

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 87 of 2011

In the matter of
Complaint filed by M/s Accurate Plastics Co., against Maharashtra State Electricity Distribution Company Ltd., under Sections 142 and 146 of Electricity Act, 2003, alleging non-compliance of the Order dated 29.09.2010, passed by the CGRF, Kalyan Zone, in the matter of refund of SD, ASD and RLC.

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

M/s Accurate Plastics Co. Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd. Opponent
Through its (i) Chief Engineer (Kalyan Zone),
(ii) Superintending Engineer (Vasai Circle),
(iii) Dy. Executive Engineer (Vasai Division)

ORDER

Dated: September 2, 2011

M/s Accurate Plastics Co., the Complainant herein, filed a Complaint, on Affidavit, on 18.03.2011, and subsequently amended it on 20.05.2011. The Complaint has been filed under Sections 142 and 146 of the Electricity Act, 2003 (“EA 2003”) against Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”), the Opponent, alleging non-compliance of the Order dated 29th Sept., 2010, passed by the CGRF, Kalyan Zone, in regard to excessive bill charged by the Opponent.

2. The prayers of the Complainant, are as hereunder:

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- a) *Invocation of section 142 & 146 of Electricity Act for non-compliance of CGRF Order, E.A.2003 & violation of*
- *MERC Case No. 93/2008 dated. 01.09.2010*
 - *MSEDCL Vasai Circle order to sec. Er. of Vasai sub-division.*

- b) *F1 register may be verified by MSEDCL and refund of SD+ASD+ Interest may be given.*
- c) *Single phase SD+ RLC refund on PD supply may be refunded.*
- d) *The cost of the Petition to the Petitioner.”*
3. The key historical facts from the Order passed by the CGRF, Kalyan Zone, and brief facts of the matter as submitted by the Complainant, are set out hereunder:
- a. The Complainant is a LT-V consumer of MSEDCL with the Contract Demand (C.D) of 54kVA (Consumer no. 001890452708) billed as per Industrial Tariff, at his industry situated at Riddhi Ind. Estate, Gauripada, Vasai (E), taken in the year 1995. According to Complainant, the Security Deposit (SD) and Additional Security Deposit (ASD) (Rs.19,500/- and Rs.13,650/- respectively) were paid in October 1995, which were not displayed in the bills or in the MSEDCL's computer. The Petitioner submitted that he does not have receipts of SD & ASD paid by it.
- b. That Complainant's single phase connection (consumer No.001890455685) was permanently disconnected while extending its load (supply made 3 phase), and, the amounts of SD, ASD, RLC on the PD connection, were to be refunded. However, the Respondent did not take any action in this respect.
- c. Being aggrieved by the Opponent's inaction, the Complainant had approached the Internal Grievance Redressal Cell, Vasai. Complainant has submitted that IGR Cell did not make any efforts to resolve the issue. Therefore, the Complainant filed its grievance before the CGRF, Kalyan Zone, on 15th June, 2010, with prayers to direct the Licensee to furnish correct and updated CPL (Consumer Personal Ledger), and to refund amount of SD/ASD/RLC in connection with single phase P. D. meter with interest, besides for directions in some other matters, which are excluded by the Complainant from the scope of the present Complaint before the Commission.
- d. The CGRF, Kalyan Zone, passed its order dated 29th Sept., 2010, directing the Opponent, as set out hereunder, in respect of the SD/ASD/RLC, that is the matters before the Commission:
- “
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'ble MERC in case No. 93 of 2008 dated 01/09/2010.*
3. - - -
4. *Licensee to furnish update and correct copy of CPL to consumer as and when required.”*
- e. Thereafter, aggrieved, the Complainant filed this complaint before the Commission, for part-compliance of the Order passed by the CGRF, Kalyan Zone, with the aforesaid prayers.
4. During the hearing, held by the Commission, on 13th July, 2011, Shri Harshad Sheth appeared on behalf of the Complainant, and, Shri Surendra Purohit, E.E.(Vasai Divn.), Shri Pramod V. Patil, Dy. E.E.(Vasai) of MSEDCL, appeared on behalf of the Opponent.

The Complainant reiterated its submission and no new submission was made. The Opponent presented its letter no. SE/VC/VSI/03920 dated 12th July, 2011, wherein it made a submission saying:

‘ 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 MERC case No. 93 of 2008 no proof of SD paid was found or submitted by the consumer, hence the refund of amount is not possible. Also consumer is requested if they have any proof of paid SD same may be submitted to MSEDCL to process it at earliest.’

In response, the Petitioner reiterated that it does not have the receipts of SD, ASD as paid.

5. Having heard both the parties and taking into consideration the material placed on record, the Commission is not inclined to entertain the complaint in the absence of original receipts or any proof of Security Deposit / Additional Security Deposit. In view of the statement made in MSEDCL’s letter no. SE/VC/VSI/03920 dated 12th July, 2011 that “consumer is requested if they have any proof of paid SD same may be submitted to MSEDCL to process it at earliest”, the Complainant may take appropriate steps.

In view of above, the Case no. 87 of 2011 stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman