



**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/372/425 OF 2010-2011 OF**  
**SHRI C. O. JOHNY VASAI REGISTERED WITH CONSUMER GRIEVANCE**  
**REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE**  
**BILLING.**

Shri C. O. Johny  
Gala No. 02, Bldg. No. 03,  
Merchant Ind. Estate  
Waliv, 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. consumer of the licensee with C. D. 46 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 :- Shri C. O. Johny

Address: - As given in the title

Consumer No : - 001840852381

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/435 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/8878, dated 18/10/2010.
- 4) The forum heard both the parties on 19/10/2010 @ 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 and 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 Merchant Ind. Estate, Waliv, Vasai (East) in the year 1999. According to consumer at the time of new

connection they paid Rs. 16,500 (+) Rs. 13,200 as six month minimum charges towards Security Deposit (SD). Consumer vide application dt. 15/04/10 claimed the amount of SD with interest but not refunded. It is further contended that licensee collected excess ASC in April and June 2008 vide chart which was brought to their notice but not responded therefore they moved the IGR Cell but in vain. Consequently the instant grievance application to direct the licensee to refund amount of SD and excess collected ASC with interest and compensation.

- 6) Licensee opposed the contentions raised above by filing stereotype reply dt. 18/10/10. So far refund of SD Rs. 16,500/- and that ASD Rs. 13,200/- with interest is being refunded. In so far refund of excess ASC while calculation consumption was not considered, previous bills were billed on average basis as the premises was locked, therefore the excess amount collected will be refunded with interest.
- 7) So far ASC excess charged for two months consumption for April and June 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. 14,345.28 vide chart enclosed. Learned representative for the licensee submitted that ASC already charged was in excess and therefore with interest it will refunded through the bill for the month of Nov. 2010. 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 calculate the excess ASC and to refund the amount with interest to the consumer.

- 8) So far refund of SD amount licensee vide detail say dt. 18/10/2010 pointed out that the amount of Rs. 16,500/- towards SD with interest will be given and that ASD Rs. 13,200/- with interest is being refunded vide bill for the month of Nov. 2010. When consumer produced receipt licensee is under obligation to refund the SD/ASD amount with interest. This Forum in many cases including Case No. 393 of 2010 clarified on this aspect. Officials of the licensee nowhere pointed out as to why abnormal delay is caused. It is seen from the record consumer produced original receipt with application dated 15/04/2010 and 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 met by way of compensation. Therefore considering all these extenuating circumstances we find proper to saddle the licensee with compensation of Rs. 2000/- . Consequently the grievance application will have to be partly allowed.

- 9) 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 directed to calculate the amount of ASC as per the directions given by Hon. MERC and Ombudsman and if collected excess to refund the same with R. B. I. rate of interest within 30 days from the date of receipt of this decision.
- 4) 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.
- 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, 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 : 02/12/2020

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan