



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/472/529 OF 2010-2011 OF
M/S. VIVEK POLYMERS (INDIA), VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Vivek Polymers (India),
Unit No. 07 & 08,
Shri Vithal Ind. Estate,
Chinchpada, 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 H.T. consumer of the licensee with C. D. 310 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. Vivek Polymers (India)

Address: - As given in the title

Consumer No : - 1)001849027220

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/826 dated 02/12/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/VC/IGR/11865, dated 29/12/2010.
- 4) The forum heard both the parties on 30/12/2010 @ 16.30 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 Urja Ind. Estate, Chinchpada, Vasai (East) in the year 2005. It is contended ASC started from the month of Oct. 06 however, licensee as per the directions in MERC case No. 144 of 2008 did not refund the amount of ASC Rs. 2,25,676/- with interest vide chart enclosed. Consumer by letter dt. 03/11/09, 12/11/09 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 ASC vide chart enclosed with interest.
- 6) Licensee filed reply dt. 29/12/10 contending that ASC started in monthly energy bill from Oct. 2006 therefore considering new connection, bench mark consumption was corrected and the difference was already credited in the bill of Nov. 2007.
- 7) As regards ASC this Forum in case No. 394 and 424 of 2010 filed by representative Shri Harshad Sheth clearly pointed out on the compliance of the directions of Hon. MERC in case No. 144 of 2008 and order of Ombudsman in case No. 39 of 06. This amount according to consumer is approx. Rs. 2,25,676/-. In para 8 (g) Hon. MERC pointed out as to how ASC to be calculated categorywise i.e. H.T. and L.T. considering base tariff energy charges. In view of this licensee is under obligation to calculate ASC and to refund with interest the excess amount collected if any on this count, bearing in mind that concerned order of Hon. MERC is of 2008 and now we are in the beginning of the year 2011 and as such sufficient time has elapsed. Consequently grievance application will have to be partly allowed.

- 8) 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. Hence the order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to work out the amount of A.S.C. as per the directions of Hon. MERC in case No. 144 of 2008 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.

- 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 : 04/01/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan