



**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/397/451 OF 2010-2011 OF**  
**M/S. RAJESH CHANDANI, VASAI REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE BILLING.**

M/s. Rajesh Chandani  
Gala No. 20,  
N. J. Ind. Estate, Chinchpada,  
Vasai (East), Dist. : Thane – 401 202

(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. 80 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 05/10/2010 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Rajesh Chandani

Address: - As given in the title

Consumer No : - 1)001849028470 – 107 HP

2)001590475056 – 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/451 dated 05/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/9255, dated 27/10/2010.
- 4) The Members of the forum heard both the parties on 27/10/2010 @ 15.30 Hrs. in the cabin of Executive Engineer Vasai Division Office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri R. S. Sanap Ex. Engr. 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 N. J. Ind. Estate, Chinchpada, Vasai (East) in the year 1999. It is contended while giving supply in the year 1999 licensee has collected SD of Rs. 19,500/- and ASD Rs. 29,250/- but the same does not appear in the computer due to change over to Oracle System. It is contended on verifying F-1 register and the other evidence as per the directions of Hon. MERC licensee needs to refund the same and that consumer claimed the amount with interest but not refunded. It is further contended that licensee is supposed to refund the RLC amount from July 2008 onwards. RLC paid approx. Rs. 1,86,766/- for the single phase connection since it is merged in three phase meter, collected RLC is required to be refunded but not refunded so far with interest vide chart enclosed. As regards excess connected load penalty it is contended by the consumer that licensee collected huge amount on this count contrary to the decision of Hon. MERC in case No. 02 of 03 and the Ombudsman Order 39 of 06 as mentioned in the chart enclosed. Consumer by letter dt. 29/05/10 claimed the amounts as above but the licensee did not respond. Consumer moved the I.G.R. Cell but in vain, hence the instant grievance application to direct the licensee to refund the amount of S.D./ ASD, R.L.C. and excess connected load penalty vide charts enclosed with interest.
- 6) Licensee filed reply dt. 27/10/10 contending that amount of SD/ASD will be refunded on production of original receipts or any other evidence. So far refund of RLC it is also being refunded, however it is delayed by one year and that excess connected load penalty is totally time barred by three years hence cannot be refunded.

- 7) So far refund of SD/ASD in the event of zero display, according to the learned representative for the consumer verifying the F-1 register and Firm Quotation, amount is to be refunded as per the directions of Hon. MERC in case No. 93 of 2008. This Forum in many cases including case No. 396 of 2010 filed by representative Shri Harshad Sheth, referring the order of Hon. MERC as above clearly pointed out on payment of SD/ASD. In this context the licensee is directed verifying F-1 register, F.Q. or any other evidence in the light of the directions given by Hon. MERC to refund SD/ASD if not paid earlier, with R.B.I. rate of interest.
- 8) So far refund of RLC consumer pointed out that this amount was paid as loan to the licensee in the difficult time of licensee during December 2003 to July 2006 @ 50 paise per unit monthly consumption. Hon. MERC in case No. 72 of 2006 clearly depicted methodology as regards refund of RLC. When the amount running in thousands i.e. 1,86,766/- was given in difficult days, licensee is under obligation to refund the same as per the directions of Hon. MERC and Ombudsman in case No. 39 of 06 and not as per the sweet will of the officials of the licensee. This Forum in many cases including case No. 393 and 436 of 2010 filed by representative Shri Harshad Sheth in detail pointed out on this aspect.
- 9) According to consumer vide letter dt. 29/05/10 excess connected load penalty vide chart needs to be refunded with interest. Licensee vide reply dt. 27/10/10 pointed out that the claimed amount is totally time barred hence cannot be refunded. According to consumer on perusal the CPL, it is transpired that while enhancing load from 65 to 107 HP officials of the licensee collected excess connected load penalty and the same needs to be refunded as per directions of Hon. MERC in case No. 02 of 03 dt.

14/07/05 and order of Ombudsman in representation No. 39 of 06 dt. 05/09/06. Consumer on this count enclosed calculation chart with application. On going through the orders of Hon. MERC and the observations made by Hon. Ombudsman in para 12, 13, 14 in the order mentioned above, in the light of charts enclosed and hearing the contentions made by both the parties we find proper to direct the officials of the licensee to work out connected load penalty and if collected excess, refund the amount with interest. This Forum in many cases including Case No. 398 and 437 of 2010 filed by representative Shri Harshad Sheth pointed out in detail about the calculation and the refund of amount even of time barred of connected load penalty. Consequently grievance application will have to be partly allowed.

- 10) 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 as per the directions given by Hon. MERC in case No. 93 of 08 dated 01/09/2010.
- 3) Licensee is directed to work out the amount of RLC and excess connected load penalty as per the directions of Hon. MERC in case No. 72 of 2007, 02 of 03 and Ombudsman in case No. 39 of 2006 and if collected excess, to

refund the same to the consumer with interest within 45 days and compliance should be reported to the forum within 60 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, 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 : 23/12/2010

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan