



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/370/423 OF 2010-2011 OF
M/S. VEETEK PLASTICS VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Veetek Plastics
Gala No. A/5,
Tirupati 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 27/09/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Veetek Plastics

Address: - As given in the title

Consumer No : - 1)001840601567 – 65 HP

2)001840602041 – 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/429 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VS/E/8880, dated 18/10/2010.
- 4) The forum heard both the parties on 18/10/2010 @ 15.00 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) Consumer has taken electricity connection from the Distribution Licensee (DL) to the company premises situated at Tirupati Udyog Nagar, Sativali

Road, Vasai (East) in February 1997. It is contended by the consumer that P.F. penalty was wrongly charged by faulty meter data entry in Aug. 08 and Sept. 08 on KWH reading and KVAH reading. It is contended actual P.F. comes to 0.98 so 3% incentive on Aug. 08 & Sept. 08 is necessary to be given. In March 09 and April 09 KVAH reading was not known. Considering average of Aug. Sept. Oct. & Nov. 09 average P.F. comes to 0.99 and in this context total penalty refund and incentive comes to Rs. 39,162.68 vide chart is necessary to be refunded. It is averred licensee charged excess amount towards ASC in April 2008, this amount is necessary to be refunded by installments on the basis 7901 units as per the chart enclosed with interest. It is contended while giving new connection in 1997 licensee collected Rs. 19,500/- as S.D. + 29,250/- with RLC however the single phase connection No. 001840602041 has not been disconnected and the amount collected in this context needs to be refunded. According to consumer licensee did not supply them correct and update copy of CPL for want which they face difficulty to put forth their grievances. Vide letter dt. 01/12/09 licensee was informed to comply the above points but in vain hence the instant grievance application with prayer to direct the licensee to refund the amount of excess P.F. penalty, ASC, SD/ASD/RLC collected in the context of single phase connection.

- 6) Licensee vide detail say dt. 18/10/2010 opposed the contention as above. It is contended that so far refund of P.F. penalty for the period from August 08 to Sept. 08 KVAH reading was not available/taken for the month of August 08 hence P.F. for next month was to be considered. Considering KVAH consumption for two months necessary refund is worked out and the same will be given alongwith interest in the bill for the month of Nov. 2010.

As regards refund of P.F. penalty from March 09 to April 09 it is contended that KVAH reading was not taken for the month of March 09 hence the P.F. for next month i.e. April 2009 was to be considered and considering the said position necessary revision of the refund will be shown in the ensuing bill. So far refund of P.F. penalty from Aug. 09 to Nov. 09 average P.F. can be calculated from Aug. 09 to Nov. 09 only after availability of KVAH reading of July 09 and Nov. 09 and if refund is possible can be given to the consumer. It is averred by the licensee that ASC for the material period was already charged excess, however considering consumption excess amount alongwith interest towards ASC will be refunded in the bill of Nov. 2010. In so far permanent disconnection of single phase supply, it is contended single phase meter No. 001840602041 has been permanently disconnected in Nov. 2009 and that amount of SD, RLC with interest collected in this context will also be refunded.

- 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) 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 KVAH reading was not available. Based on the MRI data in the light of the guidelines given by MERC as above and the discussion supra licensee has to work out and to refund the PF penalty with interest to the consumer.

- 9) So far ASC excess charged for two months consumption in April 2008 is concerned, this refund is based on MERC case No. 144 of 2008. Inviting our attention to the para 8 (g) of the said case learned representative for the consumer contended that officials of the licensee has to refund Rs. 10,745.36 vide chart enclosed. This Forum in many cases filed by the learned representative Shri Harshad Sheth including case No. 394 of 2010 clearly pointed out on ASC. In para 8 (g) in the above said case Hon. MERC pointed out as to how ASC to be calculated category wise i.e. H.T. and L.T. considering Base Tariff Energy Charges. In view of this licensee is under obligation to calculate ASC and to refund if collected excess at the rate of interest as stated in the case bearing in mind that the concerned orders of Hon. MERC are of 2008 and we are now in 2010 as such sufficient period has elapsed. On going through the records and the directions given by Hon. MERC and the Ombudsman we find proper to direct the licensee to refund the amount of ASC with interest to the consumer if collected excess.
- 10) As regards permanent disconnection of single phase meter and refund of SD/ASD and RLC collected in this context, 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 within stipulated time. 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 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.
- 3) Licensee is directed to calculate the amount of ASC as per the directions given by Hon. MERC and Ombudsman and if found excess to refund the same with interest within 30 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 to furnish update and correct copy of CPL to consumer as and when required.
- 6) 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”.

- 7) 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