

PHONE NO. : 25664314/25664316
FAX NO. 26470953
Email: cgrfbhandupz@gmail.com
Website: www.mahadiscom.in

Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 230/401 Date: 31.10.2019

Hearing Date: 18.12.2018

In the matter of refund of Power Factor penalty

CASE NO.230/2019

**Mr. Thakkar Pravin D.,
Shop No.02, Zenith Compound,
Kalyan Road,Near AAS BIBI Majid,
Bhiwandi-421302.**

(CONSUMER NO.13010663322) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal
Officer,
Bhiwandi Circle,
Bhiwandi.

. . . (Hereinafter referred as Licensee)

For Consumer – Mr. Pravin Thakkar - Consumer Representative.

**Appearance : For Mrs.Hemangi Mayekar Assist.
Licensee Gm,TPL**

**[Coram- Dr. Santoshkumar Jaiswal - Chairperson, Shri. Ravindra Avhad -
Member Secretary and Sharmila Ranade - Member (CPO)].**

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of
Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as
'MERC'. This Consumer Grievance Redressal Forum has been established as

per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with subsection 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’.

Consumer Grievance:

The petitioner submits to clarify that as per Hon’ble MERC midterm review order in Case No.329, Dt.02.01.2019 and as per MSEDCL Commercial Circular No.312, dt. 15.01.2019 for the refund amount of power factor for consumption of April 2019 is equal to or above (0.90) load.

The petitioner submits to clarify that by the way of Reduction of Load, I have made the Reduction of load from 31 HP. To 27 HP, change of tariff category from LTMD base tariff to power loom 27H.P. from the month of December 2018 power loom M.P. tariff.

The petitioner submits to clarify that in the bill month of April 2019, the amount of penalty of power factor month of September 2018 of Rs. 10,414/- is not credited in his bill, so he is compelled to file a rejoinder and requested to kindly consider giving him opportunity of hearing date with TPL Bhiwandi.

The petitioner submits to clarify that determination of tariff, the complex process evaluation is involved in fixing the tariff, relief sought to try mandate of section made charge section No. 62, Regulation (3) of E.A. Act (36 of 2003).

The petitioner submits to clarify that his load is below 20KW, so the amount of penalty of power factor for the month of September 2018 of Rs.10,414,-/ and

October 2018 Rs.7,045/- may kindly be considered for being credited to him along with interest by the way of adjustment in his future energy bill.

It is submitted that as per Hon'ble Commission tariff order, dt.01.09.2018 inclusion of electricity units consumed unit billing (Led or LAG) consumption computation. It is submitted that the penalty of (PF) power factor is charged from the period of Oct.2018 to November 2018, dt. 02.01.2019.

Then Hon'ble Commission tariff order, dt.15.01.2019 mentions that if in the month of April 2019 availed power factor in the month of April 2019 is not displayed, print in my bill, and TPL says in the month of April 2019 the Power Factor was below 0.90, it is totally manipulation, fabricated, illegal, illogical, wrong and baseless, it may kindly not to be considered. As per MERC SOP conduct of business of 2005 Regulation No. 15, 15.4.2, Title under billing (I) and (J) Regulation (I) average power factor during the billing period (J) number of units(e.g. KWH,RKVA/KVAH etc.) consumed during the billing period and where relevant of determination of charges during different time slots in the billing period and where relevant of determination of charges during different time slots in the billing period.

It is submitted that the availed power factor for the month of April 2019 is not display in the bill, it is the violation of the rule, company is responsible for proper service.

The petitioner submitted that as per consumer protection Act 1986 under Section No.2 (2) the title under UNFAIR TRADE PRATICE SPURIOUS SERVICES, that SPURIOUS service means which are claim to be genuine, UNFAIR TRADE PRACTICE defines as a trade practices, which are adopt any unfair method or Deceptive practices for the purpose of try to take wrong

interpretation, misleading to the Hon'ble Forum. The petitioner submitted that as per section No. 61(D) and Section No. 62 of E.A. Act (36 of 2003) title under tariff Regulation. Regulation (D) safeguarding of consumer interest and at the same time recovery of cost of electricity in a reasonable manner. Regulation No.6, if any licensee recovers a price charge exceeding, the excess amount refunded to the such consumer.

Utility Say

The services mentioned by the applicant vide service number 13010668322 is sanctioned for 23 HP power loom purpose. Hon'ble MERC have implemented new tariff in Maharashtra from 1st September 2018 as per order vide case number 195 of 2017 and MSEDCL commercial Circular 311 dated 01.10.2018. As mentioned in the order received the new tariff was implemented to the consumers of Bhiwandi as well. Hence the applicant is billed as per revised tariff guidelines. The company would like to highlight that the tariff charged is governed by MERC guidelines and Torrent Power does not have any role in deciding the tariff. We would further like to mention that the tariff applicable in Bhiwandi area is same as applicable to rest of Maharashtra except some parts of Greater Mumbai.

Further to the applicant grievance about the KVAH tariff applicable from 1st of April 2020, please note that currently the bill are based on KWH readings and not KVAH reading. The applicant has misinterpreted the order.

Forum Observation

Heard both sides and gone through the contents of applicant and reply. It is submitted by applicant that his load is below 20KW so claims amount of penalty and power factor of the month of September 10,414/- and October 7045/-. He further submitted that the load is changed from 31HP to 28HP and take change

of tariff category form LTMD to power loom 27HP from the month of December 2018. He further submitted that in the monthly bill of April 2019 the amount of penalty of power factor of September 2018 of Rs. 10,414/- is not credited. Therefore applicant proceed to provide refund of amount and amount of penalty of power factor from month of September and October 2018 amount Rs. 17,459/- along with interest.

In the reply utility has submitted TPL that the consumer has appears to IGRC on 26.01.2018 and heard on 07.12.2018 and kept for order. Therefore this application is dismissed as per Regulation 6.7 (d).

It is admitted fact that hearing was completed on 07.11.2018 and this case filed on CGRF 08.11.2018 till this time no party that is applicant and utility filed copy of order from IGRC. Therefore this Forum of the opinion that when hearing was complete on IGRC 7/11/2018 and matter place for order this applicant filed his application very next date 08.11.2018 shows the ill intention of applicant as untrustworthy Hence, applicant is not entitled for any equitable relief. Hence we proceed to pass following order.

ORDER

1. The application is hereby dismissed.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.