



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/238/263 OF 2009-2010 OF
SHRI NIRAJKUMAR K. JAIN, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

Shri Nirajkumar K.Jain
Gala No. A/16 Tirupati Udyog Nagar,
Village Valiv, 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 :- Shri Nirajkumar K. Jain.

Address: - As given in the title

Consumer No : - 0018405851792

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/397 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/4062, dated 19/05/2009.
- 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 19/05/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth representative of the consumer, Shri S.B.Hatkar, Asstt.Acctt., 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 24/02/09 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. 19/05/09 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) – Regarding refund of Excess SD & interest on SD :
The consumer claims that he has paid SD of Rs. 19,500/- + Rs.15,600/- = Rs. 35,100/- at the time of taking new connection on 06/05/2000. However, only Rs.19,500/- was displayed on the bill. The licensee also collected Rs. 5100 as addl. SD on 15/7/03 but the same is not displayed in the bill. Therefore, the licensee be directed to refund of SD of Rs. 15,600/- along with interest of Rs. 8,522 and also ASD of Rs. 5100 together with interest of Rs. 1619 as per annexure 1-b. As against this, the licensee claims that the connection has been given on 06/05/2000. The Security Deposit paid at the time of connection for Rs. 19,500/- is displayed in the bill but the amount of Rs.15,600/- 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 and action will be taken for refund. 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 decision of this case.

- 8). 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. 604.40 (tariff adjustment shown – Rs.3145.27 but given Rs.2540.87), and Rs.1202.64 in the bills for the billing periods Jan.07, and Aug.07 respectively. The licensee should justify such adjustments and refund if the same are not justified. The licensee claims that the all said bill 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 & 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.
- 9). As to grievance No. (3) - Regarding 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 refunded by the licensee 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 entitled 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.

10). As to grievance No. (4) - Regarding refund of excess ASC recovered in Oct. 06, billed in Nov. 06 : The consumer claims that its Benchmark consumption (BC) is 10836 units per month. Its consumption for the above referred month i.e. Oct. 06 was 5758 units which is less than benchmark consumption. Hence no ASC could be recovered from it. Therefore the licensee is liable to refund the excess cost of 691 units recovered from the consumer and the said amount comes to $691 \text{ units} \times 1.15 = \text{Rs.}794.65$. As against this, the licensee claims that as per tariff order for 2006-07, case No. 54 of 2005, ASC charges were 12%. The consumption for the month of Nov. 06 was 5758 units and its 12% come to 691 units. Hence ASC charges charged are correct and there is no question of refund.

11). It is clear from the bill for the month of Dec.06 that the benchmark consumption for the consumer at that time was 10836 units as claimed by the consumer and hence its such contention is accepted. The bill for the month of Nov.06 shows that the consumption of the period from 3.10.06 to 3.11.06 was 5758 units as claimed by the consumer and hence its such contention is accepted. 91% of the BC i.e. 10836 units comes to

9860.76 units. Thus the consumption of the consumer for Oct.06 billed in Nov.06 i.e. 5758 units was lesser than the said 91% of the B.C. Therefore the licensee could not charge ASC to the consumer for the consumption in Oct.06 billed in Nov.06. Therefore the licensee is directed to refund the excess amount of ASC recovered from the consumer for the consumption of the month of Oct.06 billed in Nov.06 together with interest at the bank rate of RBI by giving its credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 12) As to grievance No. (5) – Regarding refund of excess energy charges recovered during the period Jan. 07 to March 07 with interest : The consumer claims that the meter reading at the starting of Jan. 07 was 128232 and at the end of March 07 was 136561 (136581) and thus the total consumption during the said period comes to 16898 units. However, the licensee recovered excess cost of 1448 units and therefore the consumer is entitle for the refund of Rs. 7663 together with interest of Rs. 3275.93. As against this the licensee claims that the average bill charged in Jan. 08 has been credited in Feb. 08 and the bill revision adjustment is given in March 07. However, the case is being scrutinized and action will be taken accordingly.
- 13) It is clear from the bill for the month Jan. 07 that the previous reading for the said bill was 128132 and not 128232 as claimed by the consumer. However, it is clear from the said bill that the charges of 7664 units has been charged in the said bill taking it as average consumption and not as per the actual readings. It is also clear from the bill for Feb. 07 that the same is also issued for 15328 units as the average consumption for two months with starting reading as 128132 as on 2/1/07 and hence for the

consumption of the months Jan. and Feb. 07 but credit of the previous bill amount of Rs. 35,072.69 has been duly given to the consumer in it and the meter is shown to be faulty since Feb. 07 in it. It is also clear from the bill for the month March 07 (ann. 5-b) that the said bill has been issued for the consumption of 3018 units showing previous reading as 135072 and the present reading as 136581 as on 2/3/07. Credit of Rs. 7161.96 as that of bill adjustment is given to the consumer in the said bill. The LR also submitted that the above referred bills are being scrutinized, B-80 proposal about the same is already prepared and action will be taken according to the orders of the said B-80 proposal. Considering the above facts and since the licensee itself is claiming that the case is being scrutinized and B-80 proposal about it is already prepared, the licensee is directed to revise the bills for the months Jan. 07 to Mar. 07, by getting B-80 proposal approved and then refund excess amount recovered if any, together with interest at the bank rate of RBI by giving its credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 14) As to grievance No. (6) – Regarding refund of excess load charges of the penalty and slow meter charges made in the main grievance application and rejoinder dated 19/05/09 : The consumer claims that the Flying Squad visited and inspected it's unit on 02/06/03 and reported excess connected load of 17 HP and meter slow by 10%. Accordingly the licensee charged excess load charges and penalty and the consumer has deposited the same under protest. The licensee has recovered such amount to the extent of Rs. 12,240 and the consumer is entitle for the refund of the said amount together with interest i.e. total amount of Rs. 12,943.80 as per the order dt. 14/07/05 of MERC in case No. 2. It further claims that the

licensee has also recovered Rs. 18,600 as the charges of meter slow but at the time of testing of the meter the procedure of collecting meter, sending it to the testing Lab., calling the witnesses at the time of the inspection, issuing provisional assessment bill, calling the consumer for hearing and then issuing final assessment bill, was not followed. Copy of the meter testing report was also not given to it. The consumer claims that therefore it is entitle for refund of the said amount also. As against this the licensee claims that the load of the meter was tested in the consumer's premises with standard meter and the bill issued to the consumer is correct.

- 15) As far as the consumer's prayer for refund of excess load charges and penalty is concerned, the consumer itself claims and it is also clear from the copy of the letter dt. 15/07/2003 sent by Dy. Executive Engineer, Vasai Road (East) filed by the consumer that the concerned inspection by the Flying Squad (FS) was carried out on 02/06/03. Therefore, as observed by MERC in para 33 on page No. 9, in order dt. 14/07/05 in case No. 2 of 2003 that while assessing the violation in respect of load prior to 10th June 03, it should be done as per clause 31-e of MSEB's conditions of supply. In this case also, the licensee has measured the load with standard meter and thus the same was in line with the dispensation prescribed by Hon. MERC in the above referred case and therefore, the consumer is not entitle for refund of the amount recovered on account excess load charges and penalty and therefore, prayer of the consumer about it is rejected.
- 16) As far as the prayer of consumer for the refund of the charges recovered by the licensee on account of slow meter is concerned, admittedly the meter of the consumer was tested on 02/06/03 i.e. prior to the date i.e. 10/06/2003 on which the Electricity Act 2003 came into force. Therefore, it was not

necessary for the FS to follow the procedure prescribed in the Electricity Act 2003 while testing the meter. Therefore, such contention of the consumer will have to be rejected. Moreover, the first demand for the amount of charges on account of slow meter and also additional load as per the inspection on 02/06/2003 was made on 15/07/2003 vide suppl. bill for Rs. 52,212 dt. 15/07/03. Though the consumer deposited Rs. 20,000 on 18/08/03 and there after Rs. 37,890 under protest, the consumer there after did not raise any dispute about the same by making correspondence with any of the Officers of the licensee and for the first time raised dispute about it in it's grievance made vide letter dt. 24/02/09 to the Executive Engineer, Vasai (E) i.e. IGRC. Thus the consumer made a grievance about it with IGRC on 24/02/09 for the first time and secondly before this Forum in the grievance filed on 23/04/09, each after a period of more than two years since the date of demand made by the licensee. Therefore, in view of the provisions of Regulations 6.6 of 2005, this Forum cannot consider the said grievance about it. Therefore, the prayer of consumer for the refund of the amount recovered on account of slow meter is rejected on both the above grounds.

- 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 09, 11 and 13.

- 3) The grievance No. 6 is rejected as observed in para 15 and 16.
- 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.

- 6). 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 : 26/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan