



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/239/264 OF 2009-2010 OF
M/S. PALM LINE IMPEX, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Palm Line Impex
Gala No. A/15, Tirupati Udyog Nagar,
Village Waliv, 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 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 > 20 KW consumer of the licensee with C.D. 17 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 29/04/2009 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Palm Line Impex.

Address: - As given in the title

Consumer No : - (1)001840866862

(2)001840601940 (PC-1) single phase comm. connection

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/400 dated 29/04/2009 to Nodal Officer of licensee. The licensee through its Dy. Executive Engineer, MSEDCL Vasai Road Sub Dvn.(E) filed reply vide letter No. DYEE/VSI/(E)/B/4061, 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 29/04/2009.
- 5). The Forum heard both the parties on 19/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth representative of

the consumer, 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 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) – Refund of Excess SD & interest on SD : The consumer claims that it was given new connection on 28/01/2004. The licensee collected SD of Rs. 6000/- + Rs. 3600/- = Rs.9,600/- from the industrial consumers during the said period for 20 HP load. However, zero SD was displayed on the bills. The licensee has also demanded addl. SD of Rs.7200/- and same was paid in June 08 and the same is displayed on the bill. Therefore, the licensee be directed to refund of SD of Rs.9600/- along with interest. As against this, the licensee claims that the connection has been given on 28.01.04. The Security Deposit paid at the time of connection i.e. Rs. 9600/- as claimed by the consumer, is not displayed in the bills. It's office is searching record to find out the exact total amount of SD. In the meantime, the consumer may submit the SD receipts for quick disposal of the case. Considering the average bill keeping the Deposit

balance, action will be taken for refund of SD. The interest will be paid as per rules. 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 of 30 days from the date of decision in this case.

- 8). As to grievance No.(2) - Regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 :-The consumer has claimed refund of Rs. 3557.95 of such difference 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.2474.44 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.

- 9). As to grievance No.(3): Regarding refund of excess ASC recovered in Oct.06, billed in Nov 06 : The consumer claims that its Benchmark consumption (BC) is 2113 units per month. Its consumption for the above referred month i.e. Oct. 06 billed in Nov. 06 was 904 units which is less than benchmark consumption. Hence no ASC could be recovered from it during the said month. Therefore the licensee is liable to refund the excess cost of 113 units recovered from the consumer and the said amount comes to $113 \text{ units} \times 1.15 = \text{Rs.}123.95$. As against this, the licensee claims that ASC charges for Dec.06 is not applied in the bill hence question of refund does not arise. The bill for the month of Oct. 06 billed in Nov. 06 shows that the total consumption was 941 units and not 904 units as claimed by the consumer. The said bill also shows that 113 units were charged as that of other category. The said bill further shows that the licensee has charged Rs. 581.95 as that of ASC. The bill for the month Dec. 06 shows the average consumption of the consumer for the year 2005 was 2113 units and thus it is clear that the BC for the consumer for Oct. 06 billed in Nov. 06 was 2113 units. 91% of 2113 units comes to 1923 units. Therefore, the licensee could not charge ASC for the said month as the consumer's consumption in the said month was 941 units only. Therefore, the licensee is directed to refund the ASC charged in the month of Oct. 06 billed in Nov. 06 together with interest at the Bank rate of RBI at the prevailing rate to the consumer by giving it's credit in the ensuing bill after 30 days from the date of decision in this case.
- 10). As to grievance No. (4) - Regarding refund of security deposit, additional security deposit, meter cost and reconnection charges paid in the year January 2003 against single phase connection No. 001840601940 : The

consumer claims that the licensee permanently disconnected single phase connection in August 2002 against non payment of arrears. Further consumer claims that the reconnection order was issued by licensee on 14/11/2003 for reconnection of single phase supply and accordingly it has paid Rs. 9110 as arrears amount vide receipt No. 163 and 0087 dt. 17/01/03 and 14/11/03 resp. additional security deposit Rs. 500 vide receipt No. 5565108, dt. 17/01/03, meter cost Rs. 1000 vide receipt No. 5565107, dt. 17/01/03, labour charges Rs. 100 vide receipt No. 5565109, dt. 17/01/03 and re-connection charges Rs. 30 vide receipt No. 5565110, dt. 17/01/03 . However, the licensee did not reconnect electric supply. However, the consumer was receiving the bills regularly though no meter was installed and no electric supply was resumed. The consumer further claims that it does not want the said single phase supply, so licensee be directed to refund the amounts paid against various accounts as mentioned above. As against this licensee claims that the matter is under investigation. On receipt of reply from Sectional Officer, the action will be taken accordingly.

- 11) CPL for this connection with consumer No. 001840601940 shows that the said connection was permanently disconnected in April 2002 and it continued in the same status till Nov. 2003. The copy of the letter dt. 14/11/2003 sent by Dy. Executive Engineer to the Jr. Engineer Waliv filed by the consumer clearly show that the consumer has deposited the arrears of Rs. 8,410 and other charges for reconnection, meter cost etc. as claimed by it. The consumer claims that there after the licensee did not install meter and not resumed electric supply. However, the CPL shows that the connection was live from January 2004 till Feb. 2005 and the earlier meter

bearing No. 210592 was still there at the said establishment till April 2005. The meter readings during the period from April 2002 to April 2005 are either minimum units or locked or RNA or no meter in the different months. In view of such contradictory noting in the CPL, it is necessary to investigate into the real state of matter regarding as to whether the meter was really changed and the electric supply was resumed after the consumer deposited the arrears and the other charges for reconnection as per reconnection order dt. 14/11/2003. The licensee also claims that the matter is under investigation and after the reply from Sectional Officer, suitable action shall be taken. Therefore, the licensee is directed to obtain report from the Sectional officer about the above facts and since the consumer does not want to continue the said connection, refund the amounts of SD, an addl. SD deposited by the consumer together with interest at the Bank rate of RBI, and in case the investigation reveals that the meter was not installed and electric supply was not reconnected to the consumer after it deposited the reconnection charges as per reconnection order dt. 14/11/2003, the licensee should also refund the amount of meter cost, reconnection charges, labour charges and fixed charges against P.D. i.e. Rs. 700, by giving credit of such total amount to the consumer in it's other LT-V connection with consumer No. 001840866862 in the ensuing bill after a period of 30 days from the date of decision in this case.

- 12). 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 allowed.
- 2) The licensee to comply the directions given in above para Nos. 07 to 09 and 11.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) 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 Bldg, 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 : 25/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan