

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 46 of 2011**

In the matter of  
**Complaint by Allied Plast, against MSEDCL under Sections 142 and 146 of the  
Electricity Act, 2003, for non-compliance of CGRF Order dated 9<sup>th</sup> December, 2010.**

**Shri V. P. Raja, Chairman  
Shri Vijay L. Sonavane, Member**

Allied Plast

...Complainant

V/s

Maharashtra State Electricity Distribution Company Limited,  
through The Chief Engineer (Kalyan Zone),  
The Superintending Engineer (Vasai Circle),  
The Deputy Ex. Engineer (Vasai Sub. Division),

...Opponent

**ORDER**

**Dated: 30<sup>th</sup> November, 2011**

Allied Plast, the Complainant herein, filed the present complaint on 24<sup>th</sup> March, 2011, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”). The Complainant wishes to invoke the penal provisions under Sections 142 and 146 of the Electricity Act, 2003 (“EA2003”) on the ground that the Opponent has failed to comply with the Order dated 09<sup>th</sup> December 2010 of Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The prayers made by the Complainant are:

- “
1. *Invocation of Section 142 & 146 of Electricity Act, 2003 for non-compliance of CGRF Order, E.A. 2003 & non- implementation of ACT, Rules & regulations;*
  2. *Refund of SD + ASD + Interest with verification from F1 register as per MERC in case No. 93 of 2008;*
  3. *Refund of short RLC paid as up to Dec., 2010, + short of interest paid on RLC;*
  4. *Balance RLC monthly installments, to receive in monthly bills & due amount to be paid from Jan '11 till start of refund in monthly bills;*
  5. *The cost of the petition Rs.10,000 to the Petitioner.”*

3. The Complainant submitted as under:
- a) The Complainant is a LT-V consumer of the Opponent with Contract Demand of 80kVA, billed as per Industrial tariff. The Complainant has taken electricity supply from the Opponent, to his industry at Patani Ind. Estate, Vasai(E), in year 2003.
  - b) While giving supply in the year 2003, the Opponent collected SD and ASD (Rs.11,500 + Rs.11,700) from the Complainant which was not displayed in the computer system. The Complainant requested the Opponent to refund the amount with interest, but the same was not refunded.
  - c) Refund of RLC amount due to the Complainant from July 2008 was delayed by the Opponent by one year. Therefore the Complainant requested that the RLC with interest should be refunded, including the RLC for single phase connection supply which was merged in the three phase.
  - d) Aggrieved by the Opponent's inaction the Complainant registered a grievance with the CGRF, Kalyan Zone, on 05/10/2010 alleging Excessive Energy Bills. In response, the Opponent filed a reply dated 27/10/2010 contending that original receipts were not submitted (for SD, ASD), and also that so far as refund of RLC was concerned it was being refunded.
  - e) The CGRF, Kalyan Zone with regard to refund of SD/ASD in the event of zero display, directing to verify F-1 register, in light of the directions given by this Commission in Case No. 93 of 2008 passed Order dated 09.12.2010, with relevant directions, as under:  
“
    1. *The grievance application is partly allowed.*
    2. *Licensee is directed to refund the amount of SD/ASD with RBI rate of interest to the consumer as per directions given by Hon' MERC in case No. 93 of 2008 dated 01/09/2010.*
    3. *Licensee is directed to work out the amount of RLC as per the directions of Hon. MERC in case No. 72 of 2007 and Ombudsman in case No. 39 of 2006 and if collected excess, to refund the same 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 Complainant has in the present complaint alleged that the Opponent has failed to comply with the said Order dated 9<sup>th</sup> December, 2010 of the CGRF, Kalyan Zone.
5. The Commission vide Notice dated 15<sup>th</sup> April, 2011, scheduled a hearing in the matter on 11<sup>th</sup> May, 2011.
6. The Opponent filed a reply vide its letter no. SE/VC/VSI/04499 dated 09/05/2011, wherein it made the following submissions:
1. **Refund of Security Deposit & Additional Security Deposit.**  
*Regarding above matter consumer has not submitted original receipts or any proof of SD paid by the consumer. Also the F-1 register of the section was checked and entry of SD was not found. Hence as per case No. 93 of 2008 no proof of SD paid was found or submitted by the consumer hence the amount was not able to be refunded to the consumer. Also the consumer is requested if they are having any proof of paid SD, same may be submitted to MSEDCL to process it at the earliest.*
  2. **Refund of RLC.**  
*As per CGRF, Kalyan order and after verification of CPL, total RLC paid by consumer Rs.1,35,452/-. As per MERC orders for RLC refund i.e. 15.5% for the year 2008-09, 21% for the year 2009-10 and 16% for the year 2010-11*

*calculations were made and Rs.61,630.68 with Int. Rs.2,397.50 was refunded through energy bill in the month of Jan-2011 and RLC Rs.9,481.62 and Int. Rs.189.63 is refunded through energy bill in the month of Apr-2011. Remaining RLC amount will be refunded as per MERC tariff orders.*

7. During the hearing, held by the Commission, on 11<sup>th</sup> May, 2011, Shri Harshad Sheth appeared on behalf of the Complainant, and, Shri Vinod Patil, E.E. (Vasai Division), Shri S. M. Banger, A.E.(Vasai-East) of MSEDCL, appeared on behalf of the Opponent.
8. The Complainant submitted that the issue is with respect to the delay in refund of the amount which was due from the Opponent, i.e., refund of SD, ASD and RLC with interest. The Complainant also submitted that there were total 70 such cases pending in respect of refund of RLC by the Opponent, to the consumers in Vasai Circle itself. Further, the Complainant also requested that the refunds should be made only through the Opponent's IT software so as to avoid any future complications. The Opponent submitted that the RLC amount would soon be refunded through the IT software, through the bills and the refund would be made from June, 2011 onwards.
9. The Commission was of the view that MSEDCL should not be looking towards the aforesaid 70 consumers' cases only, but it should come-up with a plan of action so as to refund the claimed amounts to all its concerned consumers. Since the whole plan of refund seems to be based on the mapping and work of updating of software by the Information Technology Department (**IT Dept.**) of MSEDCL the concerned Officer/s of the IT Dept. of MSEDCL should be involved in the matter and should be present in the next hearing to be held before the Commission. Accordingly, the matter stood adjourned to 22/06/2011.
10. Complainant vide its letter dated 16.05.2011 to the Chief Engineer of the Opponent conveyed that for refund of SD and ASD, MSEDCL would have to verify F-1 registers of:
  - Gauraipada sub section, Vasai(E)
  - Waliv sub section, Vasai (E).
  - F-1 registers available in Dy. EE, Sub-division office.Also, the Complainant contested the calculation of interest at 6% on RLC for the period from July 2008 to Jan. 2011.
11. During the hearing held on 22<sup>nd</sup> June, 2011, the Opponent's IT Officer was present alongwith other representatives. The Opponent submitted a copy of MSEDCL's two circulars issued vide Ref. No.PR-3/Tariff/7623 dated 11/03/2011 and vide PR3-tariff/427/15534 dated 19/05/2011 wherein it is mentioned that the RLC for the PD consumers would be refunded by cash/ cheque, after the end of the financial year in which it becomes due, i.e. in April of next financial year. Further, it was submitted that the refund of remaining consumers would be made by the end of June 2011.
12. The Complainant vide its letter dated 30.06.2011 made the submissions, whereby it repeated the issues mentioned in its letter dated 16.05.2011 to the Opponent.
13. During the hearing held on 8<sup>th</sup> July, 2011, no body was present on behalf of the Complainant. While the Opponent was making its submission it was noted that the Opponent had not received the abovesaid letters from the Complainant. The Commission's office then handed over photocopies of the Complainant's said letters to

the Opponent. The Commission directed the Opponent to look into the pending matters expeditiously and submit its compliance report.

14. During the hearing held on 5<sup>th</sup> August, 2011 the Opponent submitted that 52.5% RLC (for 3 years after 31/03/2011) has been refunded till date while refund of remaining RLC will be based on the issuance of Circular by the Commercial Department. In view of the submission, the Commission directed the Opponent to expedite issuance of the said circular from its Head Office and also to arrange early refunding of the outstanding RLC amount.
15. During the hearing held on 23<sup>rd</sup> August, 2011, the Opponent submitted that full compliance has been made & 'Full compliance report' on the case would be submitted.
16. Thereafter, vide a letter No. SE/VC/VSI/ 11947 dated 12<sup>th</sup> September, 2011 which was received by the Commission's office, on 15<sup>th</sup> September 2011, the Opponent submitted an Affidavit wherein it declared the steps taken by it to comply with the Order of the CGRF, Kalyan Zone.
17. The Complainant vide its letter dated 22<sup>nd</sup> September, 2011 again submitted that RLC monthly refund installment from April, 2011 to August, 2011 is credited in Sept.2011 bill but there is no confirmation and assurance of giving further monthly RLC credit in bills up-to March, 2014. This was again submitted vide the Complainant's letter dated 12<sup>th</sup> October, 2011 adding that installment of Sept. 2011 is not credited in Oct, 2011 bill.
18. The Opponent vide its letter EE/VSI/T/6718 dated 11<sup>th</sup> Nov., 2011 has submitted that RLC refund from Sept. to Nov. 2011 is being credited in the bill for month of Nov., 2011.
19. Complainant vide an affidavit dated 15<sup>th</sup> November, 2011 submitted that *Opponent MSEDCL has made full compliance of our refund demand and the said amount has been credited to our account. Now we have no grievance in respect of our petition & respective refund.*

In view of the above, nothing survives in the matter.

Accordingly, the Complaint in Case No. 46 of 2011 stands disposed of. No order as to costs.

Sd/-  
(Vijay L. Sonavane)  
Member

Sd/-  
(V. P. Raja)  
Chairman