

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/376/429 OF 2010-2011 OF
M/S. SHRI RAM STEELS, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Shri Ram Steels
Gala No. 02,
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 :- M/s. Shri Ram Steels

Address: - As given in the title

Consumer No : - 001840488973

Reason of dispute: Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/447 dated 27/09/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/E/9046, dated 25/10/2010.
- 4) The Chairperson and Member of the forum heard both the parties on 25/10/2010 @ 14.30 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & 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 1989. It is contended by the consumer that P. F. penalty for March, Nov. 08 as per the statement enclosed and that for March 2010 was charged wrongly without going through the formula of Sq.

Rt. of Sq. of summation of KWH & RKVAH. It is averred P.F. as per the chart enclosed is necessary to be refunded with interest. It is further contended that single phase meter No. 001840488973 is not required since it is to be clubbed with three phase meter consequently single phase meter is to be permanently disconnected and the amount of SD/ASD/RLC collected by licensee in this context needs to be refunded with interest. By letter dt. 28/05/10 consumer claimed the amount but licensee did not respond therefore consumer moved the I.G.R. Cell but in vain hence lodged this grievance with prayer to direct the licensee to refund the excess amount of P.F. penalty and SD/ASD/RLC collected in the context of single phase meter in the year 1999 with interest.

- 6) Vide reply dt. 25/10/10 licensee contended that in so far refund of P.F. penalty on scrutiny of record will be refunded by the bill in the month of Nov. 2010. So far single phase connection it has already been permanently disconnected and the SD/ASD/RLC collected in this context will also be refunded as per rules.
- 7) As regards PF penalty this Forum in many cases including case No. 396 and 429 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 formula of 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 consumer in the month of Nov. 08, March, April, Dec. 09 based on wrong data incorrect penalty was imposed. 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.

- 8) So far permanent disconnection of single phase meter and refund the amount collected in this context it is contended by the licensee that it has been disconnected long back in the month of Nov. 2009 and the refund of SD/ASDC/RLC with interest is being given. In fact while permanently disconnecting the single phase meter licensee should have refund the amount collected in this context and not after the period of one year. This delayed action of one year indicative of gross negligence, inaction and lethargy on the part of the officials of the licensee. Due to delayed action consumer suffered mental agony and torture, he must have suffered loss is necessary to be compensated in saddling the licensee with compensation of Rs. 2,000/-. Consequently the grievance application will have to be 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 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 45 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 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 45 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.
- 4) Licensee is directed to pay compensation of Rs. 2000/- (Rs. Two Thousand only) to the consumer as per directions given in para No. 8 as 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, 2003, 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 : 09/12/2010

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan