



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/818/991/2014-15

Date of Grievance : 28/07/2014

Date of Order : 18/09/2014

Total days : 52

IN THE MATTER OF GRIEVANCE NO. K/E/818/991 OF 2014-15 IN RESPECT OF M/S.BALBIR ALLOYS PVT. LTD. PLOT NO.K-10, ADDL. MIDC, MURBAD, DISTR.THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF EXCESS AMOUNT OF TARIFF CHARGED.

M/s. Balbir Alloyz Pvt. Ltd.

Plot No.K-10, Addl.

MIDC, Murbad,

District-Thane.

.... (Hereafter referred as Consumer)

(Consumer No.018019020297-HT)

Versus

Maharashtra State Electricity Distribution

Company Limited though its

MSEDCL,Kalyan Circle-II

.... (Hereinafter referred as Licencee)

Appearance : For Consumer – Shri Saurabh Jain-Consumer's representative.

For Licensee - Shri Khan – Nodal Officer- and Exe.

Engineer.

Mrs. C.K.Nagnoti-Sr. Manager (F & A)

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] This grievance is filed towards non compliance of part of the order passed by this Forum in K/E/713/843 dated 29/7/2013. Precisely it is towards less interest paid, applying 6% interest but Forum has directed interest as per Bank Rate.

2] Before proceeding to consider the disputed aspect, it is just necessary to mention that order of this Forum dated 29/7/2013 was challenged by the Licencee before Hon'ble High Court, vide in Writ Petition No. 10936 /2013. Said writ petition

dismissed on 24/1/2014. Consumer till then had approached Hon'ble MERC towards non compliance of the order passed by this Forum. Hon'ble MERC passed orders therein and order dated 22/3/2014 of MERC is complied by the Licencee showing amount credited in the account of consumer in the bill of February 2014 to the tune of Rs.1,09,94,024.44 Ps. In the said amount, as directed by this Forum, calculation of difference of 2% surcharge and interest is shown. Chart of such payment is placed before this Forum, wherein it is seen interest is calculated at 6%, Accordingly, now dispute is only limited to the interest charge as per 6% which consumer claimed, it is less and not as per the direction of this Forum. On this count, consumer approached SE of Licencee vide letter dated 12/5/2014. As it was not complied Licencee approached this Forum.

3] Consumer herein though filed this application on 28/7/2014, it is registered on 25/8/2014 and during this period attempt was done to verify the position from Licencee side and to find out whether order of this Forum can be complied by the Licencee as per it's true spirit. As the said attempt failed matter is registered and notice issued to the Nodal Officer, vide letter No. EE/CGRF/Kalyan/0231 dated 25/8/2014. In response to it, Officers of Licencee did appear and they were made aware of the implication of order passed by this Form towards interest i.e. Bank Rate. They readily conceded to legal position U/s. 62 (6) of Electricity Act and agreed to comply it.

4] As noted above, Officers of Licencee and consumer's representative Mr. Saurab Jain attended on 16/9/2014, Officers of Licencee placed on record calculation chart along with letter and pointed out that interest as per Bank Rate is calculated for the period as directed by this Forum to the tune of Rs.22,54,575.12 Ps and out of it already consumer is paid Rs.15,19,577.86 Ps. and balance amount of Rs.7,34,997.26 Ps. will be credited in the bill of consumer for the month of September 2014. This particular calculation is not disputed by CR though in his Grievance Application he tried to seek interest at prime lending Rate of SBI and had referred to the Judgment of Appellate Tribunal for Electricity in Appeal No.47/2011 and IA No. 73/2011 dated 17/4/2012. As said aspect is not argued and agitated by the consumer's representative,

we find it not necessary to comment more on it. Suffice it to say consumer's grievance raised in present application is amicably redressed by the Licencee showing readiness to pay by way of credit in the next billing month i.e. September 2014 to the tune of Rs.7,34,997.26 Ps. Under such circumstances, this grievance is to be disposed off.

Hence the order.

ORDER

Grievance application of consumer is hereby allowed.

Licencee already worked out quantum of interest as per Bank Rate to the tune of Rs.22,54,575.12 Ps. and considering interest already paid to the tune of Rs.15,19,577.86 Ps. balance of Rs.7,34,997.26 Ps. is being credited in the September 2014 of consumer. No more thing remains for compliance except Licencee to give credit for said amount in the bill of September 2014. After said bill of September 2014, Licencee to submit compliance before 25th October 2014.

Dated:18/9/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

