



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/469/526 OF 2010-2011 OF
M/S. KIRAN DESAI, VASAI (EAST) REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Kiran Desai,
Gala No. 06,
Pride Ind. Estate, Sativali Road,
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 . consumer of the licensee with C. D. 25 HP. 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. Kiran Desai

Address: - As given in the title

Consumer No : - 1)001840870398 – 25 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/817 dated 02/12/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/10948, dated 29/12/2010.
- 4) The forum heard both the parties on 30/12/2010 @ 15.45 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 Pride Ind. Estate, Sativali Road, Vasai (East) in the year 2005. It is the contention of consumer that 25 HP L.T. category supply was given to them by licensee and upto 27 HP they have to pay fixed energy charges Rs. 150/- per month. Their average monthly consumption is 250 units, however in the month of Sept. 2010 bill for 8626 units was raised due to faulty meter inclusive MD based tariff which was not applicable. It is contended that the bill issued as above being illegal by letter dt. 20/09/10 consumer apprised the Dy. Ex. Engr. to regularise the bill as per the directions in MERC case No. 26 of 09 but not responded hence they moved the I.G.R. Cell but in vain. Therefore the instant grievance application to direct the licensee to regularize the matter as per the directions of Hon. MERC.
- 6) Licensee filed reply dt. 29/12/10 contending that the concerned officials have been directed to inspect the meter and if found faulty, to replace and to take appropriate action.
- 7) Learned representative for the consumer inviting our attention to the provisions in MERC order No. 26 of 09 submitted that MD based tariff is applicable only above 20 KW, however due to faulty meter in Sept. 2010 licensee charged MD penalty alongwith PF penalty is violation of Section 13 of the MERC. On the premise learned representative for the licensee

submitted that the meter in question is to be inspected and if found faulty, it will be replaced and the matter will be sorted out.

- 8) In Clause 30 of MERC case No. 44 of 08 clearly pointed out the P.F. penalty and incentive shall be applicable to only those consumers who have MD based tariff and provided with meters to measure their power factor. In the case in hand, according to consumer their sanctioned load is 25 HP i.e. below 20 KW therefore MD based tariff is not applicable including MD penalty and PF penalty. Licensee is under obligation to levy tariff as per the directions given by Hon. MERC. It is relevant to find out whether the meter was faulty and therefore consumption increased as mentioned in the bill for Sept. 2010. As stated by the licensee, matter is under scrutiny therefore it is proper to direct the licensee to do the needful as per the directions of Hon. MERC within the stipulated time. Consequently grievance application will have to be disposed of and hence the order :

O-R-D-E-R

- 1) The grievance application is disposed off.
- 2) Licensee is directed to regularize the matter as per the directions of Hon. MERC within 30 days and compliance should be reported to the Forum within 45 days from the date of receipt of this decision.

- 3) 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”.

- 4) 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 : 08/02/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan