



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/242/267 OF 2009-2010 OF
SMT. SAVITA N. SHAH, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

Smt. Savita N. Shah
Gala No. 15 Rajprabha Udyog Mandir,
Village Waliv, Sativali Road
Waliv, Vasai (East), Dist.Thane: 401 208

(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 conformed 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 < 20 KW consumer of the licensee with C.D. 17 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 05/05/2009 for Excessive Energy Bills.

The details are as follows: -

Name of the consumer :- Smt. Savita N. Shah.

Address: - As given in the title

Consumer No : - 001840869802 - 17 KVA IP connection

001840868539 - 1 KW Single phase connection

Reason of dispute: Excessive Energy Bills and permanent disconnection of single phase connection.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/416 dated 05/05/2009 to Nodal Officer of licensee. The licensee through its Dy.Executive Engineer, MSEDCL Vasai Road Sub Dvn.(E) filed reply vide letter No. DYEE/VS/ (E)/B/4090, dated 21/05/2009.
- 4). The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 4/3/2009. The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 05/05/2009.
- 5). The Forum heard both the parties on 21/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth representative of the consumer, Shri B. D. Shidore, A.E., Shri S.B.Hatkar, Asstt.Acctt.,

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.

- 6). The following grievances raised by the consumer in its letter dated 02/03/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd.21/05/09 with CPL filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). As to grievance (1) – Refund of Excess SD & interest on SD : The consumer claims that he has paid SD of Rs. 6000/- + Rs.3600/- = Rs.9,600/- at the time of taking new connection in the year 2005. The licensee has also demanded addl. SD of Rs.3000/- and same is paid in May 08. Therefore, the licensee be directed to refund of SD of Rs.9600/- along with interest. As against this, the licensee claims that the connection has been given on 20.01.05. The Security Deposit paid at the time of connection for Rs. 9600/- is not displayed in the bill. This office is searching for record of exact amount of SD. In the meantime, the consumer may submit the SD receipt for quick disposal of the case. Considering the average bill keeping the Deposit balance action will be taken for refund of SD. The interest will be paid as per rule. In view of the above contentions of the parties, the licensee is directed to verify the correct amounts of SD from time to time from its record and the record with

consumer, display the correct amounts of SD, calculate the proper SD at this stage & refund the excess amount of SD & the interest at Bank rate of RBI on such amounts of SD at the prevailing rate, by giving it's credit to the consumer, in the ensuing bill after a period 30 days from the date of decision of this case.

- 8) Grievance No. (2) – Regarding ASC charges during April 08 : Consumer claims that in billing month of April 08, licensee charged on locked average basis for two months consumption reading but ASC BC relief is given only for one month, so refund of 309 units ASC difference is to be refunded i.e. amount Rs. 729.24. On this licensee claims that the ASC charged in April 08 is under scrutiny and action will be taken accordingly. It is noted by Forum that for April 08 bill, the billing period is considered 02/02/08 to 04/04/08 i.e. bill is prepared for two months but licensee appears to have given advantage of cheap power of one month only Therefore, the licensee is directed to recalculate the ASC charges for the billing months March 08 and April 08 by finding out the exact consumption during the periods of each of the said billing month from the MRI reports of the meter and in case the licensee has recovered excess ASC in the billing month for April 08, it should refund such excess amount of ASC together with interest at the Bank rate of RBI to the consumer by giving credit of such amount in the ensuing bill after 30 days from the decision in this case.
- 9). As to grievance No. (3) - Regarding refund of difference of MD based charged and HP based charges from Oct.06 to Mar 07 : The consumer has claimed refund of an amount of Rs.1652 as a difference amount on this count as the charges of the relevant period were reverted back to the HP based tariff from MD based fix charges, due to non completion of

installation of MD meters in entire Maharashtra. The licensee claims that it has refunded an amount of Rs.2474.44 in the month of May 07 and some amount in other month which will be intimated after confirmation from the higher authority. The licensee has also not made clear as to in which other month it has given credit of any other amount on this count to the consumer. Therefore, the licensee is directed to verify the total amount of such difference to which the consumer is entitle and the amount if any refunded by it to the consumer and inform about it in writing to the consumer within 30 days and refund excess amount if any, together with interest at the Bank rate of RBI, to the consumer by giving it's credit to the consumer in the ensuing bill after 30 days from the date of decision in this case.

- 10). As to grievance No.(4) – As to grievance regarding disconnection of single phase commercial 0.1 KW supply with consumer No. 001840868539 as per separate letter dt. 02/03/09 to the Dy. EE : The consumer claims that it has demanded disconnection of the said single phase commercial supply since according to it in view of the clause 19.1 of MERC (ESC & OCS) Regulation 2005 implemented from 20th Jan. 2005, all irrational circulars & orders of MSEDCL are invalid, & tariff booklet definition & MERC operative order says that supply at low voltage except use of agricultural pump is allowed under LT-V & therefore, it does not need separate single phase commercial supply. It has also mentioned the same reason in support of his request/demand for disconnection in it's letter dated 02/03/09 about it to the Dy. Executive Engineer.

Clause 19.1 of above referred Regulations 2005, on which the consumer relies, reads as under :

“19.1 : Any terms or conditions of the Distribution Licensee, whether contained in the terms & conditions of supply & / or in any circular, order, notification or any other document or communication, which are inconsistent with these regulations shall be deemed to be invalid from the date on which these regulations come into force.” Against this licensee claims that the case is referred to Sectional Officer for checking of installation and on receipt of report action will be taken. The consumer has not made clear in his grievance as to exactly what type of activities it is carrying on in the premises for which it has earlier taken the said supply for commercial purpose. The CR also could not show any recent circular or order by which at present the supply given for Industrial purposes can also be used for commercial purpose also. Therefore, earlier restrictions if any, about it, cannot be said to be invalid on the basis of above referred Clause 19.1. However, it is a matter of common understanding that, a person cannot be forced to continue to have particular type of supply against it's wishes. Therefore, the licensee is directed to disconnect the said supply with consumer No. 001840868539 to the consumer at the risk of consumer within 30 days from the date of decision in this case, & there after transfer the SD amount together with interest till the date of such PD & all other credits including the amount of RLC as per MERC operative order 77 of 2007 if any, of the consumer in the said connection, to it's other industrial connection with consumer No. 001840869802 within a period of 30 days from the date of decision in this case.

- 11) As to grievance No. (5) – Regarding revision of bills of the period from April 08 to Feb. 09 : The consumer claims that it's unit is closed for production. Since May 08 to Oct. 08 zero consumption is shown. Then in Oct. 08, the

consumption of 1280 units is shown and the same may be of five months. Since Nov. to this date, the meter reading is same as that of Oct. i.e. 8419. The consumer's request for regularizing the bills of the said months by deleting the excess charges from April 08 to Feb. 09. Production in it's unit is now closed. Therefore, the licensee should now onwards issue bills for fixed charges and deduct RLC refund, so that the consumer shall do the needful. The licensee should show correct amount of SD on the bills and also add interest in the bill and that the licensee should delete all the DPC and interest amount from the bills and send revised bills. As against the licensee claims that the case is referred to it's Sectional Officer for checking of installation and on receipt of report action will be taken.

- 12) The CPL for the months May 08 to Sept. 08 shows zero consumption whereas CPL for the month Oct. 08 shows consumption of 1280 units with previous reading as 7131 and the current reading as 8419 and thus prima facie the contention of consumer that the said consumption i.e. 1280 units is of five months appears to be correct. CPL from Nov. 08 to Feb. 09 shows the same reading 8419 as previous reading and the current reading and the consumption as zero units. Considering the above facts there is a need to regularize and revise all the said bills as requested by the consumer. Moreover, the licensee has also contended that the case is referred to Sectional Officer for checking of installation and on receipt of report, the action will be taken. Therefore, the licensee is directed to revise all the said bills for the billing months from May 08 to Feb. 09 after receiving the report from the Sectional Officer and issue revised bills for the said billing months to the consumer within 30 days from the date of decision in this case.

- 13). In view of the findings on the grievances of the consumer as above, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) The licensee to comply the directions given in above para Nos 07 to 10 and 12.
- 3) The Compliance should be reported to the forum within 90 days from the date of decision.
- 4) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

- 5). Consumer, as per section 142 of the Electricity Act, 003, can approach Maharashtra Electricity Regulatory Commission at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

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”

Date : 26/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan