



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/368/421 OF 2010-2011 OF
M/S. S. R. ENTERPRISES VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. S. R. Enterprises
Gala No. 12,
Siddartha Ind. Estate No. 02,
Shailesh Udyog Nagar, Sativali Road,
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 consumer of the licensee with C. D. 41 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 24/09/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. S. R. Enterprises

Address: - As given in the title

Consumer No : - 1)002170783860 – 50 HP

2)002170783851 – 1 Ph.

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/422 dated 24/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/8712, dated 11/10/2010.
- 4) The forum heard both the parties on 11/10/2010 @ 15.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri S. R. Purohit Nodal Officer, Shri S. M. Bangar, Dy. Ex. Engr. 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 Siddartha Ind. Estate No. 02, Shailesh Udyog Nagar, Vasai (East). According to consumer at the time of

new connection they paid Rs. 15,000 + Rs. 1,000 as Security Deposit (SD) and Rs. 9,000 as Additional Security Deposit (ASD). However licensee did not refund the said amount with interest though original receipts produced vide letter dt. 22/02/2010 therefore licensee is liable to refund the amount of SD/ASD with interest vide chart enclosed alongwith compensation of Rs. 5000/- for causing abnormal delay. It is further contended that licensee appropriated SD amount in May 2008 thereby consumer had to pay delayed payment charges (DPC), interest and lost prompt payment charges (PPD) as per chart enclosed and the same is necessary to be refunded since contrary to the order dated 26/03/09 passed by Hon. Ombudsman in representation No. 23 of 09. It is further averred that single phase meter No. 002170783851 is not required since it is to be clubbed with three phase meter consequently single phase meter is to be permanently disconnected and the amount of SD/ASD/RLC collected by licensee in this context needs to be refunded. According to consumer in the bill of August 2009 P.F. was shown 0.01 i.e. KWH consumption as 7 and KVAH consumption as 782 which is incorrect thereby reading was incorrectly fed and on this basis penalty was charged Rs. 1924/- incorrectly need to be refunded. Licensee did not supply them correct update CPL for want of which they face difficulty to put forth their grievance. Vide letter dt. 03/11/09 and 22/02/10 consumer had apprised all the above points for compliance to the licensee but they did not pay heed therefore they moved the I.G.R. Cell but in vain hence the instant grievance application with prayer to direct the licensee to refund the amount of excess recovered P.F. penalty Rs. 1924/-, SD/ASD with interest, amount of DPC/PPD and interest collected while appropriating additional SD and the amount of SD/ASD/RLC in connection with single phase PD with interest.

- 6) Licensee opposed the contentions raised above by filing stereotype reply dt. 11/10/10. So far refund of SD/ASD it is contended the same will be refunded in the ensuing bill with interest. In so far appropriation of SD amount in May 2008 collected DPC, interest and the loss of PPD will also be refunded by the same bill. As regards refund of P. F. penalty, on calculation if excess penalty collected, will be refunded in the billing month of Nov. 2010. So far permanent disconnection of single phase meter it is contended it has been disconnected long back in the month of Nov. 2009 and the refund of SD/ASD/RLC collected in this context with interest is being given.
- 7) At the outset learned representative for the consumer submitted that officials of the licensee have not supplied them correct and update CPL for want of which they face difficulty to putforth their grievances properly. During the course of hearing Forum directed the representative for the licensee to supply correct and update CPL to consumer and accordingly it was supplied. In fact, officials of the licensee are duty bound to supply correct and update CPL as and when required. This Forum in many cases including Case No. 396 of 2010 clearly pointed out in this respect.
- 8) So far refund of SD/ASD amount licensee vide detail say dt. 11/10/2010 pointed out that the amount of Rs. 24,000/- with interest Rs. 8623.77 will be refunded through the bill for the month of Nov. 2010. Officials of the licensee nowhere pointed out as to why abnormal delay caused for refund of this amount though original receipt produced. It is seen from the record consumer vide application dt. 22/02/2010 claimed the amount as above however till November no action is taken indicative of inaction, gross negligence on the part of the licensee. If delay is caused in payment of electricity bill, licensee charges penalty. On this background if looked the

delayed action tainted with recalcitrant attitude for non receiving the amount in time consumer suffer mental agony and torture, he must have suffered loss on this count is necessary to be compensated. Therefore considering all these extenuating circumstances we find proper to saddle the licensee with compensation of Rs. 2000/-.

- 9) As regards appropriation of SD amount it is submitted by the licensee that SD was appropriated in May 2008 and the PPD, DPC, interest collected in this context 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 if unpaid to the main bill and treat it as arrears cautioning transferring unpaid SD amount in the main bill would mean allowing interest or DPC on the SD 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 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 in May 2008 thereby consumer was treated defaulter for payment of energy bill depriving PPD and that DPC and interest was imposed. Considering the facts as above action of the licensee of appropriating SD 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.
- 10) In so far PF penalty this Forum in many cases including case No. 396 of 2010 filed by the learned representative Shri Harshad Sheth referring the

order of Hon. MERC in case No. 116 of 2008 clearly pointed out as regards calculation. Needless to say licensee has to calculate the P.F. penalty on month to month basis. If the P.F. comes below than 0.9 penalty may be imposed, if it goes above 0.9 then incentive has to be given to the consumer as per the directives of Hon. MERC in the case as above. According to licensee in the month of August 09 bill P. F. was shown 0.01 showing KWH consumption as 7 and KVAH consumption as 782 due to meter data reading and feeding mistake therefore in this context P.F. penalty Rs. 1924/- since wrongly collected needs to be refunded. Based on the MRI data in the light of the guidelines given by MERC as above and the discussion supra licensee is again directed to work out P. F. penalty on application of mind to inspire confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer.

- 11) As regards permanent disconnection of single phase meter and refund of SD and RLC collected to that effect according to the consumer as per the chart enclosed licensee is liable to refund the same with interest. As seen from the reply dt. 11/10/10 licensee permanently disconnected single phase meter of consumer long back in the month of Nov. 2009 and refund of SD/ASD, interest and RLC as per the guidelines of Hon. MERC will be given through the bill for the month of Nov. 2010. As per the directions of Hon. MERC as above licensee is liable to refund the amount with interest. Consequently grievance application will have to be partly allowed.
- 12) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases and in addition to this members of the Forum had to hold sittings at Vasai, 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 SD/ASD with R.B.I. rate of interest to the consumer if not paid earlier as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010 within 30 days from the date of receipt of this order 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 P. F. penalty if not paid earlier as per the directions given by Hon. MERC and Ombudsman and refund if collected excess to the consumer with R.B.I. rate of interest within 30 days and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 4) Licensee is directed to refund the amount of DPC, PPD and interest collected while SD appropriated 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 30 days from the date of receipt of this order and compliance should be reported to the forum within 60 days from the date of receipt of this decision.
- 5) Licensee is directed to refund the amount of SD/ASD/RLC collected in the context of single phase connection with R.B.I. rate of interest to the consumer if not refunded earlier, within 30 days from the date of receipt of this order and compliance should be reported to the forum within 60 days from the date of receipt of this decision.

- 6) Licensee is directed to pay compensation of Rs. 2000/- (Rs. Two Thousand only) to the consumer as directed in para No. 08 above within 90 days from the date of receipt of this decision.
- 7) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 8) 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”.

- 9) Consumer, as per section 142 of the Electricity Act, 003, 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 : 02/12/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan