



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/396/450 OF 2010-2011 OF
M/S. NENSHI KORESHI NISHAR, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Nenshi Koreshi Nishar
Gala No. 08,
Paras Ind. Estate No. 03,
Waliv Phata, Vasai (East),
Dist. : Thane – 401 202

} (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 consumer of the licensee with C. D. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 05/10/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Nenshi Koreshi Nishar

Address: - As given in the title

Consumer No : - 1)001849034490 – 107 HP

2)001840605635 -- 65 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/520 dated 05/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9044, dated 25/10/2010.
- 4) The Chairperson and Member of the forum heard both the parties on 25/10/2010 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. M. Bangar, Dy. Ex. Engr. 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.
- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Paras Ind. Estate, Waliv Phata,

Vasai (East) in the year 1997. According to consumer while taking supply SD Rs. 19,500 + ASD Rs. 11,700/- (mini charges) was taken by the licensee. It is averred in June 2008 licensee appropriated the Security Deposit (SD) of Rs. 47,830/- to the unpaid bill and collected interest/DPC consequently they could not get the benefit of PPD vide chart enclosed. According to consumer licensee as per the directions in MERC case No. 144 of 2008 did not refund the amount of ASC Rs. 2354/- with interest vide chart enclosed. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. RLC paid for the single phase connection since it is to be merged in three phase meter, collected RLC is required to be refunded Rs. 1,28,588/- but not refunded so far with interest vide chart enclosed. Consumer by letter dt. 07/06/10 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 S.D. appropriated amount, R.L.C. and A.S.C. vide chart enclosed with interest. Vide Rejoinder dt. 01/11/10 and summation dt. 08/11/10 consumer pointed out that the licensee deliberately delayed the matter for which stringent action is necessary to be taken.

- 6) Licensee opposed the contentions raised above by filing stereotype reply dt. 25/10/10. So far refund of SD appropriated amount, it is contended RLC, DPC, will be refunded so also the amount of PPD with interest by the bill of Nov. 2010. In so far ASC it will be given on verification of record. So far RLC, it is contended it is delayed by one year.
- 7) As regards appropriation of SD amount in June 2008 it is submitted by the licensee that PPD, DPC etc. will be refunded through the bill for the month of Nov. 2010. As per the order of Hon. Electricity Ombudsman in

representation No. 23 of 09 dt. 26/03/09 in case Natural Sugar and Allied Industries V/s. MSEDCL licensee cannot transfer the amount of SD/ASD if unpaid to the main bill and treat it as arrears cautioning transferring unpaid SD/ASD amount in the main bill would mean allowing interest or DPC on the SD/ASD like any other arrears is not provided in the law and contrary to the Supply Code Regulation and further pointed out that licensee's action of appropriating the amount of SD/ASD is disapproved directing licensee to refund the amount including DPC and/or interest if recovered. In the instant case showing Nil amount of appropriated SD/ASD in June 2008 thereby consumer was treated defaulter for payment of energy bill thereby the consumer deprived from PPD and that DPC and interest was imposed. Considering the facts as above action of the licensee of appropriating SD/ASD imposing DPC and interest is not inconsonance to the provisions of Section 47 of Electricity Act 2003 and the Supply Code Regulation. In view of this licensee is liable to refund the amount of DPC, PPD and interest collected while appropriating SD as above as per the order dt. 26/03/09 referred to above if not refunded earlier. This Forum in many cases including case No. 398 & 422 of 2010 filed by learned representative Shri Harshad Sheth on this point thrown light.

- 8) 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. 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 refund with interest the excess amount collected if any bearing in mind that concerned order of Hon.

MERC is of 2008 and now we are at the fag end of the year 2010 and as such sufficient time has elapsed.

- 9) So far refund of RLC consumer pointed out that this amount is delayed by one year. This amount was paid by the consumer to the licensee as loan in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as regards refund of RLC. When the amount was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC and Ombudsman in representation No. 39 of 06 and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect. Consequently grievance application will have to be partly allowed.
- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to refund the amount of DPC, PPD and interest collected while SD appropriated in June 2008 with R.B.I. rate of interest to the consumer if not paid earlier, as per the directions given by Hon. Ombudsman in representation No. 23 of 09 dated 26/03/2009 within 45 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 3) Licensee is directed to work out the amount of RLC and ASC as per the directions of Hon. MERC in case No. 72 of 2007, 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.
- 4) 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”.

- 5) 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 : 23/12/2010

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan