



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/374/427 OF 2010-2011 OF
SHRI ASHOK M. MODI, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

Shri Ashok M. Modi
Gala No. 05,
Agrawal Udyog Nagar, Plot No. 02,
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.- V consumer of the licensee with C. D. 25 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 Ashok M. Modi

Address: - As given in the title

Consumer No : - 001840854333

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/441 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/8909, dated 19/10/2010.
- 4) The forum heard both the parties on 19/10/2010 @ 16.00 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 Agrawal Udyog Nagar, Waliv, Vasai (East) in the year 2002. It is contended by the consumer that P.F. penalty was wrongly charged by faulty meter data entry as per chart enclosed. It is averred P. F. penalty for Aug. 08 and Sept. 08, Dec. 08 and Jan. 09, July 09, Nov.09 & Dec. 09, Jan. 10 as per CPL was charged excess by the licensee. Consumer vide application dt. 28/05/10 claimed excess collected P.F. penalty but not refunded. Consumer moved the I.G.R. Cell but in vain and hence the grievance application to direct the licensee to refund the amount of excess P.F. penalty with interest.
- 6) Licensee vide detail say dt. 19/10/2010 opposed the contentions as above. It is contended that on recalculation of P.F. refund if applicable, will be given in the month of Nov. 2010.
- 7) 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 in so far refund of P.F. penalty for Jan. 2009, July 09, recalculation of P.F. is done and no refund is applicable. Nothing to show as to how and what sort of recalculation made and whether it is made as per the directions of Hon. MERC. Based on the MRI data in the light of the guidelines given by MERC as above and the discussion supra licensee is again directed to work out P. F. penalty on application of mind to inspire

confidence among the consumers that all these efforts are for attainment of justice and not eclipse of justice and to refund the PF penalty if recovered excess, with interest to the consumer. Consequently grievance application will have to 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 work out the amount of P. F. penalty 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) 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”.

- 4) 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