



CONSUMER GRIEVANCE REDRESSAL FORUM
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Case No.: 01/2019

Date of Grievance: 17/01/2019

Date of Order: 14/03/2019

M/s. Swarovski India Pvt Ltd.,
 D- 108, MIDC, Ranjangaon,
 Tal- Shirur, Dist-Pune.

Versus

Executive Engineer
 M.S.E.D.C.L., O&M Circle,
 Kedgaon.

Applicant

(Hereinafter referred to as consumer)

Opponent

(Hereinafter referred to as Licensee)

Quorum

| | |
|------------------|-------------------|
| Chairperson | Mr. B. D. Gaikwad |
| Member | Mr. S. K. Jadhav |
| Member Secretary | Mr. M. A. Lawate |

Appearance:-

For Consumer: - 1-Mr. Pankaj Kumar (Company Secretary)
 2-Mr. Sanjiv Kumar Patil (Company Secretary)

For Respondent: - 1- Mr. Keshav Kalumali, Executive Engineer, Circle office, Baramati.

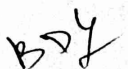
ORDER

(Date:- 14/03/2019)

1. The Complainant above named has filed present Grievance under regulation 6.4 Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, Hereinafter referred to as Regulation of 2006.
2. The consumer is Private Limited Company having its factory at Plot No.108 MIDC Ranjangaon Village Karegaon Taluka Shirur District Pune. The said unit is 100% export

oriented unit. The respondent MSEDCL is the supplier of electricity to the said unit and bears Consumer No.184059032000 and having HT connection of industrial category and date of supply is 25-4-2000. The consumer is paying electricity bills regularly and accordingly avails prompt payment discount. The consumer since last few years has adopted online payment mode and using RTGS for payment of electricity bills.

3. The consumer has paid electricity bill of March 2017 through RTGS but same has bounced due to the fault of respondents bank. The payment was made subsequently but consumer has lost prompt payment discount of Rs.9,510 for which consumer is legally entitled. The consumer has approached officials of MSEDCL but matter remains unsolved. The consumer has submitted grievance before Internal Grievance Redressal Cell (IGRC) but no relief was given and no order has been passed.
4. The consumer thereby submits that the prompt payment discount of Rs.9,510 be refunded back to the consumer with interest. It also prays for Power Factor Incentive or discount of Rs.89,462.41 for the months September October and November with interest. It also prays for compensation of Rs.10,000 and any other suitable and equitable relief.
5. The MSEDCL has resisted the grievance by filing say. It is contended that respondent has neither raised any bill of arrears nor sent any notice of disconnection for payment of arrears. It is submitted that consumer is at liberty to pay monthly bills as per prevailing mode of valid payment but the date of actual receipt of payment is considered for prompt payment incentive. The consumer has at its own choice adopted online payment mode by using RTGS for payment of electricity bills and it was never compelled by MSEDCL. It is submitted that respondent is public utility and shall not be held responsible for the act or omission of third person. The MERC in mid-term review order for FY 2016-17 to FY 2019-20 in case no 195/2017 by its order dated 12-9-2018 laid down that prompt payment discount of 1% of monthly bill (excluding taxes and duties) shall be provided to the consumers within seven days of their issue.
6. The MSEDCL submits that it never denied the power factor incentives. The Hon'able MERC has issued order dated 24/12/2018 in Case No. 321/2018 in respect of review of certain aspects in Mid-term review order dated 12-9-2018 in Case No.195/2017. The Head Office has accordingly issued revised guidelines. There is Commercial Circular No.312 dated 15-1-2019. The first installment out of three equal installments



by way of adjustment through energy bill of Feb 2019 is already given. The rest of the two equal installments will be adjusted in the energy bills of March 2019 and April 2019. The first installment is already adjusted in the bill for the month of January 2019. The power factor incentive will be given to the consumer as per the guidelines of the head office and said fact is already informed to the consumer through E-mail dated 26-2-2019.

7. It is submitted that the present grievance does not fall within the definition of 'Grievance'. The MSEDCL thereby submits the grievance shall be dismissed with cost as same is devoid of merits.
8. We have heard the representatives of both the parties and also perused documents on record. In view of rival contentions of the parties, following points arise for our consideration and we have recorded our findings thereon for the reasons stated hereinafter.

POINTS-

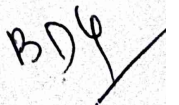
FINDINGS-

- I) Whether consumer is entitled for prompt payment discount of Rs. 9,510 with interest? :- No
- II) Whether the consumer is entitled for Power factor incentive for the months on Sept Oct Nov 2018? :- Yes
- III) What Order? :- As Per Final Order

REASONS.

9. Point No. I – The consumer has claimed prompt payment discount of Rs.9,510 with interest. There is correspondence between the parties as well as with concerned banks. We have perused said correspondence. There is no dispute that MSEDCL can offer incentive to the consumers for making early payment of their bills. The MERC in Mid-term review order in Case No.195/2017 by order dated 12-9-2018 for FY 2017-2018 to FY 2019-2020 passed order that the prompt payment discount of 1% of the monthly bill (excluding taxes and duties) shall be provided to the consumers for payment of electricity bills within seven days of issuance of the bills. In the case in hand last date of payment was 10-4-2017 for monthly bill of March 2017. The letter dated 8-10-2018 given by the consumer clearly indicates that the consumer has paid the bill of Rs.10,46,600 for the month of March 2017 but on the last day. However the payment was returned by HDFC bank which was the banker of MSEDCL. The payment

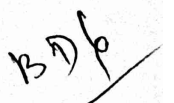




was returned on 11-4-2018. In this way the consumer was to pay Rs.10,56,110 instead of Rs.10,46,600 as the bill for the month of March 2017. The consumer has lost prompt payment discount of Rs.9,510.

10. According to the consumer, there was no fault on their part and they have taken all the necessary steps to make the payment within prescribed time limit via RTGS/NEFT. It appears that the banker of the consumer is HSBC and it informed the consumer that HDFC bank account of MSEDCL does not exist. However the details of said fault or mistake are not given by either party. It is submitted by the consumer that subsequently an account number of Bank of Maharashtra was given by the officers of MSEDCL and then the payment of the bill was done. The payment was made on 12-4-2017 instead of 10-4-2017 and consumer has lost prompt payment discount.
11. We are of the opinion that it was necessary for the consumer to pay the bills within the period of seven days but the consumer has tried to pay the bills on the last day that is 10-4-2017 and so the payment could not be made within the prescribed time limit. The bank of MSEDCL was HDFC and the account number of the said bank was available with the consumer. The consumer was making the payment by way of RTGS regularly and there was no reason for bouncing of RTGS payment on the ground 'Account does not exist'. We are of the opinion that it was necessary for the consumer to take legal action against the bank at fault. However no such action is taken by the consumer. It cannot be definitely said that there was any fault on the part of MSEDCL and so RTGS payment was bounced. Under these circumstances, we are of the opinion that MSEDCL is not liable to pay prompt payment discount of Rs.9,510 with interest to the consumer. However consumer is at liberty to file a complaint against the bank at fault. In the result Point No. I is answered in the negative.
12. Point No. II - The MSEDCL has fairly submitted that Power Factor Incentive was never denied to the present consumer. The MERC passed order dated 24-12-2018 in Case No. 321/2018 regarding review of certain aspects of mid-term review order dated 12-9-2018 in Case No. 195/2017. The head office of MSEDCL has accordingly issued commercial Circular No. 312 dated 15-1-2019. It is submitted that as per the order of MERC and said circular, first installment out of three equal installments by way of adjustment through energy bill of Feb-2019 is adjusted in respect of present consumer. It is also submitted that the remaining two equal installments will be adjusted in the

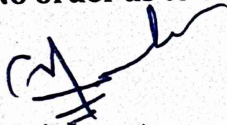




energy bills for the month of March 2019 and April 2019. The bill of Feb-2019 shows there is refund of first installment by way of adjustment in the energy bill. The consumer has also admitted the said facts and at present there is no dispute in respect of payment of Power Factor Incentive. The remaining two installments will be adjusted in the energy bills of March 2019 and April 2019. In the result we answer Point No. II in the affirmative and pass following order-

ORDER

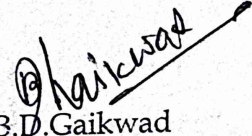
- 1- The grievance is partly allowed as under.
- 2- It is held that the consumer is not entitled for prompt payment discount of Rs.9,510 with interest.
- 3- The consumer is entitled for Power Factor Incentive for the months of September October & November 2018 and same shall be adjusted as per rules in the energy bills of February, March & April 2019.
- 4- The compliance of this order shall be reported to this forum within the period of three months from the date of receipt of this order
- 5- No order as to cost.



M. A. Lawate
Member/Secretary
CGRE, BMTZ, BARAMATI



S.K. Jadhav
Member
CGRE, BMTZ, BARAMATI



B.D. Gaikwad
Chairperson
CGRE, BMTZ, BARAMATI

Note:- 1) The Consumer if not satisfied may file representation against this order before Hon'ble Ombudsman within 60 days from date of this order at the following address.

**Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, BandraKurla Complex, Bandra (East), Mumbai-51.**