



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

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**IN THE MATTER OF GRIEVANCE NO. K/E/233/258 OF 2009-2010**  
**OF SHRI VISHAL S. PUNAMIA, VASAI REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,**  
**KALYAN ABOUT EXCESSIVE BILLING.**

Shri Vishal S. Punamia  
Gala No. 05, Agarwal Udyog Nagar  
Ext. 2, Behind Bldg. No. 5,  
Village – Waliv, Sativali Road,  
Vasai (East), Dist. Thane

(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 < 20 KW consumer of the licensee with CD. 21 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 24/04/2009 for Excessive Energy Bills. The details are as follows: -  
Name of the consumer :- Shri Vishal S. Punamia  
Address: - As given in the title  
Consumer No : - 001840853469  
Reason of dispute: Excessive Energy Bills
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/377 dated 24/04/2009 to Nodal Officer of licensee. The licensee through Dy.Ex.Engr. MSEDCL Vasai Road (East) Sub Dvn. filed reply vide letter No. DYEE/VSII/(E)/B/3982, dated 15/05/2009 in the form of letter addressed to the consumer with a copy to this Forum.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 17/02/2009. The said Internal Redressal Cell did not give any hearing to the

consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 24/04/2009.

- 5). The Forum heard both the parties on 15/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri B. D. Shidore, A. E., representative 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.
- 6). The following grievances raised by the consumer in its letter dated 17/02/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 15/05/09 with CPL filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). Grievance No. 1 – Regarding ASC charges charged in June 07 to Mar 08: The consumer claims that the licensee has recovered ASC considering Benchmark consumption as 2843 units during the period June.07 to Mar 08 when in fact its benchmark consumption during the said period was 3177 units. Therefore he claims refund of Rs.4039.20 on this count. As against this, the licensee claims that the benchmark consumption for the year 2005 shown as 2843 is correct as per IT programme.

- 8). It is clear from the MERC's tariff order dated 20<sup>th</sup> Oct. 06 that the commission has directed the MSEDCL to assess the consumption of the consumer as against the monthly average of previous year's consumption (Jan.05 to Dec.05) while billing the consumer for addl. supply charge. It is clear from CPL that there is a monthly billing for this consumer. It is also a matter of common knowledge that the consumption for Jan.05 is billed in the bill for the month of Feb.06. Therefore in order to find out the monthly consumption of the period from Jan.05 to Dec.05, the consumption shown in the bill for the month Feb.05 to Jan.06 has to be considered. As per the CPL such consumption shown in the CPL from Feb.05 to Jan. 06 is 827 units, 790 units, 986 units, 1250 units, 1191 units, 1537 units, 5508 units, 4732 units, 6029 units, 5261 units, 5071 units and 4940 units respectively. Thus the total consumption of the said period comes to 38122 units for 12 months and thus the monthly average consumption during the said period was 3176.83 units, and the same will have to be taken as benchmark consumption for the consumer. Copies of the bills for the months Mar 08, June 07, Jul 07, Nov.07, Dec.07, Jan.08, May 08, Apr 08 show that 2843 units has been taken as benchmark of the consumer. Therefore the licensee is directed to recalculate the ASC to be charged to the consumer during the period from Jun.07 to Mar 08 taking 3176.83 units as its benchmark consumption and refund excess amount recovered on this count, if any, together with interest at the Bank rate of RBI to the consumer by giving its credit to the consumer in the

ensuing bill after period of 30 days from the date of decision in this case.

- 9). As to grievance No. 2 - Regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 1023.76, Rs. 1251.60, and Rs.1777.43 i.e. total Rs. 4052.79 in the bills for the billing periods Sept.07, Aug.07 and Mar 07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that all said bill adjustments are taken as per the programme prepared by HO IT as per MERC rules and regulations. In view of the facts as discussed above, the licensee is directed to obtain necessary information in respect of above referred bill adjustments from the higher authority and other record and give the same in writing together with explanation to the consumer within a period of 30 days, and refund the excess amount if any, recovered as above together with interest at the bank rate of RBI, by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision.
- 10). As to grievance (3) – Refund of SD interest for the year 2006-2007 : The consumer claims that in the bill of Sept. 2007, on the SD of Rs. 7500/- licensee mentioned SD interest for 2006-07 but not given, so licensee be directed to give refund of Rs.1450/- as interest at the rate of 6% to the consumer. On this, the licensee claims that credit for the interest of Rs.450/- for the year 2006-07 has been given in Sept. 07 which can be ascertain from CPL. It is clear from the CPL for

Sept.07 that credit for Rs.450/- towards the SD interest has been given. In the CPL of said month an amount of Rs.1473.76 has been mentioned as the amount of TOSE adjustment. If the amount of SD interest of Rs.450/- is deducted from the said of Rs.1473.76, it comes to Rs.1023.76. Such amount of Rs.1023.76 is duly mentioned as amount of bill adjustment in the column for the amounts of adjustment in the bill for Sept.07. If we deduct the amount of credit of Rs.281.91 mentioned in the said column from the amount of Rs.1023.76, it comes to Rs.741.85 and such amount is included as the amount of adjustment in the different types of charges mentioned in the bill for Sept.07. Thus the contention of licensee that it has given credit of Rs.450/- towards the interest on SD for the year 2006-07 is correct and hence the same is accepted. The amount of SD for the said year was Rs.7500/- and therefore the interest on it @ Rs.6% per annum would come to Rs.450/- .Therefore the contention of consumer that its interest comes to Rs.1450/- is not accepted. Therefore this grievance is rejected.

- 11). As to grievance No. (4) – Regarding refund of SD & interest : The consumer claims that he has paid SD of Rs. 7500/- + Rs. 4500/- = Rs. 12000/- at the time of taking new connection in May 2001. However, bill shows only SD Rs. 7500/-. Therefore, the consumer has requested to licensee for refund of excess SD and interest. As against this, the licensee claims that the SD has been paid at the time of taking connection on 26/05/2008. The Security Deposit of Rs. 7500/- has been displayed on bill but Rs. 4500/- not displayed on bill.

The interest will be paid as per rule. In view of the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with consumer, display the correct amounts of SD, calculate the proper SD at this stage & refund the excess amount of SD & the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 30 days from the date of this decision.

- 12). As to grievance No. 5 - Regarding appropriation of amount of regular bill towards Security Deposit amount : The consumer claims that the licensee collected Rs.1973.89 in excess as DPC and interest while collecting Security Deposit (SD) vide bill for June 08 and therefore the licensee be directed to refund the same. As against this, the licensee claims that the energy bill paid is diverted as per HO IT programme. Moreover it is also clear from the CPL for the months April, May, and June 2008, and the bill for June 08 that the licensee has appropriated an amount of Rs.13,800/- out of the amount paid by the consumer for the bill for May 08 on 28.5.08, as a result of which there has been arrears of Rs.15,673.89 shown in the CPL for the month June 08 and therefore the consumer must have lost prompt payment discount and must have also been charged interest on such arrears and also DPC. Therefore, the licensee is directed to recalculate the amount of DPC and interest taking the entire amount paid by the consumer on 28.05.08 as having paid as the amount of bill for May 08 without any appropriation towards SD amount, and

refund the excess DPC and interest recovered, if any, as observed by Hon. Ombudsman in order dated 26/03/09 in representation No. 23 of 2009, together with interest at Bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 13). As to grievance No.(6) regarding refund of IASC collected during Oct.06 to April 07: The consumer claims that the licensee is to refund IASC charges recovered during Feb. 07 to May 07 as per order dated 15.9.08 passed by MERC in case No.45 of 2005, and such total amount is Rs. 1502.80 (Rs. 540.50 - Feb 07, Rs. 283.14 – Mar. 07 , Rs. 274.56 – Apr. 07, and Rs.404.60 – May 07) and therefore licensee be directed to refund the said amount to the consumer. The licensee claims that the matter is referred to higher authority for directions regarding refund of IASC charges and action will be taken accordingly. It is clear from the above referred order dated 17.09.08 passed by MERC in case No.45 that the MERC directed the licensee to refund the incremental ASC for the period Oct.06 to Apr 07 to all the consumers who have contributed towards ASC. Therefore licensee is directed to refund the IASC, if collected during the period from Feb.07 to May 07 from the consumer as per directions given in the above referred order of MERC to the consumer, by giving credit of such amount together with interest at the Bank rate of RBI to the consumer in the ensuing bill after 30 days from the date of this decision.



- 14). As to grievance No.7 regarding refund of difference of MD based charges and HP based charged from Oct.06 to Mar 07: The consumer has claimed refund of an amount of Rs.1352.90 as the balance out of total amount of Rs.4450.62 after deducting the amount of Rs.3097.72 having refunded as claimed by the licensee in the case of M/s. Crystal Industries, on this count as the charges of the relevant period were reverted back to the HP based tariff from MD based fix charges, due to non completion of installation of MD meters in entire Maharashtra. The licensee claims that it has refunded an amount of Rs.3097.72 in the month of May 07 and some amount in other month which will be intimated after confirmation from the higher authority. The licensee has also not made clear as to in which other month it has given credit of any other amount on this count to the consumer. Therefore, the licensee is directed to verify the total amount of such difference between the MD based tariff charges recovered and HP based charges of the period Oct. 06 to March 07, the amount refunded by it and to refund the remaining amount of such difference together with interest at the bank rate of RBI to the consumer by giving its credit to the consumer in the ensuing bill after a period of 30 days from the date of this decision.
- 15). As to grievance No.(8) regarding refund of Rs.640/- and grant of compensation of Rs.500/- : The consumer claims that an amount of Rs.640/- was shown in balance or in credit of consumer in the bill for Aug.08 but the said balance amount is nullified in the next month of May 08 and therefore the licensee be directed to refund the said

amount of Rs.640/- together with interest and compensation of Rs.500/- be awarded to the consumer for such mistake of the licensee. As against this, the licensee claim that the matter is referred to IT section for confirmation and on receipt of reply, action will be taken. It is clear from the bill for the Month of Aug.08 that an amount of Rs.640/- was in balance of credit of the consumer at that time. The CPL and bill for the month of Sept.08 does not show that the licensee has given credit of said amount of Rs.640/- to the consumer in the said bill. Therefore the licensee is directed to verify as to whether credit for the said amount of Rs.640/- has been given to the consumer and if not, refund said amount together with interest at the Bank rate of RBI by giving its credit to the consumer in the ensuing bill after period of 30 days from the date of decision in this case.

- 16). However, considering the facts and circumstances of the case and the fact that the licensee is already directed to pay the interest on the said amount to the consumer, in our opinion it is not a fit case for granting any compensation much less Rs.500/- on this count to the consumer and therefore consumer's such request is rejected.
- 17) In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

**O-R-D-E-R**

- 1) The grievance application is partly allowed.
- 2) The licensee to comply the directions given in above para Nos. 08, 09, and 11 to 15.

- 3) The Grievance No.3, and prayer of compensation for Rs.500/- are rejected.
- 4) The Compliance should be reported to the forum within 90 days from the date of decision.
- 5) The Consumer can file representation against this decision with the Ombudsman at the following address.

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

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

- 5). Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at 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 : 09/06/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan