

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 03/10/2013
Date of Order : 02/12/2013
Period Taken : 60 days

IN THE MATTER OF GRIEVANCE NO. K/E/734/873 OF 2013-14 OF M/S. RAJESH FASTNERS OF WALIV, VASAI [E], DIST-THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT REFUND OF R.L.C., ETC.

M/s. Rajesh Fasteners,

Gala No.2, Bldg. No.9,

Agarwal Udyog Nagar,

Waliv, Vasai (E)-401 208, Dist-Thane

Consumer No. (Present): 001849034190-107 HP

Consumer No. (Earlier): 01840507242-65 HP

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Dy. Exe.Engineer, Vasai Road [E] S/Dn.

(Here-in-after
referred
as Licensee)

Appearance :- For Consumer - Shri Harshad Sheth, Consumer's Representative

For Licensee - Shri Satish Umbarje, Dy. Exe.Engineer

Shri Vaze, Asst. Accountant

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This 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. The regulation has been made by the Maharashtra Electricity

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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 having Industrial supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 3/10/2013 for Refund of R.L.C. and credit balance of P.D. meter.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0441 dated 8/10/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 22/11/2013.
4. From factual aspect it is seen that Consumer is having Industrial Supply from 2/1/1996. During that period Security Deposit was paid, even development charges were also borne, and Consumer has deposited Regulatory Liability Charges, i.e. RLC to the tune of Rs.1,60,404/-, deposited during the period from December 2003 to September, 2006 for 33 months as per the Tariff Order of MERC in Representation No.19/2012 on 16/8/2012. Direction is given to refund the said RLC amount in six equal installments. It is contended that after the said Order within six months no any amount was paid, but on behalf of Licensee circular giving guidelines issued on 31/10/2012 and it is contended that as per the said guidelines in case of connection which resulted in P.D. but there is shifting to Special-L.T., then any such surviving or continuing supply the payment is to be done by adjusting in the bills. Accordingly it is contended that in the month of June 2013, for the first time, one-sixth of the amount of RLC is given credit to Consumer, but in July 2013 there was no such payment. Till then, there was no unanimity amongst the partners of Consumer who insisted for seeking the said balance amount of RLC by way of cheque. Such prayer was submitted to the Dy. Exe.Engineer but till this date said claim is not finalized or no cheque is issued. Accordingly it is contended that though Licensee insists on implementation of the said letter of guidelines, in no way it

can restrain for issuing a cheque if demanded. Secondly it is contended that period of one year is over from the Order of MERC hence in no case amount can be withheld and it is to be paid by way of cheque.

5. In the light of the above, we find the aspect of RLC is dealt right from the year 2003 to 2006 and Hon'ble MERC passed Orders for its refund previously in Case No.72 of 2007 wherein methodology is prescribed and lastly, in the Order No.19 of 2012 dated 16/8/2012 position is made clear and direction given to refund the amount in equal six, monthly installments. There is no dispute that the Licensee is to refund the amount in six, monthly installments to the present Consumer. Already one such installment for Rs. 27,771.80 is adjusted in the bill of June 2013. Thereafter, as prayed by the Consumer, it is not adjusted in the bill, Consumer is specific seeking its payment by cheque.

Consumer had approached for refund on 3/4/2013 to the Dy. Exe.Engineer and approached IGRC on 6/4/2013. Again he gave letter to Dy. Exe.Engineer on 22/7/2013. Matter before IGRC not decided. Refund as prayed not given. The Officers of Licensee heavily relied on the internal circular issued by the Chief Engineer (Commercial), dated 31/10/2012 towards the framework to refund RLC to P.D. Consumer. One of the mode for P.D. Consumer is to pay by cheque, however, if there is any conversion to Special category, then it is to be paid by adjusting in the bills. C.R. submitted and insisted that old supply is P.D. and it falls in the category of P.D. meters, hence refund should be by cheque only. For said new supply new Consumer no. is given and hence it is totally new. Admittedly, in this matter, Consumer has taken additional load and shifted to 107 HP in Jan. 2009, and in the same month, previous connection was permanently disconnected. Question is of repayment even to such shifting for Special category. It is noted above that order is passed by Hon'ble MERC in Aug. 2012, payment was to be done in six installments, payable per month, and in pursuance of it, above referred circular is issued by Chief Engineer (Comml.)

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Further it is seen that this grievance is submitted on 3/10/2013, till then, already one year is over after the order of Hon'ble MERC. Even six months period is over in this month after the payment adjusted for June 2013 and total amount is due. Now question comes up when the period of six months is already over, even to the letter of Chief Engineer (Comml.) dated 31/10/2013, the payment which is due, is not done prior to Apr. 2013 and now period of one year is also over, payment is overdue. Though from July 2013, Consumer himself has sought, not to adjust it in the bill but to pay it by issuing cheque for the balance period. We find said payment was legitimately due prior to Apr. 2013 but it is partly given in June 2013, and there is no any reason to refuse payment by cheque relying on the letter of Chief Engineer (Comml.) dated 31/10/2013 when period of six months was already over after issuing it and even after adjustment of first instalment in June 2013. Hence cheque was required to be given when it was sought. Accordingly, we find by interpreting it in any way, that amount is due, it is to be paid and when Consumer is seeking it in the form of cheque, it cannot be denied in these particular circumstances. Hence the Licensee is to be directed to pay the said amount by issuing the cheque with appropriate interest as directed by Hon'ble MERC as per Bank Rate.

6. Consumer has sought an amount of Rs.3,490/- which is said to be credit balance towards P.D. connection and Licensee replied that its correctness will be verified and will be adjusted in the bill of the Consumer. In this regard, we find

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that the Officers of Licensee are to comply it by appropriately working out and
dealing it within one month from the date of this Order.

7. In result, this grievance is to be upheld.

I agree

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

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

Member Secretary (Chandrashekhar U. Patil) :

I have gone through the above reasoning. I respectfully agree with it
except for the contents in para Nos. 4 & 5 for the reasons that :

- a) The RLC refund was already started in June 2013 through adjustment in the Bill, but consumer's letter dated 22.7.2013 for refund by cheque had put up the hurdle in further process of refund due to which it was held up till date.
- b) As per the guidelines, the scheme of refund by cheque is for P.D.consumers. The present consumer is shifted from LT to special LT and in such cases, previous consumer number is required to make PD (on paper) for processing his conversion and streamlining the conversion process only. Giving him the treatment as 'real PD consumer' will not be on the realistic grounds and hence refund by cheque/cash should not be entertained.

Hence the Grievance should be rejected.

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

Hence the order by majority

O-R-D-E-R

- a) The grievance of the Consumer is hereby allowed.
- b) The Licensee directed to issue cheque for five installments due to be paid to the Consumer towards RLC considering that first installment is paid to the Consumer adjusting it in the bill for Rs.22,771.80.
- c) The Licensee to appropriately verify and clarify the credit balance of Rs.3,490/- available to the Consumer towards the P.D. Connection and to pay it with interest as per the Bank Rate from the date of demand by the Consumer, i.e. from 3/4/2013.
- d) Above compliance of directions (b) and (c) be done within 45 days from the date of receiving this Order and compliance be given within further 15 days of compliance.

Date : 02/12/2013

I Agree

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

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

Note:-

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.

- b) 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”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

Filename: 873-Rajesh Fastners
Directory: C:\Documents and Settings\Admin\My Documents
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Data\Microsoft\Templates\Normal.dotm
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CO
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