



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

IN THE MATTER OF GRIEVANCE NO. K/ E/237/262 OF 2009-2010 OF
M/S.MAHAVIR PLASTICS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Mahavir Plastics
Gala No. A/6 Rajashree Ind.Estate,
Agarwal Udyog Nagar , Sativali Road
Waliv, 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 conformed 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 above 20 KW consumer of the licensee with C.D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 28/04/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Mahavir Plastics

Address: - As given in the title

Consumer No : - 001840604159

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/394 dated 28/04/2009 to Nodal Officer of licensee. The licensee through its Dy.Executive Engineer, MSEDCL Vasai Road Sub Dvn.(E) filed reply vide letter No. DYEE/VS/ (E)/B/4021, dated 18/05/2009.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 24/02/2009. 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 28/04/2009.
- 5). The Forum heard both the parties on 18/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer & Shri Shidore, A.E., Shri S.B.Hatkar, Asstt.Acctt., 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.

- 6). The following grievances raised by the consumer in its letter dated 23/02/09 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. 18/05/09 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). As to grievance (1) – Refund of Excess SD & interest on SD : The consumer claims that he has paid SD of Rs. 19,500/- + Rs.29,250/- = Rs.48750/- at the time of taking new connection on 17/07/1997. However, bills do not show the said amount of SD. The licensee has also collected Rs. 51,800/- as SD in June 08 and the said amount is displayed on bill. Thereafter the licensee credited Rs.19,500/- in Aug.08 bill. Therefore, the licensee be directed to refund of SD of Rs. 29,500/- along with interest. As against this, the licensee claims that the connection has been given on 17/07/97. The Security Deposit paid at the time of connection for Rs. 19,500/- has been displayed in the bill in Aug.08 but Rs.29,250/- is not displayed in the bill. The SD receipts may be submitted for quick disposal of the case. 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 deposited by consumer 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 decision of this case.

- 8). As to Grievance No. (2) – Regarding refund of excess DPC interest charged due to appropriation of the amount of regular bill towards SD : The consumer claims that the licensee collected Rs.51,890/- as Security Deposit (SD) in July 08 by appropriating amount from the amount of monthly bill paid by it. The licensee has collected DPC and interest of Rs. 1000.04 while recovering the arrears of earlier bill resulted due to the appropriation of amount of bill of earlier month paid by the consumer and therefore, as per the order dated 23/03/09 passed by Hon. Ombudsman in representation No. 23 of 2009, licensee be directed to refund the said amounts of DPC, interest amounting to Rs.1000.04. As against this, the licensee claims that that matter is referred to higher authority for directions and on receipt of reply, action will be taken accordingly. The CPL for the month of April 2008 shows Rs. 00.00 as SD, Rs. 51800/- as SD arrears and Rs. 51,800/- as SD demand. CPL for the month of May 08 shows that the said bill was issued for net amount of Rs. 5,107.13, SD was Rs. 00.00, SD arrears was Rs. 51,800/- and SD demand was Rs. 00.00. The CPL for the month of June 08 shows that the net bill amount was Rs. 1,02,595.92, SD amount was Rs. 5090/- and SD arrears were Rs.46800/-. The CPL for the month of July 08 shows that the net bill amount was Rs.65,129.45, SD amount was Rs. 51,890/- and SD arrears were Rs.00.00. The bill for the month of July 08 shows that the consumer was supposed to pay an amount of Rs. 64,940/- if paid on or before 23/07/08. The CPL for the month of

July 08 shows that the consumer has paid an amount of Rs. 54,200/- of the said bill on 24/06/08. The said CPL further shows Rs. 51,890/- as the amount of SD and it means that the licensee has recovered the SD arrears of Rs.46,800/- out of the amount, the consumer has paid in the said month. If we add Rs. 54,200/- and Rs.46,800/-, the same comes to Rs.1,01,000/-. It meant that though the consumer has paid an amount of Rs.1,01,000/- out of the amount of the said bill for the month June 08 i.e. Rs.1,02,595.92, the licensee has appropriated an amount of Rs. 46,800/- towards SD and it resulted into the arrears of Rs. 50,293.43 duly shown in the CPL for July 08. It means that due to such appropriation of some amount from the amount paid as per bill, as SD, the consumer must have been required to pay the interest on the arrears, DPC. Therefore, the licensee is directed to verify as to whether it has charged Rs.1000.04 as DPC and interest, due to appropriation of Rs.46,800/- towards SD from the amount of regular bill for the month of June 08 paid by the consumer and if so, refund the said amounts of DPC and interest, to the consumer as observed by Hon. Ombudsman in order dated 26/03/09 in representation No. 23 of 2009 by giving it's credit to the consumer in the ensuing bill after 30 days from the date of this decision.

- 9). As to grievance No. (3) regarding bill adjustment : The consumer claims that the licensee has added the debit bill adjustment charges of various amounts such as Rs. 3683.25, Rs.866.88 (tariff adjustment shown – Rs.2518.45 but given Rs.1651.57), Rs.2570/- and Rs.2757.04 in the bills for the billing periods March 07, Jan.07, Aug.07 and Sept. 07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that the all said bill adjustment amounts 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 all said amounts from the higher authority and other record and give the same in writing 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 No.(4) - rregarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 :- The consumer has claimed refund of an amount of Rs.3518.82 out of the total amount of Rs. 11,584.13 of such difference after deducting the amount of Rs.8065.32, 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.8065.32 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 to which the consumer is entitle and the amount if any refunded by it to the consumer and inform about it in writing to the consumer within 30 days and refund excess amount if any, together with interest at the Bank rate of RBI, to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 11). As to grievance No.(5) - Regarding refund of IASC during the period Feb. 07 to May 07. The consumer claims that the licensee is to refund IASC charges recovered during Oct.06 to April 07 as per order dated 15.9.08 passed by MERC in case No.45 of 2005, and such amount is Rs. 2596.96 (Rs. 491.05 - Feb 07, Rs. 569.25 – Mar. 07 , Rs. 713.46 – Apr. 07, and Rs. 823.20 – May 07 i.e. total Rs. 2596.96) 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.
- 12). Grievance No.(6) - regarding refund of excess ASC recovered for Oct.06 billed in Nov. 06 : The consumer claims that for the month of Oct. 06 the 9% consumption was to be considered for ASC. The consumption for the said month was 11542 units and it's 9% comes to 1039 units but licensee charged ASC on 1385 units due to which excess ASC has been recovered and therefore, licensee should refund Rs. 397.90 with interest on this count. As against this, licensee claims that as per tariff order 2006-07 case No. 54 of 2005, ASC charges were 12%, the consumption for the month of Oct. 06 was 11542 and it's 12% comes to 1385 units. Hence

ASC charges charged are correct and there is no question of refund. It is noted by Forum that it is clear from the MERC's order dt. 20th Oct. 06 in case No. 54 of 2005, that 9% of the consumption was to be charged as additional supply charges in the other regions in respect of LT-V general motive power category industry during the period from Oct. 06 to April 07. Therefore, the contention of licensee that 12% of the consumption was to be charged as ASC for the month Oct. 06 billed in Nov. 06 is incorrect and hence is rejected. Therefore licensee is directed to charge ASC at 9% of the total consumption for the month of Oct. 06 billed in Nov. 06 and refund the excess amount recovered on this count if any, to the consumer together with interest at the Bank rate of RBI in the ensuing bill after 30 days from the date of this decision in this case.

- 13). As to grievance No.(7) - regarding refund of excess ASC allegedly recovered in June 08. :- The consumer claims that consumption is shown nil in the bill for May 08 and ASC charged on total units 19152 in bill for June 08. The consumption of the consumer in each of the said two months comes to 9576 units considering the total consumption of 19152 shown in the bill for June 08 as that of said two months. Thus the consumption of each of the said two months was less than the cheap power limit of 9670 units for the consumer and therefore the licensee could not have charged ASC to the consumer. The consumer has sent a letter dtd.23.6.08 to the licensee but the licensee did not comply or reply the said letter. Therefore the licensee be directed to refund an amount of Rs.12,895.52 towards excess ASC recovered in the month of June 08. As against the licensee claims that the bill issued in June 08 is under scrutiny and action will be taken accordingly.

- 14). The CPL for the month of May 08 shows that the bill for the said month was issued showing zero consumption as previous and current readings of the meter was the same i.e. 498621. The CPL for the month June 08 shows that the said bill for the month June 08 was issued for the consumption 19152 units as per the meter readings i.e. previous reading as 498621 and current reading as 517773. It is thus clear that the bill for the month of May 08 was issued for zero consumption whereas bill for June 08 was issued for 19152 units as contented by the consumer. However, the consumer in its letter dated 23.6.08 about it does not claim that the current meter reading for issuing the bill for the month of May 08 was recorded without reading the meter and therefore it can not be definitely said that the total consumption shown in the bill for the month June 08 was consumption of two months i.e. May and June 08, and therefore the consumer's grievance regarding excess ASC can not be accepted at this stage. Therefore the licensee is directed to review the ASC charges charged in the bills for the months May and June 08 by finding out the actual consumption of the consumer in each of the said month by retrieving the MRI report and then in case the earlier ASC charges recovered in the said months are in excess, the same together with interest at the bank rate of RBI be refunded to the consumer by giving its credit to the consumer in the ensuing bill after 30 days from the date of this decision.
- 15). Considering the facts and circumstances as discussed above, we feel that it is not proper case to grant compensation of Rs.1000/- to the consumer as prayed by it and hence its such request is rejected.
- 16). As to grievance No.(8) – regarding refund of excess ASC recovered in April 08: The consumer claims that bill for Mar 08 is issued for locked average

consumption of 10786 units and bill for April 08 is issued for 20439 units showing previous reading as that of 2208 and present reading of 4408. Thus the licensee has given benefit of cheap power of one month only. Therefore the licensee be directed to refund excess ASC of Rs.2307.28 recovered by it from the consumer. As against this the licensee claims that the average bill charged in Mar 08 has been credited in April 08. The ASC charged in April 08 is under scrutiny and action will be taken accordingly. Considering contentions of the parties as above, the licensee is directed to find out the actual consumption of the consumer in each of the said two months i.e. March 08 and April 08 by retrieving the MRI reports and then recalculate the ASC charges for each of the said two months by giving advantage of cheap power for each of the said months and in case the earlier ASC recovered is in excess, the same together with interest at the bank rate of RBI be refunded to the consumer by giving its credit in the ensuing bill after 30 days from the date of this decision.

- 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. 07 to 12, 14 & 16,
- 3) Prayer of consumer for compensation of Rs.1000/- rejected as observed in para-15.

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, 003, 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 : 12/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan