



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/369/422 OF 2010-2011 OF
M/S. TUSHAR RASIKLAL SUCHAK VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

M/s. Tushar Rasiklal Suchak
Gala No. 10,
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. 54 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. Tushar Rasiklal Suchak

Address: - As given in the title

Consumer No : - 1)001840867931 – 65 HP

2)001840867966 – 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/425 dated 24/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/8715, dated 11/10/2010.
- 4) The forum heard both the parties on 12/10/2010 @ 16.00 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. 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) in the year 2004. According to consumer while taking supply SD Rs. 19,500 + ASD Rs. 11,700/- was taken by the licensee but the same has not been refunded with interest though produced original receipts and demanded vide chart enclosed on 22/02/2010. It is contended in June 2008 licensee appropriated the Security Deposit (SD) of Rs. 68,800 to the unpaid bill and collected interest/DPC consequently they could not get the benefit of PPD vide chart enclosed. It is further the contention of consumer that their single phase meter No. 001840867966 is to be clubbed with three phase meter consequently single phase connection has to be permanently disconnected and the amount of SD, ASD, RLC collected by licensee in this context needs to be refunded with interest. According to consumer 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 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 SD/ASD with interest, amount of DPC/PPD and interest collected while appropriating additional SD in June 2008 and the amount of SD/ASD/RLC in connection with single phase PD with interest and compensation for delayed action.
- 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 with interest in the bill of Nov. 2010. In so far appropriation of SD

amount the loss of PPD/DPC/interest will also be refunded by the same bill. 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 with interest collected in this context will be given by the bill for the month of Nov. 2010 after recovery of outstanding amounts if any.

- 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. 31,200/- towards SD/ASD with interest Rs. 11697.83 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 in refunding this amount when original receipts were filed vide application in the month of Feb. 2010. It is seen till November this amount has not been refunded is 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 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.
- 10) As regards permanent disconnection of single phase meter and refund of SD/ASD and RLC to that effect according to the consumer as per the chart enclosed licensee is liable to refund them the amount with interest. As seen from the reply dt. 11/10/10 licensee permanently disconnected single

phase meter of consumer in the month of Nov. 2009 and refund of SD with interest and RLC as per the guidelines of Hon. MERC will be given through the bill for the month of Nov. 2010. Licensee is liable to refund the amount as above with interest. In view of this grievance application will have to be partly allowed.

- 11) 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 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 further 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.
- 4) 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.

- 5) 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.
- 6) Licensee to furnish update and correct copy of CPL to consumer as and when required.
- 7) 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”.

- 8) 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 : 02/12/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan