2010 filed by the learned representative Shri Harshad Sheth referring the order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards formula of calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to consumer in the month of October 2008 contrary to the formula as approved by the Hon. MERC power factor

penalty Rs. 6312.90 wrongly collected. Based on the MRI data in the light of the guidelines given by Hon. MERC as above and the discussion supra, licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer. Consequently grievance application will have to be partly allowed.

- 9) According to consumer vide letter dt. 25/08/10 excess connected load penalty amounting to Rs. 1,72,579/- 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.

- 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 if not paid earlier 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 directed to pay compensation of Rs. 500/- (Rs. Five Hundred only) to the consumer as mentioned in para No. 07 as above within 90 days from the date of receipt of this decision.

4) Licensee is further directed to work out the amount of P. F. penalty and excess connected load penalty as per the directions of Hon. MERC in case No. 02 of 03, 116 of 08 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.

5) 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”.

6) 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”

Date : 07/01/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan