



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/554/653 OF 2011-2012 OF
M/S. PENTAX PLASTICS PVT. LTD. ATGAON INDUSTRIAL COMPLEX,
SHAHAPUR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .

M/s. Pentax Plastics Pvt. Ltd.
Plot No. 33, Atgaon Industrial Complex
Tal : Shahapur, Dist : Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Kalyan Circle - II

(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 H.T. consumer of the licensee. The Consumer is billed as per H. T. Industrial (continuous) tariff. Consumer registered grievance with the Forum on 12/12/2011 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- M/s. Pentax Plastics Pvt. Ltd.

Address: - As given in the title

Consumer No : - 015599019828

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0706, dated 12/12/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KCK-II/Tech/5851, dated 29/12/2011.
- 4) Hearing was held on 02/01/2012 @ 15.30 hrs. and on 11/01/2012 @ 15.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Deepak Bhalani and Shri Prasad Potdar Consumer Representatives & Shri Kale Nodal Officer, Shri Raidurg Executive Engineer, Shri V. H. Kasal, Asstt. 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.

- 5) The brief facts of the complaint are as follows :
 - a) The Consumer is a private limited company namely M/s. Pentax Plastics Pvt. Ltd. having it's factory at Plot No. 33, Atgaon Industrial Complex, Tal : Shahapur, Dist : Thane.
 - b) It is the contention of the consumer that it is availing Non-continuous power supply since August 2008 and never received continuous power supply.
 - c) It is further submitted by the consumer that it's unit comes under Atgaon Industrial premises which is under load shedding programme / staggering day of the licensee since August 2008.
 - d) It is also submitted by the consumer that though it is receiving non continuous supply, licensee started billing for continuous supply under tariff HT-I-C from August 2008 till date. Because of this it has to pay excess amount towards it's energy consumption.
 - e) The consumer informed the licensee and raised it's grievance vide letters dated 08/06/10, 23/08/10, 30/12/10, 14/03/11 but the licensee failed to respond.
 - f) The consumer therefore approached I.G.R. Cell however, the consumer did not satisfy with the decision of I.G.R. Cell and hence it approached Forum. The consumer requested the Forum to direct licensee to revise the tariff from HT-I-C to HY-I-N (Non continuous) and to direct the licensee to refund the excess amount paid due to difference unit rate of HT-I-C and HY-I-N (Non continuous) since August 2008 with interest.
- 6) Notice was issued to the licensee who appeared and submit their say as under :

- a) The consumer is a H.T. consumer and is fed through 22 KV Khardi feeder from 100 KV Khambare Sub-Station. The 22 KV Khardi feeder is incoming feeder for Khardi Switching Sub-Station. Being incoming feeder to Switching Sub-Station, no load shedding is done on this feeder. Hence consumer is getting 24 x 7 hours continuous supply. Since the consumer is availing uninterrupted supply without any load shedding, the tariff applied to the consumer is correct.
- 7) During the hearing the Forum directed licensee to submit interruption report of 22 KV Khardi feeder for the period June 2008 till the date of hearing to enable the Forum to observe whether the consumer is getting continuous supply or otherwise. The details of the interruption report submitted by the licensee vide it's letter No. EE/O&M/Kalyan(R)/T/238, dt. 11/01/2012. After scrutiny of the said report the Forum found some discrepancies hence licensee was directed to clarify on certain points vide Forum's letter No. EE/CGRF/Kalyan/142, dt. 15/02/2012 under Regulation 6.17 (a) which reads as under :

“The Forum shall be entitled to call for **any record** and / or require attendance of any person to facilitate and expedite the disposal of the Grievance. The Forum shall also be entitled to direct the Distribution Licensee to undertake an **inspection**.”

However, licensee neglected to respond and hence a Reminder letter No. EE/CGRF/Kalyan/158, dated 27/02/2012 informing the licensee that if the licensee fails to reply within three days from the date of receipt of the letter, Forum will not have any other alternative but to assume that the contentions made in the letter dated 15/02/2012 are admitted by the

licensee. After receiving this reminder letter also the licensee did not turn up and file any reply till date.

- 8) After going through the submissions made by both the parties and the documents placed on record, our observations are :
- a) Several letters by the Nodal Officer to the concerned authority & copy to Forum show that Nodal Officer directed the concerned authority to submit a detail report in respect of MRI data and cause of opening Atgaon Complex GOD. However licensee did not file a single document on record which shows a negligence of the licensee.
- b) We have also observed that MRI data of the said consumer and cause of opening Atgaon Complex GOD are very much important documents to reach to the conclusion regarding continuous and / or non-continuous supply. However, licensee did not take pain to submit the above said documents inspite of sufficient time was given. Hence as per Regulation 6.13 the Forum proceeded to pass the order on available record. Regulation 6.13 reads as under :
- “Within fifteen (15) days of intimation from the Forum or within such other time as it may direct, the Distribution Licensee shall furnish, to the Forum with a copy to the consumer, its issue–wise comments on the Grievance, failing which the Forum shall proceed **on the basis of the material record available.**”
- c) After going through the interruption chart report we have observed that Planned Load Shedding is carried out by the licensee from August 2008 to January 2009. Further from February 2009 to December 2011 permit is taken for the purpose of opening of GOD and no clarification has been given by the licensee in this regard.

- 9) Taking into consideration all the above discussion and correspondence we have come to the conclusion that Licensee failed to produce any concrete evidence to prove that the consumer is getting continuous supply from 22 KV Khardi Feeder for the disputed period (August 2008 till date).
- 10) Licensee failed to provide necessary documents though repeatedly directed by the Forum to produce, hence delay has been caused for issuing this order within stipulated time.
- 11) In view of the above observation we pass the following order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to revise the tariff from HT - I continuous to HT – I Non-continuous from next ensuing bill.
- 3) Licensee is also directed to refund the excess amount paid by the consumer due to difference unit rate of HT – I continuous and HT – I Non-continuous since August 2008 till date with R.B.I. rate of interest within 30 days from the date of receipt of this order.
- 4) Compliance be reported to the Forum within 45 days from the date of receipt of this order.

- 5) 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”.

- 6) 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 : 16/03/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan