



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/373/426 OF 2010-2011 OF
M/S. ASHA AUTO, VASAI REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE
BILLING.

M/s. Asha Auto
Gala No. 07, Bldg. No. 01,
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. 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. Asha Auto

Address: - As given in the title

Consumer No : - 1)001840854601 – 65 HP

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/438 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/8879, dated 18/10/2010.
- 4) The forum heard both the parties at length on 19/10/2010 @ 15.30 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 2002. According to consumer at the time of new connection they paid Rs. 19,500 (+) Rs. 11,700 towards Security Deposit (SD) and Addl. S.D. Consumer vide application dt. 15/04/10 claimed the amount of both SD with interest but not refunded though produced original receipts. Therefore the instant grievance application to direct the licensee to refund amount of SD / ASD with interest and compensation for delayed action.
- 6) Licensee opposed the contentions raised above by filing stereotype reply dt. 18/10/2010. So far refund of SD/ASD it is contended that amount of the same with interest will be refunded in the ensuing bill.
- 7) So far refund of SD amount as stated above licensee vide detail say dt. 18/10/2010 pointed out that the amount of both SD and ASD with interest will be given. When consumer produced receipts licensee is under obligation to refund the amount with interest without delay. 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 has been 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 compensated. 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.

- 8) 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 pay compensation of Rs. 2000/- (Rs. Two Thousand only) to the consumer as mentioned in para No. 07 above within 90 days from the date of receipt of this decision.
- 4) 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”.

5) 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